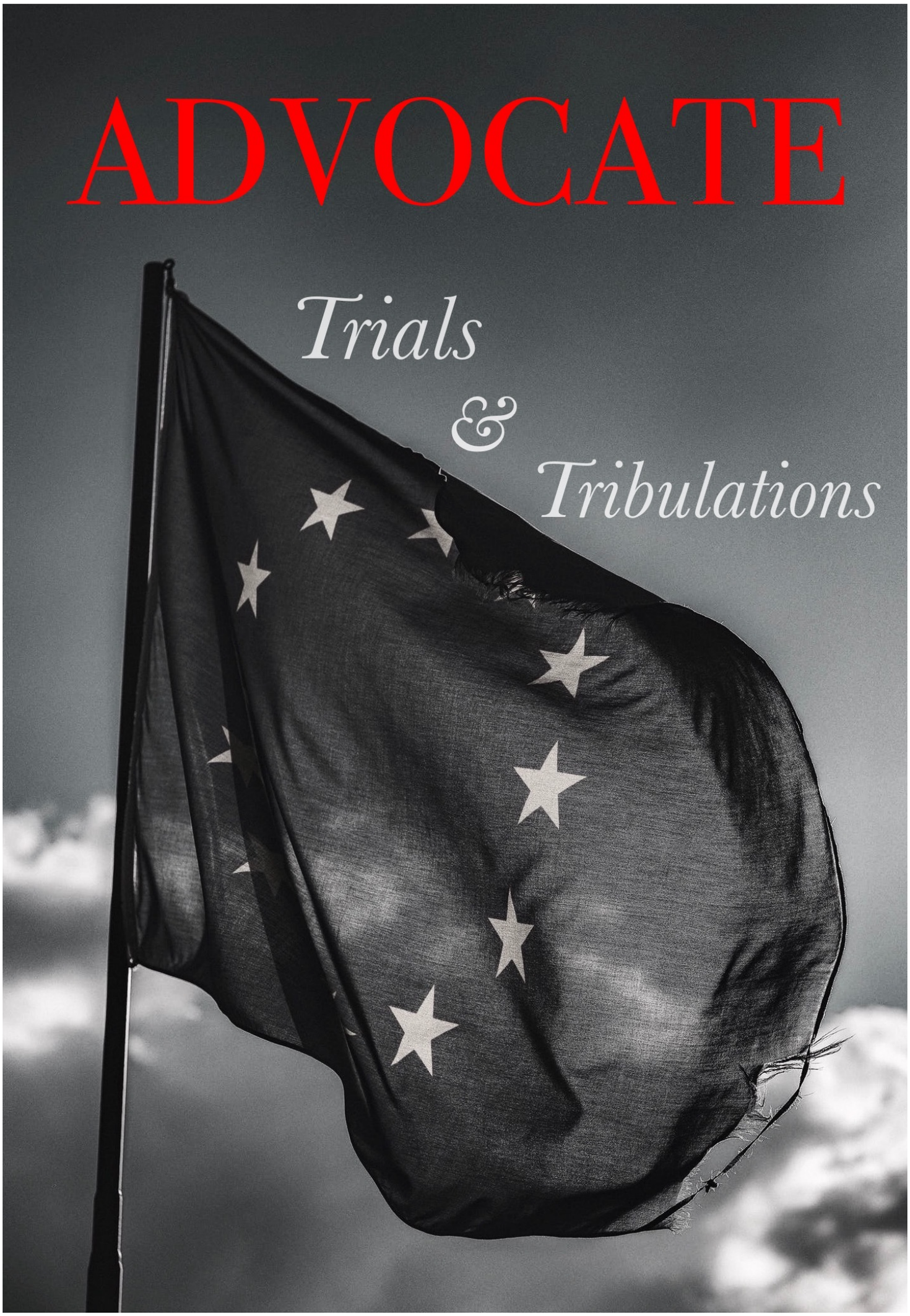
ADVOCATE

Trials & Tribulations



EDITORIAL NOTE

We have witnessed an immensely eventful year filled with abundant challenges. It would be fair to claim the events of the past year as being unconventional. This is because the reality of what has occurred has been radical. It is a natural tendency to assume the elements of trials and their respective consequences through tribulations as being complementary. Here, we primarily draw upon the green movement that has screened our perspectives on a scale larger than we could have possibly anticipated. The fight for human rights in several countries was also a major challenge faced by many individuals. Political viability also had its hand, refusing to allow such social frontiers from shadowing over it. Our publication has reported on an array of issues which we believe have cultured our times, ranging from environmental strikes, to Brexit negotiations that have rippled continuous opinions. We have also covered issues regarding developments in the law and how it has changed our view of justice. The past year has witnessed immense events, and we at Advocate are fortunate to have been able to present them to you in our Winter 2019 edition. I hope you enjoy reading this issue as much as we have enjoyed publishing it.

Lavinia Fernandez
Head Content Editor
2019

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ARTICLES

THE PALESTINIAN QUESTION AND THE JEWISH NATION-STATE LAW

HAMZA STITAN

Hardly unbeknown to the average follower of politics, the Israeli-Palestinian conflict remains one of the longest ongoing disputes in the world. However, the remnants of hope for peace may arguably have been disrupted with the introduction of the Jewish 'nation state' law in July 2018, which states that the "right to exercise national self-determination" in Israel is "unique to the Jewish people". It establishes Hebrew as Israel's official language while downgrading Arabic to a "special status" and concludes that Jewish settlements are of "national value". Thus, apparent is the basis on which international criticism followed, summed up by the EU's Foreign Affairs Chief, Federica Mogherini, as a "step that would further complicate" the two-state solution. Whilst favouring Jewish citizens of Israel, many see it as a necessary step towards establishing Israel's identity amidst the turbulent goings-on in the Middle East. However, the 5.8 million Palestinians living under Israeli control, 1.9 million of whom are under full Israeli jurisdiction, feel alienated by the law as it effectively rejects their strong feelings of connection towards the same land. Having been decided after what appears to have been a successful couple of months in Israeli policy, with Donald Trump having had recognised Jerusalem as the undisputed capital of Israel in late 2017, the Palestinian question of the right to self-determination now glows hotter than ever. Simultaneously, the answer continues to fade away.

To many, the new law does nothing except reiterate the reality on the ground. Already, the concept of being 'Palestinian' is not recognised by Israel's government, which views its Palestinian inhabitants as 'Arab Israeli'. This refers to roughly one fifth of Israel's population, who largely self-identify as Palestinian by nationality and Israeli by citizenship. The majority of the Palestinian population that continues to live outside of Israel's full borders are only semi-autonomous, living in Gaza and the West Bank. They are already subject to restrictions by the Israeli government that limit their freedom of movement. So, to them, the law is simply a *de jure* statement of the *de facto* situation, and that self-determination has never been a Palestinian right recognised by Israel in the first place. However, refuting the law's significance is a denial of the impact it has on future Israeli-Palestinian relations. For one, it makes negotiations far more difficult between the two sides. The Oslo Accords in the 1990s had at least seen some progress towards a definitive answer of peace, with both Israel and the Palestine Liberation Organisation officially recognising one another for the first time. Instead, we now have a law that seems to put aside Palestinian concerns, which leaves little room for dignity should the Palestinian Authority decide to return to the negotiating table.

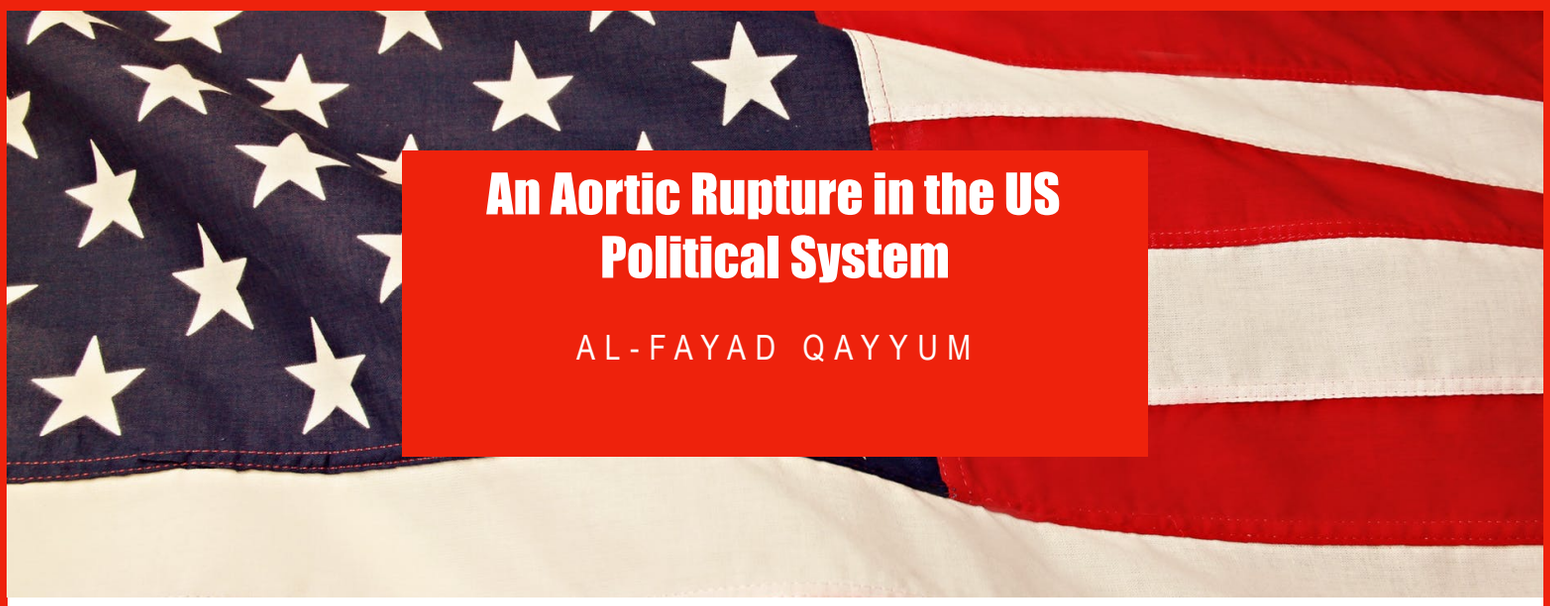
Many Israelis and supporters of Israel, namely Christian Zionists in America, see the law as a necessary achievement towards combating antisemitism. Questions arise as to the extent to which the Holocaust played a part in the formation of the State of Israel, which was founded three years after the Second World War ended. The essence of the country's establishment was not only focused on but derived from a struggle for the establishment of a unified Jewish identity. This offers some difference from the horrors that plagued dispersed Jewish families at the time. It makes sense then that the country would want to reaffirm the significance

of its roots, giving its existence more validity as the only Jewish country in the world. Alongside this, spikes in antisemitic attacks across Europe and the USA in recent years give rise to serious concern regarding attitudes towards Judaism and the Jewish people. Therefore, clarifying Jewish significance on the world stage could be one way to tackle this issue.

However, it can be difficult to see the decision as not being a politically charged one. Though the religious connotations on which Israel was founded continue to ring loudly in defining its existence, Israeli society has grown far more secular than they could have perceived 72 years ago. Positive attitudes towards LGBT rights are one example of a move away from traditional Jewish beliefs, and perhaps more towards what one would consider a cultural Israeli identity. Similarly, the same could be said for the UK, where its roots are heavily Christian, but contemporary societal attitudes would consider it absurd to regard national self-determination as unique to Christians. Looking at it this way, criticisms from many Israelis themselves make more sense, as it may make them feel as though they must wholly identify with their Jewish background, even if their cultural attitudes contradict how they would have behaved had they felt more "Jewish". The issue, then, is that the law prioritises one embodiment of the makeup of Israel's population, which unsurprisingly proves difficult with countries adopting globalism at unprecedented speeds.

For a country that prides itself as being "the only democracy in the Middle East", its decision to pass a law giving priority to members of one religion over others, despite lawmakers' undeniable awareness of the sensitivity regarding the matter, suggests a completely different attitude towards domestic policy. It could instead be interpreted as an attempt to make it more difficult for Palestinians to lay claims to the land, since Israel's justification of a Jewish majority can now be referred to in law. Such claims by Palestinians will always be historically based, notably referring to the Nakba in 1948 when 700,000 Palestinians were forceable removed from their homes and forced to migrate. Thus, a further clash of justifications by both Israelis and Palestinians only result in perplexing the matter even more, instead of attempting to seek solutions by recognising one another's right to self-determination.

Perhaps, it would have been more tactical for the bill to have instead recognised all Israelis as having unique national self-determination, as not only would it have avoided placing boundaries within Israeli society but could potentially have given Palestinians living in Israel a feeling of dignity and respect. Nevertheless, it remains very unlikely that Palestinians would come to terms with their Israeli citizenship and, recognising this, the Israeli government perhaps realised it was better off defining itself how it wanted to be. This, as has become evidently clear, has led to more questions than answers.



An Aortic Rupture in the US Political System

AL-FAYAD QAYYUM

When the word corruption is uttered, one's unconscious bias turns to dictatorships in Africa, theocracies in Asia and military juntas in South America. The US should be credited for avoiding this label - a nation whose values are entrenched in a two-centuries-old constitution protecting "life, liberty and the pursuit of happiness." However, if one looks beneath the surface, the US functions as a plutocracy as opposed to a democracy and the Democratic Party machine is a perfect symbol for the rank corruption that the great nation suffers from.

Earlier this month, Bernie Sanders unveiled a plan to curb money and influence from the Democratic National Committee (DNC) by banning corporate contributions, banning donations from federal lobbyists and capping individual donations to $500. He fleshed his plan out in more detail, but the message is clear: large multi-national corporations can purchase political support for an agenda suiting their financial needs in exchange for a large donation to a candidate. These donations are important. They allow candidates to run their campaigns, advertise and relay their message to a wider audience. The transaction is laced with greed. The greed for power of politicians vying for top office. The greed for money of businessmen to increase profits through agreeable legislation.

To better understand this point, one should observe President Trump as an example. On the large list of corporate donors to the GOP and Trump's election was the oil and gas multinational Exxon Mobil. The correlation between Trump's energy policies and the campaign contributions can easily be made out, in particular his plan to drill for oil in the Alaskan Arctic wilderness - a task that will surely enrich oil companies financially.

Furthermore, President Trump's first appointed Secretary of State, Rex Tillerson, was the CEO of Exxon Mobil just prior to his appointment. This reflects the plutocratic nature of America's system of governance. The example is of the Republican Party, If the Democrats are to win in 2020 with no intention of changing internal politics, they will continue to be guilty of similar corruption. Former President Barack Obama was the recipient of more donations from the arms industry than his then opponent John McCain during the 2008 Presidential Elections. This carried a correlation with President Obama's foreign policy that increased drone strikes in countries like Somalia and Pakistan and saw an increase in military intervention in Libya.

Global audiences are accustomed to hearing of the iconic First Amendment in the US Constitution, protecting the right to free speech and epitomising the glory of 'American democracy'. Unfortunately, however, if one was to pay heed to the Democratic National Committee (DNC), a very different picture is painted. One candidate for the 2020 Presidency, Marianne Williamson said: *"the system is even more corrupt than (she) knew"* and accused the DNC of trying to "dictate" democracy. This was a response to not meeting the threshold set by the DNC that allowed you to partake in the 3rd Democratic Debate between candidates running to be the Democratic Party's Presidential Nominee. Critics argue that it is ludicrous that there are so many candidates on the debate stage, as the debate descends into political theatre and a shouting contest. The criticism seems fair, given that candidates have just a few seconds to articulate their policies and hence they cannot provide detailed responses.

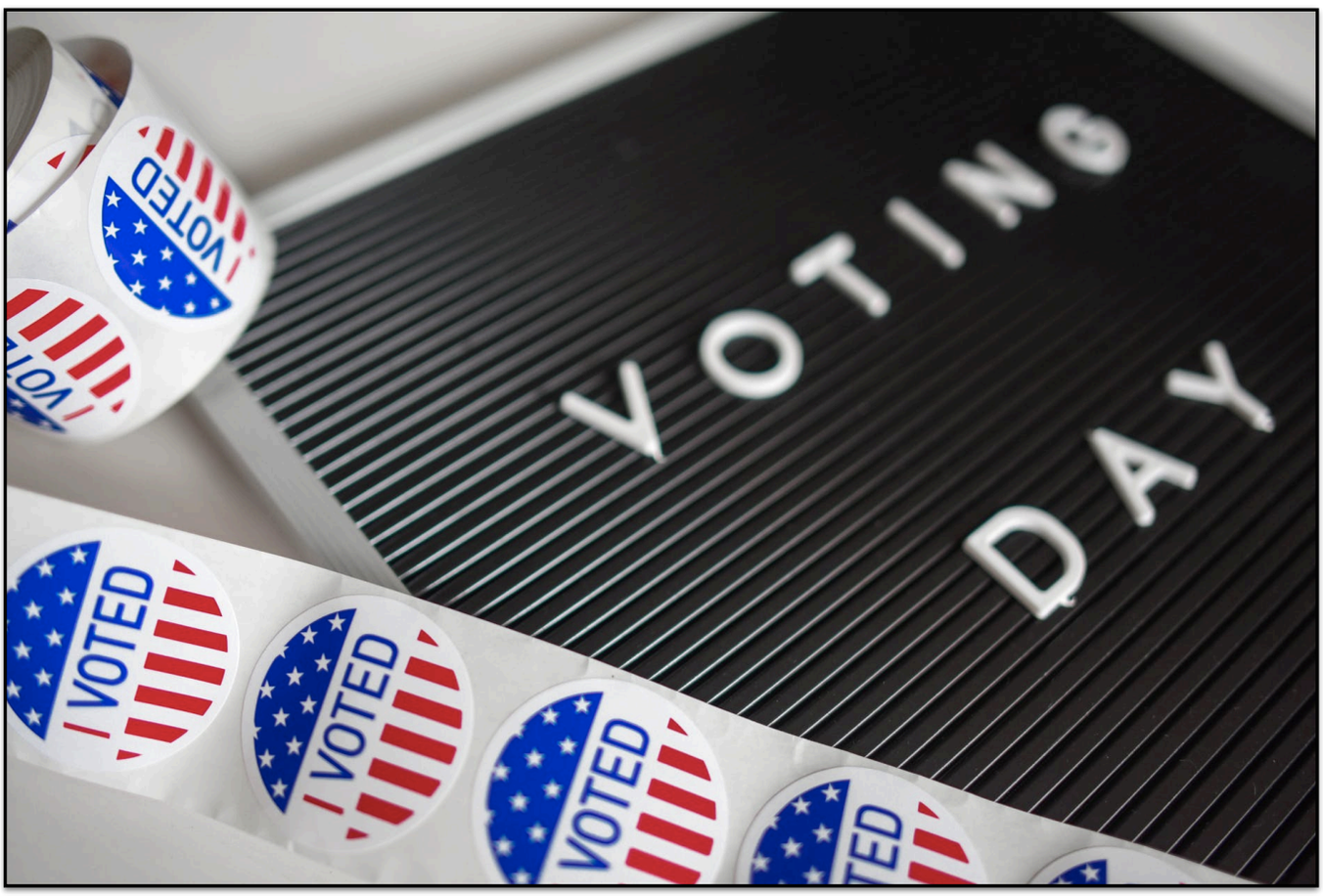
However, Presidential hopeful Congresswoman Tulsi Gabbard blamed the issue on the *"lack of transparency"* that the threshold system has. The threshold system holds a double function: to both inadvertently trim the number of candidates as well as stifle the voice of anti-establishment candidates. Williamson advocates the payment of a $100 billion reparation for slavery and Gabbard pledges for a non-interventionist foreign policy, including an opposition to weapon sales to Saudi Arabia. These demonstrate policies the party machine just will not get behind.

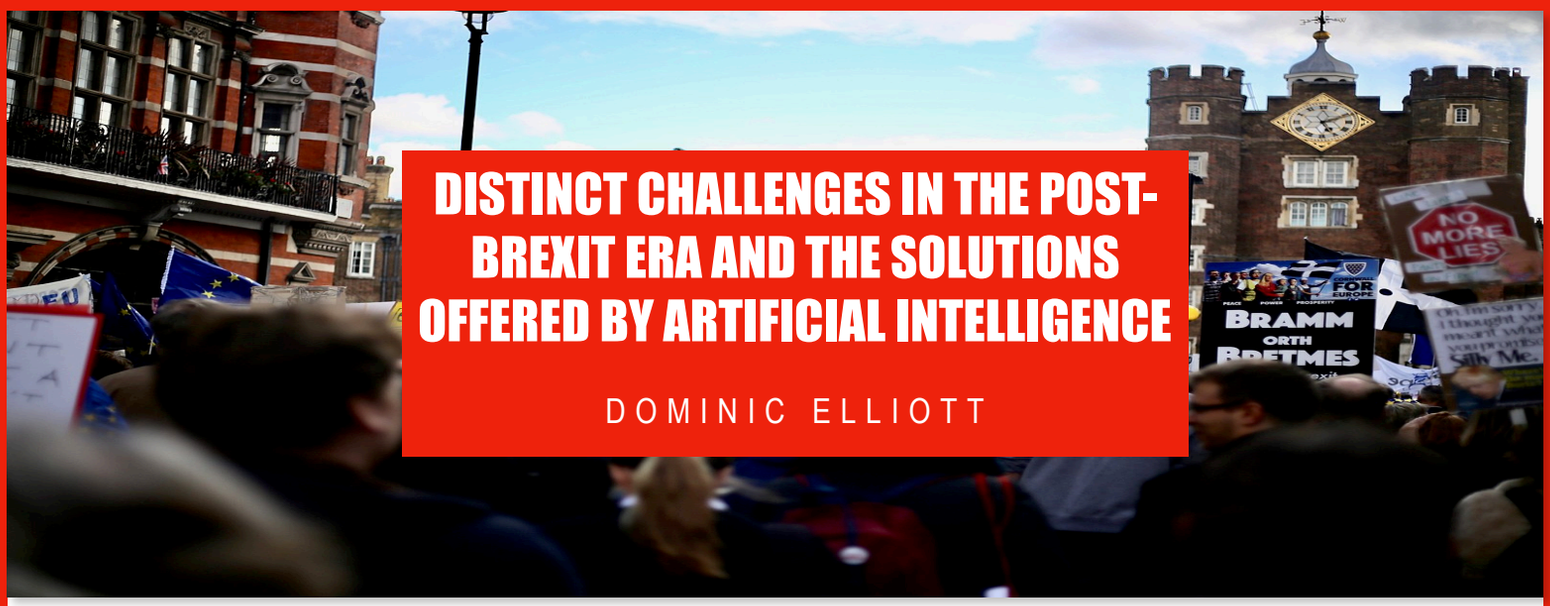
If Bernie Sanders is to implement his policy to rid the party of corporate interests, he will face a massive challenge from the judiciary. In 1976, the Supreme Court ruled in *Buckley v Valeo* that money is essentially free speech, a stance reaffirmed in the more contemporaneous case of *Citizens United v FEC* in 2010. These cases provided ammunition to wealthy individuals and corporations to heavily lobby Congress, the Senate and the White House. It can be argued that there exists a façade of democracy. Politicians need money for re-elections and thus will carry favour with corporations who can amass massive donations. Inevitably, this will mean the interests of the elite and powerful are realised at the behest of the ordinary citizen who does not have access to deep pockets.

Sanders will need to navigate the legislature and pass a constitutional amendment to overturn *Citizens United*, a difficult task as this action is likely to bring on a court challenge.

A huge question is whether Sanders will be successful in securing the ticket, and in this he faces a difficult task. There will be resistance from within the Democratic Party since vast swathes of party's politicians rely on donations to get elected. More importantly, the Supreme Court currently has a 5-4 conservative majority and with Ruth Bader Ginsberg's ailing health, there is a chance that the Court will remain solidly conservative. This is likely to lead to a conservative jurisprudential decision and an overturning of Sander's proposal.

The future in this realm appears pessimistic. The value of money is entrenched throughout the political system, from internal party politics to the election of candidates in the three branches of government. Despite this statement cropping up every four years, this upcoming election really is actually about the Soul of America. If the system persists, the US cannot lay a reasonable claim to be the *World's Greatest Democracy*. Instead, it will remain entrenched as being a most blatant and obvious example to the world of a plutocratic oligarchy.





DISTINCT CHALLENGES IN THE POST-BREXIT ERA AND THE SOLUTIONS OFFERED BY ARTIFICIAL INTELLIGENCE

DOMINIC ELLIOTT

Contrary to Boris Johnson's absolute assurance that the United Kingdom would leave the European Union by 31st October 2019, we enter the month of November still very much a part of the world's largest trading bloc. Whilst the Prime Minister may have brought a new energy to negotiations, securing a fresh deal despite relentless pessimism even within his own party, he has failed to outmanoeuvre a tsunami of MPs unwilling to let the executive lead proceedings.

Finally satisfied that a no-deal Brexit is "off the table"[1], Jeremy Corbyn's Labour now provides the necessary support under the Fixed Term Parliament Act 2011 to send the UK to the polls for the third time in under five years. The December 12 General Election will mark a highly significant chapter in what continues to unfold as the most compelling series of events in recent British history–though there is little indication that we will have any greater clarity on Brexit by December 13.

One thing is for sure, despite what Mr Corbyn may claim to believe, a no-deal Brexit is still every bit a possibility. The Brexit Party eagerly awaits this election regardless of whether Party leader Nigel Farage can form a pact with the Conservatives ahead of polling day. They see an opportunity to implement their Brexit vision: "a clean break" from the European Union and its institutions.[2]

The Institute for Fiscal Studies (IFS) forecasts zero economic growth for two years in the result of a no-deal Brexit, with just 1.1% growth in 2022.[3] Even if Boris Johnson remains Prime Minister and succeeds in passing his proposal through Parliament in January, the new deal could reduce UK GDP per capita ten years after Brexit by between 2.3% and 7%, compared to remaining in the EU according to The UK in a Changing Europe.[4]

Small business owners struggling to break even quake in their boots at the prospect of such disruption to their current European arrangements.

Regarding the future of workers' rights, The Independent reports an ambiguous post-Brexit commitment to retaining EU standards embedded in Boris Johnson's deal. Under the Withdrawal Agreement, "if [Government] ministers propose to reduce standards of worker protection below EU standards, they have to make a statement to parliament saying so".[5] Criticisms of this vague language may be valid, but employment law rights for UK workers hang ominously in the balance in the result of the UK crashing out of the single market without Parliament ratifying a new treaty at all.

The European Union has famously set the bar high for the legal protection of workers. Introducing the Working Time Directive 2003 which protected workers from being forced to work over 48 hours on average per week and is just one example of the many employment law protocols imposed on nations party to the ambitious European project. In a new era outside of the EU, British businesses may seek to take advantage of the departure from heavy regulation as workers wave goodbye to such important rights no longer entrenched in legislation that supersedes British law.

Moving into a new decade riddled with uncertainty, policy efforts should shift in 2020 to begin affording proper protection for those set to face the toughest of challenges. The legislature must also be hyperaware that vast swathes of the population will enter the New Year with little to no knowledge of the changes that will begin to impact their lives. It is more important than ever that British citizens have genuine access to information about their rights and futures.

Services like Citizens Advice (formerly the Citizens Advice Bureau) and ACAS (Advisory, Conciliation and Arbitration Service) already provide crucial support of this kind to millions of Brits annually.

Whether advising on basic housing issues, complex employment disputes or helping people make sense of the intensely complicated benefits system, these organisations offer assistance to those who would otherwise not know which way to turn.

Citizens Advice is highly reliant on volunteers in the continued provision of their services, particularly their telephone resources. If you were to call up your local Citizens Advice branch, the first person you would talk to is a gateway assessor, who is likely working in an unpaid position. The role of a gateway assessor is to understand the initial aims of the client and decide what the next steps should be in addressing their issue(s). A crucial first step in the telephone service, the gateway assessor's tasks require patience and understanding–but it would be fair to say that their work is not of a highly skilled nature.

Unsurprisingly, volunteers are difficult to recruit and retain, not least because the telephone service is open from 9am to 4pm Monday to Friday, when most people have other, prioritised employment commitments. High waiting times for clients using the helpline remain somewhat unavoidable and Citizens Advice is continually stretched in this regard. Partner this with the uncertain post-Brexit times ahead for small business workers, low-paid workers and everyone in between, the future looks set to bring greater demand for an already struggling service.

Step forward Artificial Intelligence: a broad term most commonly used to describe a machine capable of performing tasks that would ordinarily require human intelligence.

"Hollywood portrayals in which robots take-over"

AI is already beginning to reconstruct entire industries with developers engaged in producing sophisticated algorithms capable of learning, adapting and growing, improving efficiency in businesses globally. US based company Lex Machina propose that through their litigation data mining service lawyers may, with good accuracy, have the ability to reasonably predict the legal advice they seek to provide.[6] Much of the rhetoric surrounding a world with prominent AI usage is negative in tone; justifiable fears exist as Hollywood portrayals in which robots take-over are all people really hear about intelligent machines. Though the benefits possible in the provision of detailed advice to people in need are undeniable. Even the ever-improving voice recognition of virtual assistants installed in smartphones and home systems evidences the extent to which AI is transforming the lives of ordinary people outside of the business context. Positive experiences with Artificial Intelligence will help its further integration into everyday life.

Innovative new approaches must be adopted to tackle the increased demand that services like Citizens Advice look set to face as the UK begins life outside of the world's second largest economy. Increased funding alone is not enough, new technology must be embraced as the provider of efficiency in the short and long run. Artificial intelligence can begin to replace the role of the gateway assessor at Citizens Advice in identifying clients' issues and proposing the next steps in the process. The aforementioned Lex Machina has already shown that learning machines can in fact work above and beyond this level of task.

It could be Boris Johnson, Jeremy Corbyn or someone else who successfully persuades the electorate in December that they have the best solutions to the struggles awaiting the United Kingdom in 2020 and beyond. Regardless, the *primus inter pares* of Government must set the tone and appreciate the worth of investing in technological practices that will support the people on the ground who keep the UK economy moving. What form of Brexit we get remains to be seen, but investing in ways to ease any hardship the British people may face is crucial. Artificial intelligence is here; it should be utilised.

Sources:

[1] https://www.bbc.co.uk/news/av/uk-politics-50175963/corbyn-we-will-support-election-if-no-deal-is-off-the-table.

[2] https://www.bbc.co.uk/news/uk-politics-49688420.

[3] https://www.ifs.org.uk/publications/14421.

[4] https://ukandeu.ac.uk/johnsons-brexit-leaves-uk-economy-worse-off-than-mays/.

[5] https://www.independent.co.uk/news/uk/politics/brexit-withdrawal-agreement-bill-boris-johnson-no-deal-need-to-know-a9165881.html.

[6] https://lexmachina.com/what-we-do/.

THE OPPRESSION OF UYGHUR MUSLIMS IN CHINA

ETIENNE SEYMOUR

For many of us, when we take a look at China, we see it as a vibrant developing country and one of the world's fastest growing economies. We may associate China with its ongoing trade war with the United States, or simply for its Great Wall. What comes to mind is often not the oppression of religious people, namely that of the Uyghur Muslims. This issue has become increasingly prevalent in the media, yet our world's leaders, particularly those in the West, have been slow to comment.

[Please note, there are many different spellings of the term Uyghur, such as Uighur, but for the purpose of fluidity, the spelling Uyghur will be used throughout]

The Maintenance of Absolute Party Control

The People's Republic of China (China) was established by Mao Zedong as the leader of the Communist Party of China (CPC) on October 1st 1949. China is one of the few states that practices state atheism. Due to this, conflict has arisen from allowing freedom of religion, as this threatens the absolute authority of the CPC.

Political theorist Leo Strauss introduced the topic of politics and religion in his reflections in 1997, presenting it as the "Theologico-Political Problem", describing the problem surrounding political authority. For example, 'Is political authority to be grounded in the claims of revelation or reason, Jerusalem or Athens?' (Strauss 1997). Western states are typically more secular, with a separation between religion and the state. Whereas in more religious countries it is not only the state, but often the dominant religion which may have enough power to effect changes in the laws of the state. For example, the legal system in Saudi Arabia is based on Sharia law, which is religious law derived from the teachings of Islam.

It may be said that allowing people in China to have another faith detracts from their faith and loyalty towards the CPC. In support of this, US Secretary of State Mike Pompeo spoke on the oppression of religion in China in early October at the Vatican and said "when the state rules absolutely, it demands its citizens worship government, not god. That's why China has put more than one million Uyghur Muslims … in internment camps and is why it throws Christian pastors in jail" (The Guardian, 2019).

The Current Situation

The region of Xinjiang is home to the indigenous Uyghur Muslims and was bought under Chinese rule in the 18th Century and later became part of the People's Republic of China in 1949. Beijing has been actively suppressing their demonstrations ever since. In 2013, Human Rights Group

authorities were clamping down on “peaceful expressions of cultural identity” (BBC, 2019).

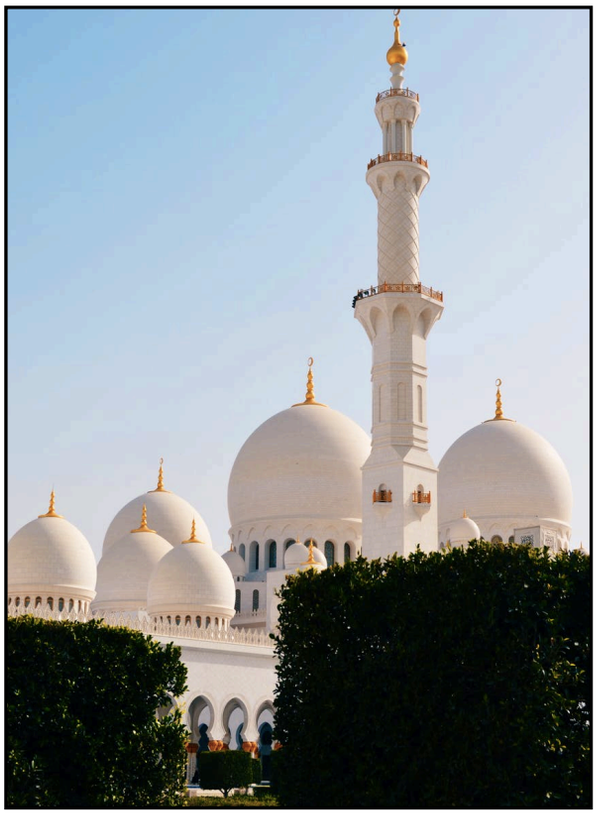
The situation escalated when the State introduced re-education camps, holding 200,000 to 1,000,000 Uyghur Muslims against their will (BBC News, 2018). These camps were initially created off the back of an anti-terrorism agreement, designed to aid China in their efforts to protect itself from terrorism, with the aim of softening Islam and preventing extremism. However, many of the Uyghur Muslims who have been detained in these camps have reported a completely different, darker series of events. They detailed how they were made to denounce their religion, tortured, and even forced to eat pork in some cases. The CPC initially denied the existence of these camps, but later admitted that they were created for education purposes, labelling them as “vocational skills and education training centers” (Kuo, 2019).

The World’s Opinion

The media has made no attempt to hide its outrage. Distressing headlines such as ‘China accused of genocide over forced abortions of Uighur Muslim women as escapees reveal widespread sexual torture’ (Independent, 2019) have been extensively covered in the media globally. In India, the media showed news footage of Uyghur Muslims being sent to detention camps with their hands tied, and their eyes blindfolded. News reporter Padmaja Joshi said that “human rights violations should be condemned irrespective of where they happen, not based on a person’s politics” (Economic Times, 2019). Amnesty International has spoken out. Human Rights Watch has spoken out with footage of Uyghur Muslims people being “repressed, monitored, forced into camps” (Human Rights Watch, 2018).

Our Leaders

Despite increasing media coverage, our world’s leaders have mostly remained silent. This changed



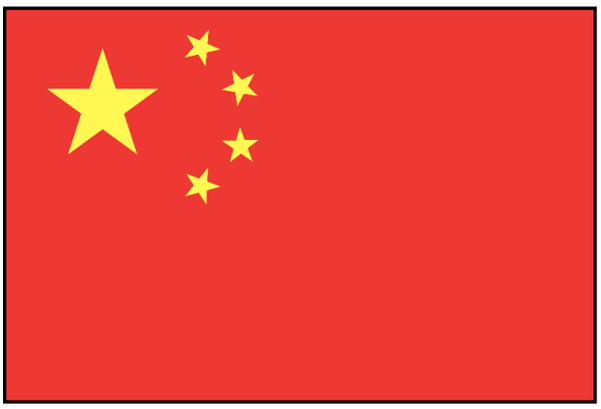
on October 8th, 2019 when the United States made the decision to blacklist certain Chinese entities over the Xinjiang ‘Uyghur repression’ (The Guardian, 2019). 28 entities were blacklisted for their alleged involvement in the abuse of Uyghur Muslims and other predominantly Muslim ethnic minorities. These entities now appear on the ‘Entity List’, barring them from buying products from US companies without Washington’s approval (The Guardian, 2019). These entities include government agencies and technology companies who specialise in surveillance equipment. The department filing stated the “entities have been implicated in human rights violations and abuses in the implementation of China’s campaign of repression, mass arbitrary detention, and high-technology surveillance against Uyghurs, Kazakhs, and other members of Muslim minority groups” (The Guardian, 2019). This event is of significance as it highlights the first step taken by one of the world’s strongest powers to speak out against such oppression and identifying them as

human rights abuses and violations. We can only hope that this encourages other countries to act similarly against such oppression.

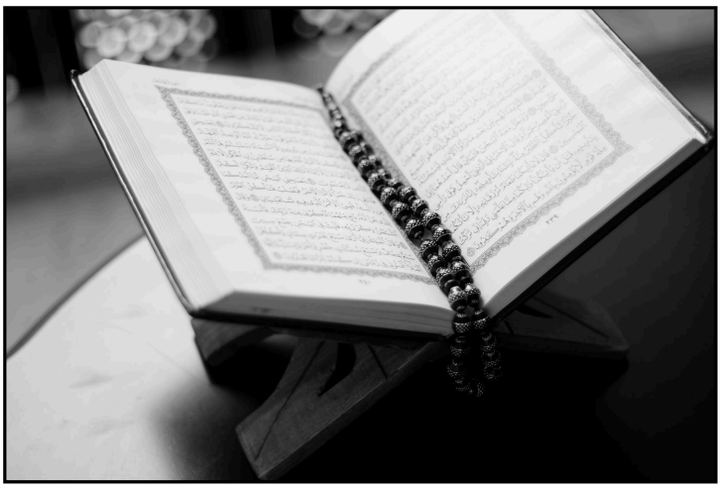
When it comes to scrutinizing the role of our world's leaders in speaking out against human rights abuses, we tend to look towards the actions of the US and the EU. Perhaps it is due to the differences in negotiating power and reliance on trade that we do not focus on the actions of other less economically powerful countries. Over the past six years China has focused much of its attention on its One Belt One Road initiative (BRI), which has consequently become an important topic in international relations, particularly in regards to the rise of China and the direction of its foreign policy. The BRI's aim is to link Europe, Africa and Oceania in international economic cooperation, with one of the most important planned projects being the China-Pakistan economic corridor. Despite having a predominantly Muslim population, Pakistan has continued to have close relations with China. How can we expect other countries to react against human rights abuses when countries which are predominantly Muslim are continuing trade relations and not speaking out against China?

Our world's leaders have not sought to explain their silence. For now, one can only presume that this is caused by the national interests of states and their need for economic trade. The popularly coined phrase 'money makes the world go around', is the saddening reality of the world we currently live in.

The previous call for an independent international assessment on China's actions in Xinjiang was led by the US in 2016. However, in June 2019, 22 countries at the United Nations' top human rights body issued a joint statement urging China to "end its mass arbitrary detentions and related violations against Muslims in the Xinjiang region" (Human Rights Watch, 2019). This is double the amount of countries compared to the 2016 assessment, displaying growing international concern over the situation in Xinjiang. The signatures so far are from: Australia, Austria, Belgium, Canada, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Japan, Latvia, Lithuania, Luxembourg, the Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, and the United Kingdom. This is crucial for people around the world, who depend on the UN as a leading human rights body, to witness them holding even the most powerful countries accountable for instances of human rights violations.



Although our world's leaders have not been openly addressing this issue and publicly condemning China in the way that they have previously done so to smaller nations who have carried out human rights abuses on their people, some progress has arguably been made. As India's Economic reporter Padmaja Joshi said, "human rights violations should be condemned irrespective of where they happen" (Economic Times, 2019). We can only hope that this will be the case and that the current efforts do take us one step closer towards bringing justice to the Uyghur Muslims in Xinjiang.



References

- BBC News (2018) ‘China legalises Uighur 're-education' [online] Available at: https://www.bbc.co.uk/news/world-asia-45812419 [Accessed 21 Oct. 2019].
- BBC News (2019) ‘Why is there tension between China and the Uighurs?’ [online] Available at: https://www.bbc.co.uk/news/world-asia-china-26414014 [Accessed 20 Oct. 2019].
- Human Rights Watch (2019) ‘UN: Unprecedented Joint Call for China to End Xinjiang Abuses’ [online] Available at: https://www.hrw.org/news/2019/07/10/un-unprecedented-joint-call-china-end-xinjiang-abuses [Accessed 22 Oct.2019].
- Human Rights Watch (2018) ‘China and Tibet’ [online] Available at https://www.hrw.org/asia/china-and-tibet [Accessed 20 Oct.2019].
- Independent (2019) ‘China accused of genocide over forced abortions of Uighur Muslim women as escapees reveal widespread sexual torture’ [online] Available at: https://www.independent.co.uk/news/world/asia/china-uighur-muslim-women-abortions-sexual-abuse-genocide-a9144721.html [Accessed 15 Oct. 2019].
- Kuo, L. (2019) ‘“If you enter a camp, you never come out”: inside China's war on Islam’ [online] the Guardian. Available at: https://www.theguardian.com/world/2019/jan/11/if-you-enter-a-camp-you-never-come-out-inside-chinas-war-on-islam [Accessed 21 Oct. 2019].
- Strauss, Leo, 1997 “Preface to Hobbes politische Wissenshaft” In Kenneth Hart Green, ed. Jewish Philosophy and the Crisis of Modernity, Albany, NY: SUNY Press: 453-56.
- The Economic Times (2019) ‘Watch: How Uyghur Muslims were whizzed off to detention camps in China’s Xinjiang province’. [online] Available at: https://economictimes.indiatimes.com/news/politics-and-nation/watch-uyghur-muslims-were-whizzed-off-to-detention-camps-in-chinas-xinjiang-province/videoshow/71544186.cms [Accessed 23 Oct. 2019].
- The Guardian (2019) ‘US blacklists 28 Chinese companies and government agencies over Uighur repression’ [online] Available at: https://www.theguardian.com/world/2019/oct/08/us-blacklists-28-chinese-companies-and-government-agencies-over-uighur-repression [Accessed 13 Oct. 2019].

THE STRUGGLE TO KEEP UP WITH THE NEWS

THOMAS WELLS

In August, social media ignited in support for the Amazon rainforest. Fearing for the Lungs of the Earth, we smouldered in indignation at the Brazilian President, Jair Bolsonaro, for his regime of deforestation. World leaders, most notably Emmanuel Macron, were equally inflamed with anger and called for drastic change.

A few months down the line and our interest in the Amazon has been extinguished. Deforestation, which was until recently a highly controversial, or dare I say flammable, issue is no longer mentioned in newspapers or hashtags. And it is not because the fires have stopped. There were 19,925 new fire outbreaks in September yet the popular hashtag #prayforamazonia did not trend on twitter during that month.

To understand why we became suddenly disinterested in the subject, we only need to look as far as other recent tragedies. Do you know if there is still political unrest in Sudan? Are you up to date with the Syrian refugee crisis? Do you know if the survivors of the Grenfell Tower fire have received financial aid? While I'm sure there are some very informed readers of this article that could give detailed responses, I am saddened with the thought that the answer to those questions from the majority would be a resounding, and shameful, no.

I use the word shameful because at one point those topics were all supposedly very poignant to us, thus our ignorance towards them now exposes a problematic trend in our nature to collectively move on and forget. And do not be mistaken, I too am complicit in this. A few months ago, like many thousands I flocked to change my Instagram picture to a vibrant blue, in solidarity for Sudan. Yet my understanding of the situation today is rather foggy.

Therefore, if we inevitably become bored of these topics, are we genuinely interested in them in the first place? Perhaps we are, but because of the interconnected, globalized society that we now live in, this trend of rapidly consuming and discarding news stories is inevitable; we are exposed to a constant flow of tragedy from across the globe that it pushes forward the expiry date of each story to allow us to focus on the next one. Thus, we shouldn't look at our likes and tweets as a disingenuous and short-lived attempt to convey our sympathy towards these issues, but our only viable and arguably effective method of confronting them. Indeed, we only need to consider the success of the 'ice bucket challenge' that raised over $100 million dollars within one month to understand the influence of 'hashtag activism'.

However, I am more inclined to believe that our impassioned, but temporary, interest in the news does not always come from such a charitable place in our hearts, but can instead stem from vanity and self-centeredness. In an article for the *Washington Post*, journalist Caitlin Dewey took issue with 'hashtag activism', stating that it handles news stories in a problematic manner because they become 'oversimplified and sentimentalized'[1]. The fact we even attempt to convey our thoughts on these crises with a cap of 140 characters on Twitter demonstrates an ignorance to the gravity and depth of these issues which could show that it is not actually the story itself that is important to us.

At its best social media is a hub of philanthropy which promotes selflessness and generous behaviour. But at its worst, it paves the way for narcissism and self-absorption. To market the best versions of ourselves on social media, these news stories become cash cows that are milked for their emotional impact in our attempt to seem compassionate and well-informed. Once a few people have commented on these stories, our herd mentality kicks in where we feel obliged to like and

Share their comments out of fear of being publicly chastised online as unsympathetic and cruel. This causes news stories to trend on social media but they only do for a short amount of time because the initial interest in them was never entirely genuine.

Admittedly this is a rather negative indictment upon society, thus before we jump to any conclusions, we should entertain another possible reason for this: the way the news is broadcasted. The magazine *Press Gazette* published an article stating that we spend only 30 seconds a day reading the news on our phones[2]. This could be seen as another criticism of us, showing that the fast-paced lifestyle we are obsessed with, that is provided to us by our smartphones, has now corrupted how we consume the news and subsequently how informed we are.

What is most shocking however is that when in print, the average person spends 40 minutes reading the news every day. Subsequently, this could in turn point out that news networks have failed to transition to the medium of the internet and cannot garner the same interest in their articles, causing us to be unaware.

However, if we need an article to sound interesting and for it to be written in an intriguing fashion (containing linguistic techniques like the semantic field that I hope you all noticed at the start of this one) in order for us to read more than just the headline, then surely the problem is still with us. We are choosing to read articles for our own entertainment. Whether it is a gripping headline, a curiosity in an unfamiliar subject or simply that it is accompanied with an intriguing picture, we are reading to serve our own interest. If our attention can be diverted away from the subject as easily as turning the page in the newspaper to another appealing story, and our attempts at implementing change over social media are inherently shallow, it was inevitable that our appetite for the Amazon wildfire story was quenched so quickly.

I willingly concede that there are a lot of people in the world who are well-informed and are campaigning to help these issues for all the right reasons. However, if you are entirely sceptical of this article, keep an eye on one of the headlines today, for instance the secret internment camps in China, and see how quickly it leaves the public eye, the public's heart and the public's twitter feed.

Sources:

[1] https://www.washingtonpost.com/news/the-intersect/wp/2014/05/08/bringbackourgirls-kony2012-and-the-complete-divisive-history-of-hashtag-activism/

[2] https://www.pressgazette.co.uk/study-national-press-online-readers-average-30-seconds-per-day-versus-40-minutes-for-print/

BEHIND THE BLACK MIRROR: THE WEST AFRICAN "SEX FOR GRADES" SCANDAL

OLUBANKE AWOSOPE

On the 7th of October 2019, the BBC's 'Africa Eye' program released a documentary unveiling the realities of female students at several prestigious universities in West Africa. Prior to the release of the report (which featured undercover reporters posing as students at the University of Lagos and the University of Accra), there were some stories floating around from victims of the failed educational system. In the span of a year, the BBC's Africa Eye had been conducting investigations by gathering intel and the revelations of these abused stations were shaking.

The issue at hand is not novel with similar cases happening across the globe. The common phrase of "A for A lay," is sadly comprehensive in itself. Within the West African scene, Bisi Fayemi (the wife of a Nigerian governor and a British-Nigerian feminist activist) teared up after hearing about what some young women across the country have to go through in order to pass in higher institutions as she too was a victim of sexual harassment during her course at university. In essence, if it is generally acknowledged that this is happening, how has so little been done to prevent this?

The patriarchal nature of both countries has long created a system of increased tribulations but no trials, leaving girls who speak up victimised and ridiculed, rather than protected. Within the Ghanaian context, "there is no distinct action plan or policy to address sexual harassment". In Nigeria, Lagos is the only state to directly criminalise sexual harassment as of 2011. This comes under Section 262(1) of the Criminal Law of Lagos State 2011 which provides that: "Any person who sexually harasses another is guilty of a felony and is liable to imprisonment for three years." Despite that, litigation in both countries is usually prolonged, inefficient and riddled with corruption, ultimately leaving students in positions where they are denied the degree classifications they deserve. As a result, the girls are not only left traumatised, but are also struggling to excel and find their footing in University.

The release of the documentary sparked outrage as well as a call to action from thousands of West Africans including Nigeria's First Lady, Aisha Buhari, who stated that the current situation "simply has to change." Nonetheless, can the flawed judicial systems of both Nigeria and Ghana truly follow through in providing justice outside of the realm of Twitter and Instagram's "#timesup" and '#sexforgrades'? It thus raises the question: should international bodies have a greater role in ensuring cases such as these are given the attention it deserves? After all, the BBC's Africa Eye is not an African owned establishment.

Since the release of the documentary, the University of Ghana's Dr Paul Kwame Butakor and Professor Ransford Gyampo have denied any wrongdoing and the same can be said for their colleagues Dr Boniface Igbeneghu and Dr Samuel Oladipo 460km away in the University of Lagos. With both universities condemning the acts of the alleged abusers combined with their zero-tolerance stance on sexual harassment within their institutions, these professors have all been subject to the same fate of suspension from their roles. In spite of the trending nature of this plight, talk of legal action has not been heard of, except for Professor Gyampo from the University of Ghana who has "suggested to local media that he plans to take legal action against the BBC." Will this just be another high profile incident or will we witness the substantive exercise of legal pathways?

Lagos, in particular, is no stranger to passionate movements that exist within the realm of cyberspace and amongst the minority such as “market march” to “we will not be silent”. There has been an increasing number of women and men who have continuously spoken up against varying cases of sexual harassment but unfortunately, it hasn’t concluded in a complete crackdown from the top.

Although the situation seems bleak as of now, prior to the release of the undercover documentary, many victims faced the dilemma of a lack of evidence to truly hold abusive professors accountable. Therefore, the fact of the matter is that since there is now evidence of the actions of these professors on video, it could lead to due diligence in this matter as the aforementioned roadblock of a lack of evidence no longer exists. Coupled with pressure from international bodies such as the BBC and general accountability to the general public that holds cyber power in changing the tides, it will be a hope that this sting operation will become a textbook example when asking the question of how to deal with these situations.

Given its controversial nature, the documentary has come with its fair amount of backlash as well. It was criticised that everything from the investigative process was seen as flawed, such as statements that the professor and the journalist who posed as a university student were consenting adults as seen in the statement released by students who stood in solidarity with Professor Gyampo.

The students said: “We find it interesting, however, that the said video, which is supposed to expose and incriminate Prof. Gyampo, only shows footage of two consenting adults who have built a rapport over weeks and have exchanged gestures of intimacy.” Another reporter has stated that the title of ‘Sex for Grades’ is ill-fitting seeing that at no point was there an exchange of sex for grades in the undercover operation. Although these statements do have some truth, they distract from the actual spirit of the documentary.

Kwabena Brakopowers is a journalist who has taken the extra step to not only critically analyse the investigative processes in which he deems as flawed but also to investigate the micro-aggression that could arise as a result of the documentary. Brakopowers argues that an international body such as the BBC is using this documentary as a clandestine agenda to undermine degree holders from universities in West Africa. The ideology put forward is not exactly far-fetched as Professor Gyampo from the University of Ghana called the report a form of neocolonialism. In consequence, this could raise thoughts and reactions to international interferences which could lead to the potential creation of an allyship instead.

By the time of the release of this article, new pathways and actions may have already occurred. At present, the Nigerian Senate has introduced a bill that aims to prevent sexual harassment of university students. However, in 2016, a similar bill was introduced but didn’t pass both houses. Will the newly introduced Bill follow a similar discourse? We will definitely be following up with the new developments in both Nigeria and Ghana and especially across West Africa.

Sources:

https://www.washingtonpost.com/archive/opinions/1981/09/06/when-professors-swap-good-grades-for-sex/dae0ace9-58e0-4dc8-bdf2-a271c1245d9a/

https://dailypost.ng/2019/10/08/sex-grades-sexually-harassed-university-bisi-fayemi/

https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/GH.pdf

Â https://www.lexology.com/library/detail.aspx?g=6d26729d-e809-4c95-bdd9-bfef7376a562 5 https://www.bbc.co.uk/news/world-africa-49971067

https://www.bbc.co.uk/news/world-africa-49971067 https://www.bbc.co.uk/news/world-africa-49978869

https://www.bbc.co.uk/news/world-africa-49993588 https://www.bbc.co.uk/news/world-africa-49971067

https://www.theguardian.com/global-development/2019/feb/04/normalised-but-not-normal-nigerian-women-call-out-gropers-and-catcallers-market-march-movement-yaba-market-lagos

http://culturecustodian.com/the-fight-against-sexual-assault-continued-with-a-march-this-weekend/

https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Students-Jump-to-Gyampo-s-defense-over -BBC-documentary-793127

https://www.ghanaweb.com/GhanaHomePage/NewsArchive/BBC-failed-in-sex-for-grades-scandal-inves tigations-Manasseh-Azure-Awuni-787290

EU NATIONALS IN THE UK STILL FACE UNCERTAINTY POST-BREXIT

TOVA OSTLUND

In 2016, the UK voted to leave the European Union. Few people in Europe are unaware of this fact - it has dominated headlines all around Europe ever since the referendum. However, EU citizens living in the UK still face an uncertain future, more than three years after the vote. It is not a surprise that such an important decision would have unpredictable consequences. As we enter general election campaigning, several key questions remain unanswered. How will the situation of EU nationals living in the UK be affected by Brexit?

While the UK is a member of the European Union, citizens of member states have the right of free movement - they can come into the UK or leave without any additional requirements for papers or permits. However, free movement will end after Britain's withdrawal. As such, there is a need for a system to settle matters for both EU citizens living in the UK and UK citizens living within the EU. Those affected by the referendum will need to know whether they have a right to stay in their current country of residence, as well as the conditions related to that right.[1]

The EU settlement scheme grants so called settled status for EU citizens who have lived in the UK for a period of five years or more as of 31 October 2019, and pre-settled status to those who have lived in the UK for a shorter period of time. In theory, those who have been granted settled status have indefinite leave to remain and will maintain most of the rights they have held before the UK leaves the European Union. Those who have received pre-settled status have been granted permission to stay in the UK for approximately five years after Brexit, and will have to re-apply for settled status when the time arrives.[2]

However, in practice the scheme has several issues. The Commons Home Affairs Committee has previously stated that technical issues have plagued the system.

There has been several reports of EU nationals who have lived in the UK from anything from 5 to 35 years or more and yet were granted pre-settled status, in spite of evidence to prove their residence in the UK for the required time. Furthermore, roughly 57% of applicants have been granted pre-settled status, despite the fact that an estimated 69% of all EU citizens living in the UK has lived here for five years or more. This has been a serious concern for campaigners and those affected by the referendum.[3]

Not only does this point to a possible malfunction in the system, but since pre-settled status grants significantly fewer rights than settled status, there have been concerns that decisions are intentionally made incorrectly, and speculation that the system favours granting pre-settled status in complex cases. It is also possible that some applicants simply pressed the wrong button during the application process and accidentally asked for the wrong status. However, without further information it is hard to say whether the discrepancy between the number of people who have received settled status and the official statistics regarding who have lived here for the required amount of time is down to technical malfunctions, mistakes, intentional errors or other possible factors. In addition to this, many EU citizens are unaware that they need to apply, or are unable to apply because of disabilities or other complex situations. About two million people have been granted settled or pre-settled status, but about 1.6 million people have yet to apply.

The Office for National Statistics recently admitted that they had underestimated the number of immigrants from the European Union arriving between 2009 and 2016 by about 250,000 people, and overestimated the number of non-EU immigrants by about 170,000. While it is possible that the uncertainty about these numbers could mean there are fewer EU members living in the UK than the most recent estimate, it is also possible that the true number is much higher. This complicates the process of estimating the number of EU nationals currently living in the UK who are yet to apply to the settlement scheme. As such, a significantly larger number of people could face deportation or other negative consequences.[4]

The complications with the scheme have attracted a great deal of controversy. Some critics believe that such complications can be compared to the recent Windrush scandal. The Windrush scandal, while primarily affecting immigrants from the Caribbean, has certainly not improved the situation for other immigrants. Those affected by the scandal were often in a similar position to EU nationals. Many have lived in the UK for many years, even decades, but still because of issues with the system and unclarity about what is required of them, they have been left in a very uncertain position regarding their future right to remain. The repeated reports of the issues affecting the settlement scheme has prompted fears of deportation even in cases where the individual in question has a right to remain in the UK indefinitely.[5]

The people most vulnerable under the scheme include abuse victims who could be subject to deportation and loss of access to life-saving resources such as shelters or financial aid. Consequently, individuals who already are in a very precarious position could find themselves exposed to further risk of harm and exploitation from abusers. A spokesperson from the Home Office has stated that ”the scheme protects the status of EU citizens in UK law and gives them a secure digital status which, unlike a physical document, can’t be lost, stolen or tampered with.” The spokesperson added that there are more than 200 digital locations across the UK to help EU citizens to apply and nine million pounds available to 57 different organisations to help an estimated 200 000 vulnerable people to apply. The question remains if this will be sufficient.[6]

Sources:

[1] http://www.europarl.europa.eu/factsheets/en/sheet/147/free-movement-of-persons Accessed on 13/10 2019

[2] https://www.gov.uk/settled-status-eu-citizens-families Accessed on 14/10 2019

[3] https://commonslibrary.parliament.uk/home-affairs/immigration/the-progress-of-the-eu-settlement-scheme-so-far/ 16/10 2019

[4] https://www.bbc.co.uk/news/uk-49420730 Accessed 21/10 2019

[5] https://www.bbc.co.uk/news/uk-politics-48451424 Accessed 20/10 2019

[6] https://www.bbc.co.uk/news/uk-politics-48451424 Accessed 21/10 2019

EXTINCTION REBELLION: PROTESTING WITHOUT DISRUPTION VERSUS FORCING POLITICAL CHANGE

SIMEON LEE

Extinction Rebellion's (XR) most recent protests, widely advertised by the name "International Rebellion", resulted in 1,760 arrests.[1] However, the controversy was not the number of arrests, but the circumstances under which many of them were made.

Before the protests had begun ten people were arrested in connection with them.[2] This was allowed to occur due to a ruling in the European Court of Human Rights on the 28th of March 2019 which ruled that arrests could be made without any prior specific intelligence on the basis of suspicion.[3]

There are many who are in favour of tougher policy action against climate protestors, taking issue with the disruption they cause. Wide-spread protests have brought major delays to many commuters on the London Underground, for instance. At Canning Town, angry commuters ripped XR protesters off the tubes so that the train could leave.[4] However, others who are concerned by the actions cite issues deeper than disagreeing on how the police are dealing with the present situation. The use of Section 14 of the Public Order Act 1986, which banned all XR protests in London, and the pre-emptive raid on a store of XR supplies such as cushions and rubbish bins[2], have been labelled by some as setting a dangerous precedent for the future, with fears that these kinds of methods may be used one day to silence groups that disagree with the Government and its actions. A former police officer who joined XR expressed worries over the "questionable" tactics of the force and how the move to arrest the 10 was "infringing on [their] rights to peaceful protest".[5]

XR protestors who were worried about previous events are likely to be even more concerned now following the news that the police and the Government held talks to discuss giving the police further powers in order to take action against protestors. The police are hoping to "better align Sections 12 and 14" of the 1986 Act.[6] Although it is unclear what this means, it has been suggested that the law should be changed so conditions (which must be followed by protestors otherwise they face being arrested) can be made on a protest if it causes "disruption", as opposed to "serious disruption"—or it could be that what constitutes "serious disruption" is broadened. Yet, XR and climate protestors do have one trick up their sleeves, which will not be lost in these new moves: the police cannot convict someone if they are unaware of the set conditions. Green and Black Cross, which provides practical help and training to protestors, instruct their trainees not to pass on messages of what the conditions are as this makes everyone liable to conviction.[7] By not allowing the message to get across, the conditions aren't enforceable in the courts, and thus protestors, who know there are no legal, long-term repercussions, don't follow them.

Judges, in the High Court on the 6th of November 2019, ruled that the Metropolitan Police's Section 14 ban was unlawful.[8] The decision, which will come as welcome news to XR supporters, concludes that Superintendent McMillan, the Bronze Commander for Contingencies, misinterpreted the law. The High Court stated that "public assembly" in the Public Order Act refers to a "single gathering of people in a particular place", not many gatherings in different places as "wrongfully believed" by Superintendent McMillan. The police will now have to work out new ways in which to handle protestors which do not resort to blanket bans.

Furthermore, the High Court held that a protest can only be shut down by an officer on-site and not by a decision made by an officer off-site. Now, the question of who has the authority to make the call to stop a…

demonstration looms large; if an authoritative figure is absent from the protest site (which is plausible due to the frequent and unpredictable re-location of protests), there is little the police can do. Moreover, making snap decisions to shut down protests could be something individuals are unwilling to put their name to. By moving quickly and protesting in short bursts, XR protestors have found a new way to cause disruption within the parameters of the law.

However, the news is not all perfect for XR. The police, in accordance with the High Court judgment, have been reassured that the Public Order Act can be used lawfully to "control future protests which are deliberately designed to take police resources to breaking point".[9] How exactly this statement fits into the wider context of the protests is unclear. The High Court did not make any further comment because "the extent and conditions for use of those powers are not issues before us in the claim and we say no more about them." Questions have been raised about methods used by XR, such as the disruption of public transport—making the service that they want to encourage people to use more unusable. Sadiq Khan, Mayor of London, wrote on Twitter condemning the actions of the protestors who blocked the DLR on the 17th of October.[10] Arguments therefore follow that climate change protesting is causing more issues and resulting in more pollution by forcing people to drive individually to work instead of collectively taking more eco-friendly bus routes. These views lie in direct contrast to those who support a strong change in global policy in order to tackle climate change. In their eyes, the short-term disruption (and potential, although unfounded and purely logic-driven) increase of emissions is worth it in order to get people to think about the long-term and pressure the Government into making change.

It is clear that XR protestors believe that action is needed now; they don't believe that peaceful protesting, or lobbying governments, will work. So, they resort to disruptive action. It is unclear if this will create real change for their movement, and there is wide debate as to whether their actions can be justified. But regardless of what the public opinion becomes of the group, it seems unlikely that they will disappear from the streets of Britain, and the rest of the world, anytime soon.

Sources:

[1] https://www.bbc.co.uk/news/uk-50094594

[2] https://www.bbc.co.uk/news/uk-49946821

[3] https://www.bbc.co.uk/news/uk-47737635

[4] https://www.theguardian.com/environment/video/2019/oct/17/protesters-dragged-off-dlr-train-as-extinction-rebellion-delay-commuters-in-london-video

[5] https://www.theguardian.com/environment/2019/oct/05/london-police-arrest-extinction-rebellion-activists-in-advance-of-environment-protest

[6] https://www.theguardian.com/environment/2019/oct/19/police-seek-tougher-powers-against-extinction-rebellion

[7] https://greenandblackcross.org/guides/laws/2-section-12-14/

[8] https://www.judiciary.uk/wp-content/uploads/2019/11/Jones-Ors-v-Comm-of-Police-Approved-judgment.pdf

[9] https://www.bbc.co.uk/news/uk-50316561

[10] https://twitter.com/SadiqKhan/status/1184728898547920896?s=20

POST-WAR LAW: THE NUREMBERG TRIALS

JAKUB MIKULSKI

By 1945, the Second World War had claimed over 70 million lives. The advent of nuclear weaponry and the unprecedented scale of fatalities left a deep wound across the world. As such, a certain burden fell on the law to bridge the gap in the crucial disparity between cultured civilisation and the unparalleled violence executed in its name. The Nuremberg Trials were the manifestation of the Allies' attempt at this much needed legal solution, but some argue that the proceedings greatly warped legal principle and doubt if what happened at the post-war trials complied with the rule of law or even justice itself. It is clear that an examination of the Nuremberg trials can offer important insight into what is the duty of the law, what tools are available to execute this duty in trials and how the system works under the pressure of immense conflicts and tribulations.

The chaos of war was reflected in the negotiation room. The three great powers behind the war effort, and also France, each had their own demands on what the process should entail. The American delegation almost walked out over the location of the trials, Britain and France disputed the nature of the charges while the Soviets refused to accept the proposed definition of aggression.[1] Generally, this nascent moment lacked both the traditional finesse of the common law jurisdictions and the principled values of the civil law influences, leading to a legally irreconcilable divide, which took serious selective ignorance to overturn. Eventually, the parties settled on a specific process, ceding all the appropriate political concessions to the four nations who were to be remembered for ending the horrific war. The meeting concluded with the signing of the UN Charter and the dropping of an atomic bomb on the city of Hiroshima.[2]

The garbled manner and mixed messages of the planning translated directly into the trial itself. Nicholas Doman was an assistant prosecutor for the Americans and he confessed the immense perceived public desire for so-called justice left the trial with a dual purpose, "not merely to satisfy public opinion but to build the foundations of a new approach to world problems."[3] Even with his best intentions, the argument he described after the trial to resolve this dichotomy was to conclude that "the entire machinery of the totalitarian German State was geared to a supreme war effort. Therefore, according to the interpretation of the prosecution, the whole internal system of Germany fell under the competence of the International Military Tribunal."[4]

This in the truest sense of the phrase opened the floodgates of litigation, leading the tribunal to be able to try anyone who victor's justice determined ought to be tried. In essence, this was to argue that the fascist state was inherently criminal since it was geared towards efficiency which meant it was geared towards war, whereas war for democracies was… incidental? Defensive? Moral? None of these adjectives objectively suit the events of the war; nonetheless prosecutors persisted in saying it was inappropriate to target the Allies with the same accusations of crimes against peace, war crimes and crimes against humanity, which the charter stipulated would describe the actions of the Nazis. An example of this was the judicial declaration that crimes against peace were to be the highest crime with which the defendants were to be charged, when in practice and application it was clearly the extensive death camp apparatus which evoked the strongest moral reaction and punitive measures.[5] Another legal issue was raised following a multilateral recognition that superior orders would not be a defence for any officials:

"Nuremberg held Field Marshall Keitel, Chief of Staff of the High Command of the German Armed Forces, guilty of aggressive war under international law.

Whether Keitel's actions were legal under German law was of no account. There was a higher law - international law - applicable to his behaviour. The court held that what Keitel did violated international law, and that superior orders sanctioned by Adolf Hitler, Chief of the Third Reich, were not a defense."[6] This was made problematic by the twin of the proceedings in Germany: the International Military Tribunal for the Far East. The royal family of Japan was held to be immune from being charged as part of the nominally unconditional surrender terms, so the principal of law in this case was severely neutered.

There are several contemporary summaries of the situation, The Atlantic in 1946 reporting, "To the casual newspaper reader the long-range implications of the trial are not obvious. He sees most clearly that there are in the dock a score of widely known men who plainly deserve punishment. And he is pleased to note that four victorious nations, who have not been unanimous on all post-war questions, have, by a miracle of administrative skill, united in a proceeding that is overcoming the obstacles of varied languages, professional habits, and legal traditions."[7] Even more simply, the Nazi Foreign Minister Ribbentrop exclaimed during the proceeding: "You'll see. A few years from now the lawyers of the world will condemn this trial. You can't have a trial without law."[8] In a way, Ribbentrop was right about the issues of legal precedent caused by his incrimination. However, the trial also lends itself to a simplistic interpretation of law: it is the rules people want their society to have. Judges may merely guess at what is wanted and are tasked with finding the words to make it work.

Clearly, the planners of a genocide deserved to be punished so that is what was done, with little thought as to how this should set a precedent, perhaps because it was not intended to set one. The Yugoslav tribunal certainly did not recognise this possibility.

"the winner retrospectively makes the rules"

"the planners of genocide deserved to be punished"

Ultimately, to avoid the problems of precedent which take issue with applications of what are in effect secondary rules, one is left to conclude that these trials the clearest affirmation of natural law. Via military domination, the winner retrospectively makes the rules and what they fought for transforms into what we call justice. If nothing else, the post-war trials ought to give us a moment of reflection on what we stand for and the judgements we make to maintain the key values of our civilisation. This is what the lawyers at Nuremberg engaged in; the principle was part of the law before that time and it will be a part of the law forever after it.

Sources:

[1] Sellars, K. (2010). Imperfect Justice at Nuremberg and Tokyo. European Journal of International Law, 21(4), pp. 1086

[2] Ibid.

[3] Doman, N. (1946). Political Consequences of the Nuremberg Trial. The ANNALS of the American Academy of Political and Social Science, 246(1), pp.81

[4] Doman, N. (1946). Political Consequences of the Nuremberg Trial. The ANNALS of the American Academy of Political and Social Science, 246(1), pp.84

[5] International Military Tribunal, Trial of the Major War Criminals Before the International Military Tribunal (1947–1949) supra note 6, vol. 1, at 186.

[6] Henry T. King Jr. (1996). Nuremberg and Sovereignty, 28 Case W. Res. J. Int'l L.135, pp. 135

[7] https://www.theatlantic.com/magazine/archive/1946/04/nuremberg-a-fair-trial-a-dangerous-precedent/306492/

[8] Gilbert, Gustave M. (1995) [1947]. Nuremberg Diary. Cambridge, MA: Da Capo Press, pp. 36

OPERATION PEACE SPRING: Invasion or Counter Terrorism?

ALEXANDER LOVESEY

Since the end of the First World War and the dissolution of the Ottoman Empire, the fate of the Kurds have been closely intertwined with European and American foreign policy. The Sykes-Picot agreement, a clandestine treaty between the UK and France, distributed the Ottoman provinces into French and British spheres of control. This arrangement eventually became the foundation for today's nation-states in the Middle East. However, a key group of individuals were not included in this agreement, the Kurds.

Whilst initially guaranteed their own country in the Treaty of Sevres (1920), the pressure of the newly created Middle Eastern states, particularly Turkey, ultimately meant that an independent Kurdistan was not created. Thus, the Treaty of Lausanne (1923), which established the modern-day borders of Turkey, forced the Kurds to be a minority in Turkey, Syria, Iran, Iraq and Armenia. With this, the Kurds, with an estimated population of 25 - 35 million, are the largest ethnic group on the planet that don't have their own state, and as with any minority group, their rights and freedoms are dictated by the majority group of the country they inhabit.

The rights and freedoms of the Kurds have been stripped by countries such as Turkey, Syria and Iran in order to erase their cultural identity. Up until the 1980s, the words 'Kurd', 'Kurdistan' and 'Kurdish' were forbidden by the Turkish government, and up until 1991, anyone who spoke, wrote, or sang in Kurdish either in public or in private, could be imprisoned. Even though the ban has been lifted, it is still illegal to use Kurdish as a language of instruction in schools and children are not permitted to have Kurdish names. In all these cases, Turkey violates the United Nations Declaration of Human Rights. On the other hand, the oppression of the Kurdish people has been more violent as of late, as seen in a United Nations report of Turkish military operations in 2015 where they "verified a variety of abuses by the security forces, among them extrajudicial killings, disappearances, torture, violence against women and the prevention of access to medical care, food and water." (New York Times). There are hundreds of examples of the violent persecution of the Kurdish people, ranging from false imprisonment to torture and execution.

To understand the events currently occurring in Syria, it is essential to be aware of the long history of engagements between the Kurdish and Turkish. One such engagement is the Kurdish-Turkish conflict which began in 1978 and is still ongoing. The conflict involves two key factions, the Republic of Turkey and the Kurdistan Workers' Party (PKK) who are a far-left militant and political organisation based in Turkey and Iraq. This conflict was principally focused in the south-east of Turkey, near the borders of Iraq, Iran and Syria. The PKK asserts that their reason for starting the conflict was to fight for the freedoms of the Kurdish people and their initial aim was to create a sovereign Kurdistan, but in recent years they have changed their objective to the creation of a self-governing zone within Turkey, much like the one in Iraq. During this conflict, there were thousands of human rights violations carried out by both sides, leading to the classification of the PKK as a terrorist group by the European Union and the United States.

The second important conflict is the Syrian Civil war, which began in 2011. The four main factions in this conflict include The Syrian Government, the Syrian Opposition Government, ISIS, and the Syrian Democratic Forces (SDF). However, there are dozens

of militant groups backing at least one of these factions, and the same notion applies to foreign powers who are supporting one or more factions that reflect their self-interest.

For example, the American led coalition has fully supported the SDF, a Kurdish/Arab group who has control over the North and East of Syria, due to their military operations against ISIS. The People's Protection Units (YPG) which is a part of the military wing of the SDF, is the fighting force that has been crucial in removing ISIS from Syria. Despite that, Turkey maintains that the YPG is a part of the PKK, thereby calling the YPG a terrorist organisation. Although this sentiment is not shared by countries such as the US, this doesn't mean that the YPG and the PKK are wholly separate entities. They both have similar ideologies when it comes to the rights of the Kurds and their self-governance, so it isn't out of the realm of possibility that there are overlaps amongst organisations.

In essence, the expansion of the Syrian Democratic Forces towards the Turkish border and their connection to the PKK has made Turkey launch multiple offensives into Syria. The three principal operations that were 'Operation Euphrates Shield' (2017), 'Operation Olive Branch' (2018) and 'Operation Peace Spring' (9th October 2019) were carried out by Turkey alongside the Turkish-backed Free Syrian Army, who represent a military wing of the Syrian opposition government. The end goal of these operations is to systematically create a buffer zone between the Turkish and Syrian border, which is free of Kurdish forces, and to both stop the collaboration between the two Kurdish forces and to settle the millions of Syrian refugees in Turkey.

The only thing that stopped a full-scale assault against the SDF before now was the promise of protection given by the American government, which was recently rescinded. This isn't the first time the Kurds have been abandoned by western powers and there is a century worth of history proving how the Kurds have been cast aside once western powers have realised their aims. In this instance, the Kurds were used as a tool against ISIS and once ISIS was defeated the Kurds had no more use to the West. Nonetheless, the Kurds are still vital in the region as they provide sanctuary for thousands of refugees and are wardens for captured ISIS combatants and their families.

The old Kurdish proverb that the Kurds have 'no friends but the mountains' has been proven time and time again since the Treaty of Lausanne in 1923. As a stateless and disparate group of people, the Kurds are a complex group to be advocates for. This is particularly the case when the European Union has ineffectual individual countries that struggle with domestic affairs and the challenger of the Kurds are NATO countries with a large expanse of regional influence.

At present, the idea of an independent Kurdistan has all but vanished and the Kurds are now seeking to be legitimised and to be able to hold independent territory within their host countries. Whilst the Syrian Kurds came close to this objective, being abandoned by American forces means that they will either be displaced by Turkish forces in their attack or Syrian forces in their counterattack and in the process, thousands more will continue to be killed.

Sources:

- https://www.bbc.co.uk/news/world-middle-east-29702440
- https://www.nytimes.com/2019/10/09/world/middleeast/kurds-turkey-syria.html
- https://www.nytimes.com/2017/03/10/world/europe/un-turkey-kurds-human-rights-abuses.html
- http://news.bbc.co.uk/onthisday/hi/dates/stories/august/23/newsid_2535000/2535165.stm
- https://edition.cnn.com/2014/08/18/world/kurdish-people-fast-facts/index.html

INSTANT DIVORCE, A MATTER FOR THE COURT OR PARLIAMENT?

JEEVNI SHARMA

This year, the Indian Parliament passed a controversial piece of legislation called the Muslim Women (protections of Rights on Marriage) Act 2019. This Act concerned the practice of 'triple talaq' or instant divorce which could be availed by Muslim men by declaring to their partners that they wanted to divorce them three times. This practice had developed contrary to Sharia law, the actual process is longer with three-month gaps between each declaration and religious witnesses being present. It aims to give the couple time to reconsider. Parliament criminalised the practice of instance divorce. It raises many questions to do with the scope of this movement to improve women's rights in India specifically in the domain of matrimony and divorce. It also raises questions of the law being unduly harsh on the men affected by this Act. This article will outline the brief development of this side of the law and the opinions of specialists and the public on this legislation.

The Indian constitution states, in its preamble, that "India [is] a sovereign socialist secular democratic republic"[1] This entails that the legal system has to represent these ideas including and not limited to observing the beliefs of the various religious groups that reside in India. As a result, the legal order has developed in a way that allows for religious autonomy[2] under a general set of laws and legislation that oversee a number of issues. A highly contested issue, as a result, has always been how best to regulate the laws pertaining to matrimony. Each religion has its own ways of solidifying a marriage and its own ways of terminating one and so both the courts and Parliament have been reluctant to standardise this area of the law.

The above stance changed in 2017 when five Muslim women brought proceedings against their husbands who had used the 'triple talaq' to divorce them without notice or reason. It is important to state that this is a practice that has been illegal in many Muslim states like the United Arab Emirates[3], Pakistan and Bangladesh. However, in India it has remained a practice. There are a few reasons why it may have remained intact until now. In the 1930s[4] there was a campaign against this law but due to a sentiment to regain some peace and order in a time strife with problems between religious groups the Government believed it would be better to tackle this law at a later time. Some critics believe that India is in a better position, now, financially, socially and politically. They believe that the Indian Government is able to take decisions which may seem controversial because they have a reputation and position from which they can make change. In addition, due to the vastness of the residing religions and the fact that India's constitution provides for freedom of religion and

secularism Parliament has always been cautious of intruding on personal laws. Instead Parliament has steadily legislated on key matters, careful not to disturb the status quo as it would make minority groups feel that the majority are imposing their beliefs upon them.

The 2017 litigation, commonly known as the Shayara Bano Case[5], was met with considerable media coverage and support, specifically from Muslim women across the nation who had suffered from the lack of regulation on this matter. The Supreme Court looked at the Muslim Personal Law (Sharia) Application Act 1937, the Quran, the standing of

instant divorce in Islamic states and then considered Article 14 of the Indian Constitution. On all grounds, they were able to satisfy themselves that Article 13(1) of the 1937 Act "must be struck down as being void" as it enforces Triple Talaq which breaches Article 14 of the constitution. Article 14 provides that "the State shall not deny any person equality before the law"[6] since they were able to make this argument the Court didn't think it was necessary to look at the point about discrimination. The Court's order was that the practice of triple talaq be set aside, this decision was made by a 3:2 majority. Hence, it was established by the law of the land that triple talaq as of 2017 had become a civil offence.

This Act had been in force for only two years before Parliament passed legislation criminalising this practice. The key question is why did they chose to legislate in this manner, when the new civil offence against instant divorce had been viewed positively? In reality, the Government (Bhartiya Janta Party, BJP) had tried to pass this legislation in 2017, as per the Supreme Court's request[7], but the Upper House didn't pass it. The only difference between the two years was that the leading party, the BJP, was able to get more support in the Upper House. This was by certain parties abstaining or walking out of the house and refusing to vote. One argument that was put forward by the campaigners, of this legislation, was instant divorce is "deeply discriminatory" towards women and strong action should be brought against it. However, this was countered by the suggestion that this legislation will put men off instant divorce and they may therefore resort to violence and abuse to get their wives to divorce them instead. The obvious rebuttal to this would be that women or their family can bring a claim under Sharia law[8] or a criminal case against the husband and obtain a divorce that way.

The core concern raised by many against this bill is why did Parliament deem it necessary to criminalise the practice that had been made a civil offence by the Supreme Court not two years ago. Senior Congress party leader Abhishek M Singhvi said "We have fundamentally supported this bill. We also wanted an amendment for the provision of support to Muslim women. Our opposition was…the Supreme Court had struck down triple talaq… then what is the need to criminalise an imaginary thing".[9] These criticisms are tough questions for the BJP to answer who have only answered with this bill being "a victory of gender justice".[10]

Both these opinions are valid and persuasive but the timing and political history undermine them. The Congress, during its term in government, was faced with a similar problem under the Shah Bano case[11], which entailed a divorce and a request for alimony,

the Supreme Court of the time had awarded the alimony but Parliament controversially overturned the decision.[12] Many critics believe they did it to please the Islamic Orthodoxy, the party itself stated that the political climate was such that they needed to prevent unrest in the nation. On the other hand, the BJP have failed to tackle the other sexist divorce methods, open to Muslim men, which were mentioned by the Supreme Court.

At both instances, Parliament seems to have failed. During Congress' time women's rights lost to national peace and during the BJP's time equality under the law may have failed. Due to the complexity of personal law in India, matters pertaining to it like in the aforementioned cases, should be left to the Supreme Court to regulate. Parliament, even if it does so inadvertently, due to its timing and political complexities seems to project an image that it produces unfair law to propagate its political motives.

Sources:

[1] https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf

[2] https://timesofindia.indiatimes.com/india/why-india-doesnt-have-a-uniform-code/articleshow/60200314.cms

[3] https://www.bbc.co.uk/news/world-asia-india-49160818

[4] See footnote 2.

[5] Shayara Bano and others v. Union of India and others AIR 2018 SC (CIVIL) 1169

[6] https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf

[7] The court stated that until Parliament legislates on the matter an injunction would be granted in any future uses of instant divorce. Paragraphs [199]-[201].

[8] Sharia law, which allows women to get a divorce in instances where the husband is abusive.

[9] https://www.indiatoday.in/india/story/triple-talaq-bill-rajya-sabha-congress-party-reaction-1575353-2019-07-30

[10] https://www.bbc.co.uk/news/world-asia-india-49160818

[11] https://sci.gov.in/jonew/judis/9303.pdf

[12] https://www.indiatoday.in/india/story/punishment-triple-talaq-worsen-woman-plight-grandson-shah-bano-1575778-2019-07-31

WHO SHOULD BE RESPONSIBLE FOR SLOWING GLOBAL WARMING AND SAVING THE PLANET?

MAISIE CHAMBERLAIN

With the Amazon rainforest on fire, it seems we are running out of time to save our planet. There is a global movement pushing for better awareness, policy change and new consumerism but who should we really be relying on to save us? It appears that in answering this question we could forge a path to creating real change. So why is it not that simple, and why do opinions vary so widely. Is there a definitive answer? Perhaps more so than ever before, there is an understanding that something must change in order to prevent a climate disaster, whether this is due to the 'David Attenborough effect', Greta Thunberg's dedication to educating the masses, or something else entirely, it is surely present in the UK. Disagreement occurs when we begin to consider how best we can create this change. It seems that, as a global population, we face no bigger trial than attempting to find solutions capable of preventing the decay of our earth.

In July of this year, the journal 'Foreign Policy' released an article entitled 'Who Will Save the Planet?'.[1] The article was a collaboration of five authors; their responses differing significantly. But perhaps the question itself needed altering, as it may be suggested that they have asked this question a little too prematurely. It seems a dangerous assumption to ask who *will* save the planet. The focus must remain on who *should* and how we can convince them to take action. Therefore, we must ask whose responsibility it is.

It's possible that the most obvious answer is 'us', the population, the 7.5 billion people who inhabit this dying ecosystem and call it home. Why? Simply because it will be us who suffer; our children who will see either a very broken world or no world at all. It seems to follow that if we want a future then we have to take matters into our own hands. This is the survival of not just a town, city or state but of an entire ecosystem. It is simple logic that if the world's population changed the way in which they live and consume, things will improve.

A community of billions coming together to reduce their waste, carbon footprint and water usage would be an amazing feat that could quite simply prevent the destruction of nature as we know it. But we must ask if every individual should carry the burden equally?

Global poverty prevents some communities from having access to clean water and basic transport. It can be argued, therefore, that the privileged of the world should accept the burden as purely their own. In 2017, the population of Canada emitted 16.9 tonnes of CO_2 per capita.[2] Comparatively, those in the Dominican Republic were responsible for just 2.1 tonnes each. This stark contrast strengthens the argument that…

developed nation-states (and the privileged members of their population) should be held accountable.

However, this approach could negate the positive effects; if only the minority are capable of making these lifestyle changes then it appears that people cannot be the stand-alone solution to the climate crisis.

"Change is coming, whether you like it or not."

- Great Thunberg

With this in mind, we must search for a more feasible resolution. Perhaps it would be best to consider who or what brought us to this point and why this article is necessary? This is obviously a big question but at its foundations, the answer is the European industrial revolution and the continuing entrenchment of consumer culture. This monumental overhaul created unfathomable environmental damage that has simply been irreversible. Sadly, the issue with big business is not all in the past. Europe and North America continue to produce unprecedented amounts of pollution, via multinational corporations such as Coca Cola. Often this type of pollution is not created within the nation-states own territorial boundaries but that does not mean the issue has not been created by them. This is best demonstrated by the devastation in Nigeria, which is due to the involvement of British oil companies in the area. Further investigation into the issue has shown that "Oil exploration has rendered the Niger Delta region one of the five most severely petroleum damaged ecosystems in the world".[3] The company responsible was never entirely held to account for the ecological damage they brought about and proper compensation was not given to injured locals; an all too familiar story. Surely this should be enough to provoke action. The empirical evidence stares us in the face. And it's not just MNCs, domestic companies are highly toxic too.

Statistics produced by the US Environmental Protection Agency suggest that 30% of all US greenhouse gas emissions are produced due to industrial and commercial energy.[4] I personally believe that the evidence speaks for itself. The biggest contributors are businesses and corporations; insignificant alterations to their strategy and processes will yield huge results for the protection of the environment.

That being said, companies are profit-driven; regardless of moral responsibility, there will be some CEOs and companies that will continue to put revenue first. So, should it be up to governments to regulate these industries and, therefore, their responsibility to save the planet? Governmental policy could be integral in pushing companies to act; an approach that Thunberg has been passionate about. Policies made to significantly benefit those companies which make a concerted effort to reduce their carbon footprint may be the quickest way to initiate changes. New environmental policies and a decrease in consumer culture could be the solution to reducing the damage of the fast fashion industry and preventing irresponsible natural resource depletion. However, the obvious barrier to this approach is governmental concern with the economy. We must ask whether governments will consider the long-term, or will concern about short-term economic effects prevail and lead to inaction?

So is this an answerable question? I think, yes, but with endless caveats, sacrifices and compromises. The bottom line seems to be that those creating the problem should start trying to solve it but that we cannot allow them to act alone. Perhaps the responsibility does not or should not lie with individuals but unfortunately, the action needed to motivate those who *are* responsible must start with the people. With people changing the way they consume, by boycotting unethical and unsustainable products and companies, and by pushing for governments to create new policy. Until profit is being affected there is no real motivation for a company to change - it may have to be 'us' that carry the burden of responsibility until big businesses are simply left with no choice but to act.

Sources:

[1] https://foreignpolicy.com/2019/07/20/who-will-save-the-planet-environment-climate-change/

[2] https://en.wikipedia.org/wiki/List_of_countries_by_carbon_dioxide_emissions

[3] http://www.academia.edu/download/46648578/2-Environmental-Impacts-of-Oil-Exploration.pdf

[4] https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions

THE ORAL-CONTRACEPTIVE: A HARD PILL TO SWALLOW FOR GENDER EQUALITY?

Danni-May Higlett and Rosie Black

2 5 years after the oral contraceptive pill was created, the Economist listed it as one of the seven wonders of the world. The pill has been attributed in part to a multitude of societal changes: the sexual revolution, womens' independence, and labour market expansion.

The oral contraceptive pill is accredited with assisting the cultural change towards female emancipation, establishing a social and economic revolution for women. Moreover, the contraceptive pill has been a great enabler in creating more independence for heterosexual women, by allowing them to control their fertility. This not only gives them greater control in relationships, but also prolongs the presence of women within the public sphere where choice to invest in their human capital has been enabled. Thus, the pill paved the way for women's independence, which has, along with other factors, lead to the increasing number of women in the labour market as we see today.

However, although the pill has resulted in a new wave of working women, it has not changed the expectation of women to become primary caregivers which is implicit as a socially determined dogma. As a consequence, the pill simply allowed heterosexual middle-class women to postpone their transition to the private sphere of unpaid labour, enabled through the choice of extended labour participation in the public sphere. Hence, despite huge scientific change assisting with women's liberation, the patriarchal zeitgeist of the time was reinforced through the introduction of the pill only being prescribed exclusively for cycle control, and only to married women merely to postpone having children. To this day, the rise in equal conjugal roles for men and women has become a double-edged sword; whilst women's participation in the workplace rose drastically, men's participation in the private sphere, (particularly with child care and domestic chores) has remained stagnant. Hence, the trials and tribulations of women's rights has meant that women often bear the double burden of having a career and taking care of the majority of domestic responsibilities.[1]

Unquestionably, women in the early 20th Century found great difficulty in establishing sexual autonomy and in gaining access to the oral contraceptive. This early form of feminist intellectualism was forged by the rhetoric that women should not be treated as second class citizens typified by the struggle of the emancipatory vote, fought for by the Suffragette and Suffragist movement.

It is well documented that women faced struggle in their attempt to change their circumstances: deeply entrenched perceptions of women's citizenship and participation in society. They continued this endeavour, despite backlash from their spouses in the form of anti-suffragette sentiment on the basis of their social role and standing as women.[2] Parallels can be drawn here, between the access to the vote which introduced women of a certain social standing into a male centred domain but with resistance, and with women taking the contraceptive pill without their husband's knowledge in prevention of conception straight after marriage (as is documented in historical accounts.) Thus, despite patriarchal rhetoric which defined the 1900s, some women were able to gain autonomy over their bodies and fertility through choice. Often, veiled in the medical industry, is the fact that the oral contraceptive pill has been linked to an extensive list of problematic consequences: breast cancer, depression, blood clots, strokes and heart attacks. Is this pill emancipating for women if numerous health risks are taken to achieve sexual autonomy ?[3]

This debate has become increasingly significant recently with questions of the introduction of male birth control. Although the medication is still within its testing period, headaches and reduced testosterone are reported as subsequent minor side effects. It is without doubt that the medical industry has become blasé to the detrimental life-threatening side effects of regulating menstrual cycles in comparison to the male alternative—where effort is being made to eradicate minor discomfort, before this reaches the medical market.

Unquestionably, a pill with such extreme side effects is only deemed socially acceptable because women are the recipients of it. It acts as a deterrent from artificially separating sexuality and childbearing.[4]

While the pill may have led to liberation for some women, the effects are not to be exaggerated. In particular, in the Catholic community, the pill and all forms of artificial contraception was and still is heavily stigmatised.[5] The influence of the church on this matter is evidenced by the popular myth that people on the combined pill need a seven day break so they can have their periods; when, in reality, this was a bid to convince the Pope that the contraceptive pill is natural. Thus, many married women may take the pill secretly or not at all to avoid the stigma that stems from the cultural and religious belief, that every sexual act should be open to the possibility of children. Hence, many women still face, a plethora of trials and tribulations to achieve sexual autonomy.

On balance then, the pill certainly has catalysed social change over a period of half a century for women of certain social standings. Despite this, we should not over-emphasise the accomplishment of the pill because social attitudes mean women still face many repercussions in taking it, which may well be a contributory factor to the plateau of the improvement of the oral contraceptive pill. Henceforth, it would be a failure to not draw attention to whether the introduction of a male oral contraceptive without any backlash, undermines the succession of events that women have fought in an attempt to strive for gender equality. It is still evident that women suffer from a burden of responsibility for the taking of the oral contraceptive at the expense of causal health risks. Can the pill really be typified as revolutionary for the 21st century woman?

Evidently, the pill is a heavy cross to bear to enable women to undertake a balancing act between participating in the labour market and family unit, at the expense of possible health complications. It is clear that a series of events have led women to be treated as permanent member of society through citizenship under democratic principle of the vote and extended labour market participation through the contraceptive pill. Only time will tell whether a widely accessible male oral contraceptive will cause an upheaval in womens' current established citizenship.

Sources:

[1] Kynaston, C., 1996, The everyday exploitation of women: Housework and the patriarchal mode of production. In Women's Studies International Forum (Vol. 19, No. 3, pp. 221-237). Pergamon.

[2] Sinclair, Ailish, et al. "The Trials and Tribulations of Being a Suffragette." Radical Manchester , 21 Mar. 2018, manchesterarchiveplus.wordpress.com/2018/03/23/the-trials-and-tribulations-of-being-a-suffragette/.

[3] Nhs.uk. (2017). Combined pill. [online] Available at: https://www.nhs.uk/conditions/contraception/combined-contraceptive-pill/ [Accessed 22 Oct. 2019].

[4] Liao, Pamela Verma, and Janet Dollin. "Half a century of the oral contraceptive pill: historical review and view to the future." Canadian family physician Medecin de famillecanadien vol. 58,12 (2012): e757-60.

DOES VOTING NEED A BIT OF PR?

SAMUEL BRUNING

We have another General Election. The third in just four years, they are coming at a much faster rate than we expect in modern British politics. The defining point of the 2017 campaign was Theresa May's defeat: losing her Parliamentary majority, ultimately causing her to fail in passing her Brexit deal and resulting in her resignation as Prime Minister. May's key weakness was her robotic style, perfectly enshrined in her "strong and stable" catchphrase. While horrifically ineffective, this phrase is the perfect example of what no political party has achieved in an election since Tony Blair's third victory in 2005. A strong government able to enact its agenda; a stable government enable to last a full parliamentary session. These are the exact ideas the UK voting system relies on; First-Past-The-Post (FPTP) is designed to deliver majority government. So, is it time for a change, a bit of PR?

The main argument that has long defined the FPTP system is the idea that it gives a party with a plurality of votes a majority of seats. This so-called winner's bonus helps ensure that the government in the Commons has a majority to enact its agenda that the public voted for. The question is, does it work anymore? Gone are the days of Thatcher and Blair's large majorities and long tenures; British politics is now very unstable, and this is reflected in the party system. With the SNP dominating Scotland and both the Conservatives and Labour shifting further to the extremes giving air to the Liberal Democrats and Brexit Party, it is very difficult to argue that the UK still has a two-party system.

This immediately makes it difficult to achieve a majority. While also unlikely that a third party could reach said majority, seats are harder to come by for the Tories and Labour, meaning winning over 325 seats (for a majority) is very challenging. Even when parties get close, more rebellious backbenchers and a rapidly changing world stage make slim majority governments unstable.

Although the causes explained above can be viewed with scepticism, the evidence the past nine years present cannot. In 2010, the General Election produced a hung Parliament resulting in the first coalition government during the post-war period in the United Kingdom. Whilst the coalition lasted the full five-year tenure, it meant that neither the Conservatives nor the Liberal Democrats could enact policy without compromise - as a majority government normally can. In 2015, David Cameron did secure a majority. However, that majority was only of 12 seats and Cameron lasted just one more year. That majority was lost a year after his departure, following the EU Referendum vote. In 2017, Theresa May lost the aforementioned majority- resulting in a hung Parliament. Just over two years on, the layout of Parliament before dissolution saw the government majority under new PM Boris Johnson at negative 43.

The future of the FPTP system could well be decided by the election result. Another hung Parliament is definitely on the cards, and this will only increase calls for change. While the Conservatives do have a good lead in the opinion polls and will aim to regain their majority, this is not a certainty. With Scotland likely to see it's 13 Tory MPs lose to SNP's advantage and Southern constituencies that David Cameron won from the Liberal Democrats in 2015 likely to swing back with a remain tendency, it will be very difficult for Boris Johnson to convert his votes into seats. James Johnson, a former pollster for Theresa May believes Boris Johnson is aiming solely for Leave voters, what he calls a "high risk strategy". The Tory leader relies on taking typical working-class Labour seats, something which will not be easy, as James Johnson says there "simply might not be enough Leavers up for grabs". If the election, then does result in a third hung Parliament in just nine years (only one other time has the UK had a hung Parliament post-war) then surely calls that the FPTP system needs to go are fair enough? If only it were that simple!

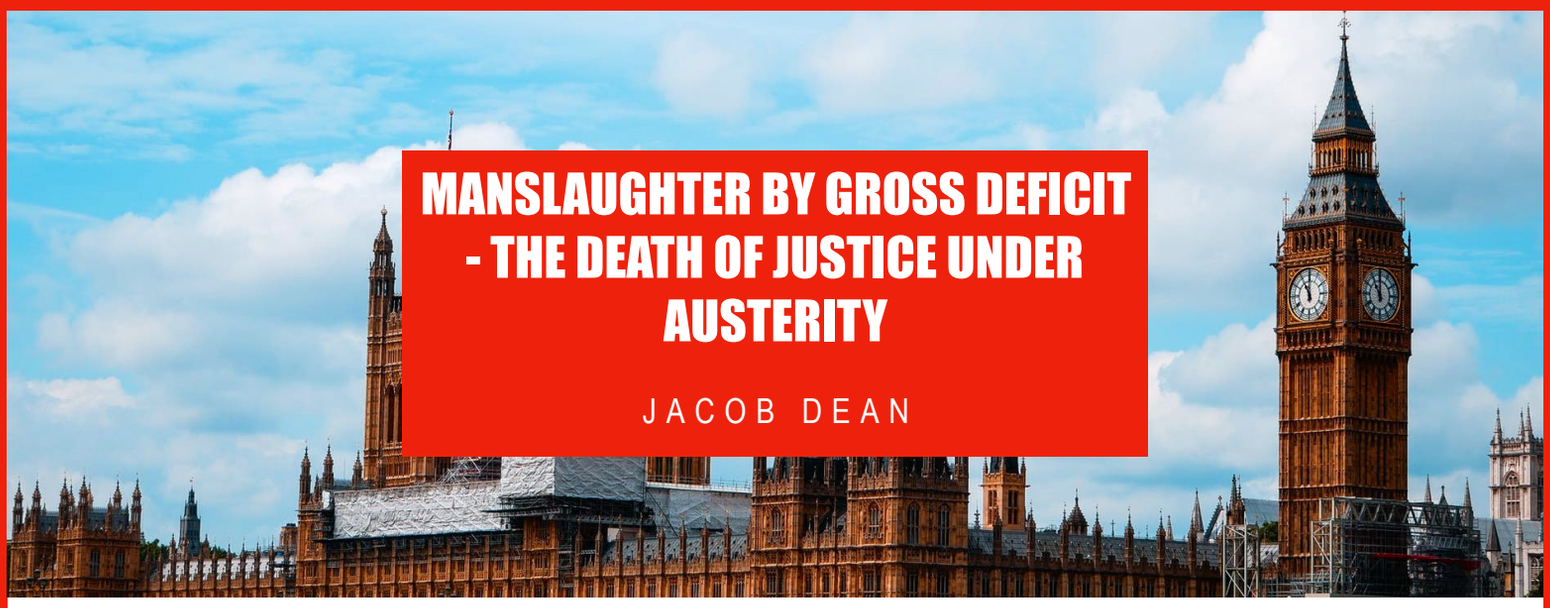
The main issue currently with FPTP is the failure to produce a strong and stable majority government consistently. However, changing to a system more

focused on proportionality would not change this issue. If the UK wants to keep aiming to have government majorities then a more proportionate system which spreads out seats to more parties would not help. Of course, this may be trying to solve a problem which isn't relevant, after all we do not know what is preferable to the public on the aim of our voting system. However, it is clear that if the purpose of FPTP is to produce a majority government then it is failing, and changing to a more representative system would not cost us that main benefit of FPTP, because it is missing.

The main issue currently with FTPT is the failure to produce a strong and stable government

Despite the current weakness of the FPTP system, it does not have the sole advantage of stable government. Compared to a proportional system of parliament, FPTP places emphasis on giving a strong link between the MP and the constituent. Members feel a sense of duty and responsibility to represent and know their voters, helping to improve local representation. A PR style system removes this, effectively making member's voting based on party views alone, hurting representation of constituents. Furthermore, FPTP is in place and trusted. While flawed, it is reliable and guarantees a choice of two main parties for voters, if not always as open as they may like. In contrast, changing to a different system would be very challenging. Firstly, it would require a majority in the Commons and then Lords - something very difficult for a major change. What would a new system be? Simple Proportionate Representation (where number of votes directly equals number of seats) or Alternative Vote (where voters list candidates in… order of favourability) or Mixed-Member (where voters choose a local candidate and a national party in two votes)?Then there are questions on structure, what would it look like, who would draw it up and how should it be approved? Would we need a referendum, and if a change is approved would an immediate election have to follow as it then could be argued that Parliament would have lost legitimacy? FPTP may not be perfect, but the process of changing would be long and tiring. But does this mean we shouldn't try?

The debate on the voting system is a relatively new one in UK politics. It is not as complex as the European issue that dates back decades, nor as important as challenges facing the UK like the social care crisis. It is also a debate that will never have a simple answer. Even if the public view is in a certain place, Parliamentary logistics mean this is an issue that if started on would be debated for hours on end with arguments easily entrenched - a bit like a certain other debate in UK politics! However, I believe it is the most important question facing the country. Once every 5 (or seemingly less) years we as an electorate are asked to make a choice. We vote for a member of a party in our community, knowing if they win then the party leader is one step closer to running the country. The system may or may not work, but it is one that every person should be concerned about, because if we don't feel the Government and Parliament we get as a result is beneficial and fairly chosen, then we have to find a way to make it so.



MANSLAUGHTER BY GROSS DEFICIT - THE DEATH OF JUSTICE UNDER AUSTERITY

JACOB DEAN

When society's attention is fixated on the more important issues of the day, we often overlook the smaller injustices that still occur on a day to day basis. This is exactly what is happening to the justice system in the wake of persistent and devastating cuts to legal aid and the budget allocated to government bodies tasked with safeguarding justice. While these cuts have been implemented over the period of a decade, it is only in recent years that they have been raised to a level which has rendered the system unsustainable and unfit for purpose. Ironically, and perhaps quite tragically, it is those who should be most concerned about the shortfalls in the system, ordinary people, who are somehow least concerned with the potential negative effects of the current system. This has by no means been a coincidence. The frequent yet inaccurate media coverage condemning Britain's legal aid system as too generous has solidified the myth that it is an expensive luxury too eagerly doled out at the expense of the majority. The reality is anything but, and unless urgent changes are made to remedy the defects in the system, those who seek to marginalise justice's funding will inevitably succeed.

One area where harmful budget 'reforms' have arguably taken place is in the area of criminal legal aid. More than £1bn has been cut from the budget for legal aid over the past 5 years.[1] The decision of the Government to raise the threshold for eligibility for legal aid resulted in only 29% of people being eligible before the recession in 2008, as compared to the 80% it once was.[2] This has led those accused of crimes who are of reasonably modest incomes, but are by no means considered wealthy, stuck in this gap in the middle and faced with the terrifying reality of being forced to pay large amounts of money for the 'privilege' of acquiring the help they need to defend themselves against charges that they may not even be guilty of. This has in turn created a knock-on effect of a sharp rise in self-represented defendants, a phenomenon which any barrister or solicitor will assure you causes excruciating delays and unnecessary mistakes in cases.

More worryingly, this has resulted in more victims being directly cross-examined by those who are accused of harming them, further diminishing trust and confidence in the justice system that has already been scarred by the failures of several high-profile rape cases.[3] However, the dominant narrative still claims that these cuts are exactly what those who are accused deserve, with myths of fat-cat barristers getting rich off persistent offenders and draining the state's resources at the same time still pervading in the general media. It is only when these misconceptions are dispelled can we finally begin to have an honest and meaningful conversation as to how our system should be properly funded.

The area of criminal law is by no means the only area affected by the harmful budget 'reforms' in legal aid. Over the past 6 years, half of all legal advice centres have now been closed.[4] This has forced those in need of lawyers to turn to a smaller number of overstretched centres and Pro Bono services such as the Free Representation Unit (FRU) and Support Through Court (formerly known as the Personal Support Unit). Those seeking aid are often the poorest and least equipped to help themselves, asylum seekers in particular typically face severe challenges in appealing against residency decisions. According to the Law Gazette, less than half of those in immigration detention have a legal

representative, with just over half relying on legal aid solicitors. The report also details the restriction of appeal types that funding is given to. The majority of legal aid funds are now allocated just for asylum applications, in contrast to the pre-2012 situation of support being given for a wider range of reasons including people-trafficking and domestic violence-related residency issues. This reduction in the range of support available leaves individuals seeking refuge in an even more precarious position, heaping more stress and burden on those who are already going through great hardships.[5] Those on benefits have likewise become trapped in poverty as a result of being unable to afford adequate and appropriate legal representation. The effects of this are demonstrated in the story of Mr Ian Howgate as reported by the BBC, who had to fight 2 cases without a solicitor after living close to the poverty line for more than a year.

Mr Howgate was put in this position after his housing benefit was stopped in 2015, leading him and his family to be unable to afford basic necessities, let alone a lawyer.

Eventually, he was able to reclaim £15,000 when his friends helped him fight his case, but not before having to fight against the discrimination faced by his autistic son in school, two months before his first case concluded. It is difficult to comprehend the stress Mr Howgate was under, though imagining it may not be necessary for the many more people who will have to face similar ordeals in the wake of further unaffordable legal actions.[6] The recurring problem in such instances is that as problems like this become more commonplace, the public will generally start to care less about such issues as they become indifferent to them. If true change is to be achieved, fair and proper media coverage and outrage worthy of the scale of the current problems in the legal aid system is needed.

Looking to the future, our Government and electorate have a choice to make. We can continue to kick this problem further down the list of priorities and continue to do so until it is too late. Or, voters can demand proper action from politicians and support barristers when they call for strikes over below minimum wage fees, as has happened this year.[7] At the same time, those in power should listen to these pleas for help from those victims of austerity that they would prefer to ignore. Until this problem is addressed in parliamentary debates, press conferences and party-political broadcasts, we simply cannot infer and trust that our elected representatives are doing their best to protect the fragile rule of law which in theory is meant to protect us. Otherwise, we face destroying the very fabric of justice in the UK.

Sources:

[1] https://www.theguardian.com/commentisfree/2018/aug/12/the-guardian-view-on-legal-aid-cuts-have-caused-chaos-and-must-be-reversed.

[2] https://www.chambersstudent.co.uk/where-to-start/newsletter/legal-aid-cuts-and-reforms.

[3] https://www.centreforwomensjustice.org.uk/news/2019/9/12/collapse-in-number-of-rape-cases-charged-by-cps-despite-huge-rise-in-reports-response.

[4] https://www.theguardian.com/law/2019/jul/15/legal-advice-centres-in-england-and-wales-halved-since-2013-14

[5] https://www.lawgazette.co.uk/commentary-and-opinion/legal-aid-cuts-hurt-vulnerable-immigrants/5066147.article.

[6] https://www.bbc.co.uk/news/uk-46357169.

[7] https://www.independent.co.uk/news/business/news/barristers-strike-cps-trial-minimum-wage-pay-court-a8882586.html.

CAN VOTING BE ILLEGAL?

BIEL SCHREUDER

Since the 11th of October 2019, Catalonia has been engulfed in flames. On Monday, the 14th of October 2019, protesters mobilized to shut down the airport causing 108 flights to be cancelled. There have been several student marches throughout the week and on the 18th of October 2019, Catalonia came to a standstill as a result of a general strike. There was a huge demonstration that ended with a rally in Barcelona. During the day, the atmosphere is peaceful and at times even festive. Though in the evenings, some Catalan independentists, largely students, clash with the Spanish Civil Guard. Video evidence has shown the excessive ferocity used by the police against protestors, with police hitting demonstrators with batons, shooting rubber bullets and driving police vans into crowds. Likewise, demonstrators have been throwing rocks and launching fireworks at the Civil Guard.

The catalyst of this crisis was the judgement by the Spanish Supreme Court, which, on the 14th of October 2019, sentenced seven former members of the Catalan parliament and two civil rights activists. The Spanish Supreme Court found them guilty of sedition and in some cases of misuse of public funds. The most prominent member of the 9 was Oriol Junqueras, former vice-president of the Catalan parliament, who was sentenced to 13 years in jail. The court found them innocent of the more serious charge of rebellion. Other members, such as the former Catalan president Carles Puigdemont, fled across Europe to avoid imprisonment. All were found innocent of the charge of rebellion. The court argued that although there were "indisputable episodes of violence", in order to be charged with rebellion, "violence has to be an instrumental, functional violence, directly pre-ordered, without intermediate steps, to the ends that encourage the action of the rebels."[1]

The sentence relates to the independence referendum that was held on the 1st of October 2017, during which, voters were beaten by Spanish police. According to the official Catalan Health service report, 1066 civilians were injured that day.[2]

The justification that the court gave was that the Spanish Constitution, signed on the 31st of October 1978, states that "Spain is indivisible". As a result, the referendum that the Catalan parliament approved by an absolute majority was illegal and unconstitutional because it challenged the "indivisibility of Spain". The court ruled that the Catalan government were aware "of the manifest legal infeasibility of a self-determination referendum" and yet continued anyway. Thus, they openly attempted to undermine the Spanish Constitution.[3]

Jordi Sanchez, leader of the Catalan National Assembly (ANC), and Jordi Cuixart, leader of OMNIUM, are leaders of Catalan Civil Rights pressure groups. They have been imprisoned on the sedition charge. The court argued that they attempted to mobilize the public, in coordination with the independence parties, to mobilize the public in order to create "uprising and tumultuary ". The court found the group of 9 innocent of rebellion. The court did argue that there were "indisputable episodes of violence", especially during the day of the 1-O referendum . However, for there to be rebellion, it must be "instrumental, functional, directly pre-arranged, without intermediate steps" and must serve "for the purposes that encourage the action of the rebels."[4]

The most contentious ruling was that of Carme Forcadell, who will be jailed for 11 years and 6 months. Her crime was for allowing a parliamentary debate and a vote on whether a referendum should be held, whilst she was Speaker of the parliament. The current president of Catalonia, Joaquim Torra, immediately after the ruling, stated that “we should be able to talk about everything, not only just what the Spanish government likes”.[5]

Many groups have criticized the decision, stating that it breaks international law. Human rights groups and other Catalan pressure groups point to the fact that the right to self-determination is a human right enshrined in international law. As a result, a vote to exercise one’s own fundamental human rights cannot be illegal. Amnesty International has labelled ‘the 9’ as political prisoners.

International observers also found several issues with the trial. For example, the defence were not allowed to use video evidence that contradicted the testimony of prosecution witnesses. The Court ruled that video evidence would be shown at the end of the trial without context and in the absence of the witnesses. Another unusual occurrence was that, a far-right neo-francoist party, Vox, was allowed to cross-examine defendants, even though at the time of the events they were a fringe political force and had no connection to the trial. This led International Trial Watch to describe the trial as “political”. It also concluded that their detention was “arbitrary” and that the “correct solution would be to release them and give them compensation in accordance with international law”.

Professor Marc Balcells, Professor of Criminology at Pompeu Fabra University in Barcelona, points out that the verdict could create a precedent that damages the right to protest. Jordi Sanchez and Jordi Cuixart were found guilty of sedition because they organized protests to try to create "the lure for a mobilization that would never lead to the creation of a sovereign state" by calling for organising protests on the 20th of September. This raises the question: Are there now issues that the population cannot protest about? Roisin Pillay, the regional director of the International Commission of Jurists has argued that the broad definition of sedition “risks unnecessary and disproportionate interference and the rights of freedom of expression, association and assembly”.

The International Commission of Jurists also claimed that the “indisputable episodes of violence” were exclusively one sided. Roisin Pillay states that the violence came “solely from the police and other state authorities who should be held responsible”.

With the Catalan political leaders in jail, the defence will now make an appeal to the European Court of Human Rights. The current president, Joaquim Torra, has declared that he will attempt to have another referendum on independence. With Spanish elections on the 10th of November 2019, many speculate that the decision by Pedro Sanchez, the Spanish president, to allow for police violence against Catalan protestors, is out of fear of appearing weak on Catalan independence compared to more right-wing parties. Puigdemont, said these moves will backfire and that the crisis will not go away. It is difficult to see how this issue cannot be resolved without a legally binding referendum.

Sources:

[1] https://www.lavanguardia.com/politica/20191015/47985983607/sentencia-1o-proces-tribunal-supremo-violencia.html

[2] https://govern.cat/govern/docs/2018/09/26/11/38/9c8d962d-9425-41f3-954f-794f0dad658c.pdf

[3] https://www.thespainreport.es/articles/361-191014203957-where-has-spain-s-supreme-court-come-up-with-the-final-paragraph-of-the-proven-facts-from

[4] https://www.tdx.cat/bitstream/handle/10803/7502/tmrb1de2.pdf?sequence=1&isAllowed=y

[5] https://www.elperiodico.cat/ca/politica/20191010/els-independentistes-clamen-contra-la-censura-del-constitucional-7676161

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