Averting the Battle for Antarctica

By Doaa Abdel-Motaal

Antarctica is governed by the Antarctic Treaty System (ATS) which grew out of a core treaty concluded in 1959 among a small group of nations. The core treaty initially only included the seven countries that had laid a territorial claim in Antarctica and a few others that had either been involved in its discovery and exploration, or had played a major role in the International Geophysical Year of 1957-1958, an effort to promote scientific cooperation and standardization between the East and West. Under the terms of the Antarctic Treaty, signatories agreed to demilitarize the continent, to freeze all territorial claims, and to dedicate Antarctica to peace and scientific research. They established an expensive entry ticket into their exclusive club: consultative party status, which confers decision-making powers on its holder, is obtainable only upon demonstration of “substantial scientific research activity.” This term has been defined as the establishment of a scientific research

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station in Antarctica, or the dispatch of a scientific expedition. Today only twenty-nine countries enjoy this status, though many more have interests and opinions on the continent. Far from settling the “Question of Antarctica,” the Antarctic Treaty simply gave it cover.

**PHASE ONE OF THE BATTLE FOR ANTARCTICA**

Little known to the world is that several commercial and political battles have already been fought for Antarctica. The first was a commercial one—a race for its marine resources—which drove some of these resources to near exhaustion. The second was the race for territorial claims amid great power rivalry.

Fishing was at the origin of Antarctica’s discovery. Amongst its first conquerors were sealers and whalers; American sealer Nathaniel Palmer was one of the first to lay eyes on the Antarctic Peninsula in 1820. The world owes these early explorers a fair debt of gratitude for Antarctica’s mapping. But the arrival of fishermen also gradually depleted some of the most precious living resources of the Southern Ocean, leading to the establishment of the International Whaling Commission in 1946 and the Convention for the Conservation of Antarctic Seals in 1972.

A political battle for Antarctica followed on the heels of this commercial expansion. In the first half of the twentieth century, Argentina, the United Kingdom, New Zealand, France, Norway, Australia, and Chile each laid territorial claims in Antarctica. They made these claims in the absence of an orderly process to divide up the continent, instead resorting to unilateral declarations in national legislation or international statements by high-level government officials. In fact, it was land grabbing in Antarctica that drove President Eisenhower to lead the negotiations for a collective management system for the continent. At the time, the phrase “the internationalization of Antarctica,” was very much à la mode in political circles.

The United States’ main concerns at the time were that the Soviet Union would make a territorial claim and that Antarctica would become an extension of the Cold War battlefield. Amid such a dangerous and expensive claims race, the UN would likely be asked to step in to ensure peace. Under that scenario, territorial claimants and the then superpowers would have seen their leverage on Antarctica’s governance reduced.

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On the ground in Antarctica, countries had begun to tear down each other’s flags, destroy each other’s scientific stations, send rival expeditions to the same locations, and even take each other to the International Court of Justice to contest the scope of territorial claims. The Antarctic Treaty only became possible thanks to an ingenious Chilean proposal which would not require that countries abandon their claims, but simply freeze them. The supposed dedication of the continent to peace and science was, both literally and figuratively, achieved against the backdrop of a frozen battlefield.

THE SILENT BATTLE FOR ANTARCTICA HAPPENING NOW

Contrary to the popular perception that Antarctica has become a scientific, conflict-free playground, the battle for the seventh continent actually became more pronounced after conclusion of the Antarctic Treaty. The agreement created a veneer of cooperations while setting off aggressive nationalist instincts. These expressed themselves in multiple ways, right down to a fight over the creation and hosting of the treaty’s Secretariat. In 1961, South Africa offered to host the Secretariat, but both Argentina and Chile immediately rejected the idea. Years later, Argentina would offer to host, with its proposal immediately met by two rival claims by the United Kingdom and Chile. A Secretariat for the treaty was only established in 2004 in Buenos Aires, some four decades after the signing of the treaty. The United Kingdom may have compromised mainly to ease lingering tensions with Argentina over the Falklands War.

Nothing demonstrates more forcefully the magnitude of the battle for Antarctica than the failed negotiations over mining. In the 1980s, parties to the Antarctic Treaty started negotiating a regime to govern the mineral exploitation of the continent. Their logic was that it would be far easier to reach an accord before rather than after the discovery of significant minerals. The parties spent nearly a decade negotiating an immensely complicated accord that spanned ninety-eight pages and sixty-seven articles, and whose every provision would protect the right of ‘claimant states.’ Despite these efforts, the agreement was ultimately shelved. The most widely cited reason for its failure was environmentalists’ resistance to the opening of Antarctica to mining. In fact, Greenpeace had established the first non-scientific, ideological research base on the continent in 1988 to protest. Prime amongst them was the fear that states would lose their territorial claims in Antarctica if others were to be allowed to mine on their portion of the continent. Hence the repeated references to the rights of ‘claimant states’ throughout the draft convention. In fact, Australia, which claims 42 percent of the Antarctic, had stubbornly argued that claimant states should have an automatic right to royalties and taxes from mining, but failed to convince non-claimants with an equal interest in the continent’s riches. Second was the concern that unfair competition for Antarctica’s resources could ensue if mining companies arrived heavily subsidized on the ground in Antarctica, countries had begun to tear down each other’s flags, destroy each other’s scientific stations, send rival expeditions to the same locations, and even take each other to the International Court of Justice to contest the scope of territorial claims. The Antarctic Treaty only became possible thanks to an ingenious Chilean proposal which would not require that countries abandon their claims, but simply freeze them. The supposed dedication of the continent to peace and science was, both literally and figuratively, achieved against the backdrop of a frozen battlefield.

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by their sponsoring states. The fact that neither the General Agreement on Tariff and Trade (GATT) nor any similar instrument applied to Antarctica added to this concern.

On November 21, 1988, a confidential letter from Australian Treasurer Paul Keating to other senior ministers was leaked by the *Sydney Morning Herald*, revealing the much deeper concerns that some politicians harbored.\(^{16}\)

The Treasurers, Mr. Keating, has warned other senior ministers that Australia risks losing sovereignty over its Antarctic territories if it ratifies an international agreement on minerals exploitation, open for signature this week. In a confidential letter to several colleagues, including the Ministry of Foreign Affairs, Senator Evans, Mr. Keating says the signing of the Antarctic Minerals Convention “would concede our economic claims over Antarctica for virtually nothing.” Mr. Keating writes that claimant nations, like Australia, might not obtain the revenue it believes it should earn from the harvest of resources. “I believe we must be prepared to stand alone if necessary on this issue,” he writes. Secondly, Mr. Keating rejects as ‘completely unsatisfactory’ a loophole which could allow the superpowers to subsidize unprofitable mining operations for strategic purposes. There would be no recourse if the Australian mining industry was adversely affected.

Third, and perhaps most serious, was the UN’s objection to the regime. In fact, as parties to the Antarctic Treaty began negotiating a mining accord, countries such as Malaysia and India insisted that the “Question of Antarctica” be placed on the agenda of the UN, where it would remain for over two decades.\(^{17}\) They objected to allowing an exclusive club of nations to monopulize the resources of the seventh continent, arguing instead that it should form part of the common heritage of mankind. At their behest, the UN General Assembly issued repeated resolutions calling for a moratorium on the negotiation of a mining regime until such a time as the entire international community could participate. They called on the UN to establish an international scientific research station in Antarctica and for the UN Secretary-General to visit the continent. No such station was ever established, and no Secretary-General visited the continent until 2007.\(^{18}\) However, tension between the UN and the ATS only eased after the ATS camp gradually expanded to include some of the bigger UN powers such as India and China. But the mining regime still failed.

Of course, all this was happening some twenty to thirty years after the Antarctic Treaty had supposedly brought a decisive and conclusive peace to the continent. The minerals regime was replaced by an environment protocol that banned mining on the continent until 2048.\(^{19}\) Despite its time limit, the ban nevertheless served to camouflage the risks to Antarctica’s environment. Environmental activists began to retreat from the continent and non-governmental organizations that had previously been extremely vocal on Antarctic affairs gradually redirected their efforts to other parts of the globe.\(^{20}\) Antarctica was left without a witness to the environmental mismanagement that would ensue.
Despite the freezing of territorial claims under the Antarctic Treaty, territorial claimants, without exception, continued to assert a right to a 200-mile Exclusive Economic Zone (EEZ) off their Antarctic claims. Under the United Nations Convention on the Law of the Sea, EEZs can only be declared in territorial waters but this did not stop the claimant states. They also tested the limits of the Antarctic Treaty by making continental shelf extension claims to the Commission on the Limits of the Continental Shelf. In 2004, Australia made a claim so huge that the United States, Russia, Germany, Japan, India, and the Netherlands all felt compelled to express formal objections.

Moreover, while most of us still think of Antarctica as unoccupied, the continent is covered with scientific research stations. According to the Council of Managers of National Antarctic Programs, Antarctica currently hosts a total of eighty-two such stations belonging to twenty-nine consultative parties, eighteen of which have multiple stations. The Antarctic Peninsula, which is only a day’s sea travel away from the southern tip of South America, is particularly dense in research stations since it represents the easiest way to establish a foothold on the continent. Continent-wide, the Asian states are the most recent entrants in Antarctica, with China opening its fifth research station, and India and Korea already opened several.

In fact, however, the rush to cover the continent in supposed scientific research outposts is most easily explained as a rush to declare rights to Antarctica, its soil, and its mineral riches. Many Antarctic stations appear primarily aimed at meeting the requirement for ATS consultative party status. They house very few personnel and very little ongoing scientific research. In reaction, a well-known Antarctic scholar asked sarcastically why the world has succeeded in building an international space station but not an international research base in Antarctica. Some developing country scholars are even calling for the ‘decolonization’ of Antarctica.

Furthermore, on a supposedly unoccupied continent, many Consultative Parties to the Antarctic Treaty have place name commissions, or other official bodies, that continually attach place names to parts of the land mass. Based on the statistics of the Standing Committee on Antarctic Geographic Information, which compiles the place names sent to it by national name committees, the United States has named 13,192 sites on the continent, the United Kingdom 4,971, Russia 4,008, and Argentina 2,545, with other countries quickly catching up. Newcomer China has so far named 359 places, South Korea 27, and India 21. Overall, just twenty-two countries have assigned a total of 37,510 place names to the continent.

Perhaps even more curious are the two civilian settlements deliberately established on the Antarctic Peninsula and the South Shetland Islands by Argentina and Chile, to which the world seems to have paid little notice. In 1978, some seventeen years after the Antarctic Treaty took effect, the Argentine military junta experimented with a civilian settlement to reinforce its Antarctic territorial claim, flying eight state-of-the-art space station but not an international research base in Antarctica. Some developing country scholars are even calling for the ‘decolonization’ of Antarctica.

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to ten families to their Esperanza base on the peninsula. The first person to be born in Antarctica was Emilio Marcos Palma on January 7, 1978—and he became an overnight hero in Argentina. Chile responded by orchestrating the birth in 1984 of Juan Pablo Camocho at the Chilean Frei Montalva base on the South Shetland Islands of Antarctica.

Both settlements remain active and have grown since their establishment. Fishing activity continues to expand around the continent. In fact, the term ‘illegal, underreported, and unregulated’ fishing was first coined in the Antarctic to describe the plight of the Southern Ocean. The world was quick to declare CCAMLR a success when, at the end of October 2016, after five years of negotiations, twenty-four countries and the European Union unanimously agreed to create the world’s biggest marine protected area (MPA) in Antarctica’s Ross Sea. But the famed MPA was carved around fishing interests. Iselin Bank, which is the Ross Sea’s main fishing ground for the lucrative Antarctic toothfish, and considered the most important ecological hotspot for seabirds and other wildlife, is not protected in the new reserve. Furthermore, about half of the sanctuary was already protected under other CCAMLR rules, with the MPA in that portion simply capturing the status quo. Clearly the MPA is better than nothing, but the widespread claim that it has succeeded in protecting Antarctica’s waters, is grossly exaggerated.

In fact, it is not only the Southern Ocean that is suffering from poor environmental governance but Antarctica as a whole. On a continent with no indigenous habitants, where we are told there is no major commercial activity, and where mining is banned, it is highly surprising that parties to the Antarctic Treaty would have only designated to ten families to their Esperanza base on the peninsula. The first person to be born in Antarctica was Emilio Marcos Palma on January 7, 1978—and he became an overnight hero in Argentina. Chile responded by orchestrating the birth in 1984 of Juan Pablo Camocho at the Chilean Frei Montalva base on the South Shetland Islands of Antarctica.

Both settlements remain active and have grown since their establishment. No regulation yet exists that might stop others from cropping up, especially as Antarctica’s climate continues to warm. The Antarctic Treaty is unfortunately silent on human habitation—an issue negotiators did not foresee. Considering the rush for scientific research bases, the two civilian settlements, and the mining ban that is to be revisited in 2048, the continent’s political future looks increasingly uncertain. In fact, the quest for sovereignty in Antarctica has never ceased, with countries regularly flying their political leaders to the continent, issuing Antarctic stamps, producing maps, and carefully recording the details of their every voyage of discovery.

ANTARCTICA’S ENVIRONMENTAL FUTURE HANGS IN THE BALANCE

Various forms of economic activities are gaining ground in Antarctica. Take tourism, for example, which has undergone exponential growth in recent years and is barely regulated by the Antarctic Treaty. In 2013–2014, nearly 28,000 tourists made landings on the continent, 30 percent of whom were American, 15 percent Australian, and 11 percent Chinese. This represents a doubling since 2000. Or take bioprospecting—the exploitation of Antarctica’s living biological resources. The discovery and commercialization of new products based on Antarctica’s biological riches is starting to flourish, similarly under limited treaty regulation. Fishing activity continues to expand around the continent. In fact, the term ‘illegal, underreported, and unregulated’ fishing was first coined in the Antarctic to describe the plight of the Southern Ocean. The world was quick to declare CCAMLR a success when, at the end of October 2016, after five years of negotiations, twenty-four countries and the European Union unanimously agreed to create the world’s biggest marine protected area (MPA) in Antarctica’s Ross Sea. But the famed MPA was carved around fishing interests. Iselin Bank, which is the Ross Sea’s main fishing ground for the lucrative Antarctic toothfish, and considered the most important ecological hotspot for seabirds and other wildlife, is not protected in the new reserve. Furthermore, about half of the sanctuary was already protected under other CCAMLR rules, with the MPA in that portion simply capturing the status quo. Clearly the MPA is better than nothing, but the widespread claim that it has succeeded in protecting Antarctica’s waters, is grossly exaggerated.

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1.5 percent of the continent’s ice-free territory as a protected area. This statistic alone makes Antarctica the world’s least environmentally protected continent. In neighboring Australia, for example, 18 percent of the country has been declared a protected area. If the race for Antarctica continues to accelerate amid such limited governance, its fragile environment will be in serious peril.

TRIGGERS FOR A BIGGER BATTLE

So, will there be a bigger battle for Antarctica? The continent’s warming climate is likely to make its resources more accessible and its landmass potentially habitable. On March 24, 2015, a temperature of positive 17.5 degrees Celsius was recorded at Esperanza weather station on the northern tip of the Antarctic Peninsula, setting a record for the highest temperature ever recorded on the continent. Antarctica’s climate experts cannot ascertain whether these changes are due to increased greenhouse gas concentrations since weather stations were only established on the continent in the 1950s. What is clear, however, is that the Antarctic Peninsula in particular is warming. As Antarctica warms and starts to become more habitable, many other parts of the globe will become increasingly uninhabitable. This could increase the pressure to develop and exploit the seventh continent.

In addition, technological progress is steadily increasing our ability to access and inhabit Antarctica. In November 2015, the Australian Antarctic Division and Royal Australian Air Force flew a C-17A Globemaster to Antarctica. The aircraft covered 3,450 kilometers in just over five hours carrying 12,340 kilograms of cargo and equipment, making it the largest aircraft to have reached the Wilkins Aerodrome on the western side of the continent. Opened in 2009, Belgium’s Princess Elizabeth Station, which represents state-of-the-art architecture in Antarctica, has successfully harnessed the power of wind and sun to achieve near-full energy autonomy. Similarly, some research stations in Antarctica are now growing their own food.

Clearly the race for Antarctica is about to intensify and the world must prepare itself. It could be triggered by the rise of even bigger human settlements or the extraction of minerals before or after 2048. If such a conflict occurs, it will be one of the most complex and truly international contests for habitable space and mineral resources of modern times. It will be a battle in which an entire continent will be up for grabs and which will take place against the complex history of the ATS and the unresolved “Question of Antarctica.” Peace in Antarctica is fragile at best.
Doaa Abdel-Motaal was Deputy Chief of Staff of the World Trade Organization (WTO) in Switzerland, and advisor to the head of the organization on environmental issues and climate change. She was also Chief of Staff of the United Nations for International Fund for Agricultural Development (IFAD) in Italy. In 2015 and 2016 she travelled across Antarctica and the Arctic in a research sabbatical on the polar regions. *Antarctica: The Battle for the Seventh Continent* is her most recent book.
ARTICLE


4. Ibid.


6. Ibid.

7. Ibid.


9. See Report of the Secretary General, endnote 5.

10. See Hanesian, endnote 5.


12. Ibid.


18. Ban Ki Moon became the first UN Secretary General to visit the continent.


23. See Abdel-Motaal, endnote 15.


28. See, for example, the Australian Antarctic Division Place Names Committee; http://www.iaato.org/home.


32. See website of the International Association of Antarctic Tour Operators (IAATO), https://iaato.org/home.


40. See Abdel-Motaal, endnote 15.


45. See, for example, the Australian Antarctic Division Place Names Committee; http://www.iaato.org/home.


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In examining the rise of the Weimar Republic, a central question guides many historians: how did it all happen? Accordingly, one of the first things that Professor Kim Christian Priemel astutely mentions in his new book, The Betrayal: The Nuremberg Trials and German Divergence, is that German actions during World War II (and the Holocaust specifically) are some of the most studied incidents in history. Both contemporaries and modern scholars have dedicated their research, and in some cases their lives, to better understanding how the seemingly unimaginable came to pass from 1933 to 1945. But Priemel additionally notes that what followed for the architects and leaders of Nazi Germany was equally important, and similarly well-documented by journalists, legal scholars, and historians alike: the Nuremberg Trials.

Priemel seeks to uniquely connect Nuremberg to the greater Ally-constructed narrative about the Third Reich. The Betrayal argues and illustrates that Nuremberg did not seek simply to expose, indict, and punish the atrocities of the Holocaust and World War II— instead, the Nuremberg trials sought to punish the path that the Germans took to arrive at those crimes against humanity. In doing so, Priemel illustrates that while the trials represented a landmark of precedent in international law, more important is the way in which their structure, style, and presentation were built around the explanation provided by the Allied Powers. This story’s theme, throughout the many cases and proceedings, remained that the Third Reich was a divergence from the West, and that Germany should be punished for becoming the “other” who chose to stray from the Western path. It was this divergence, in the prosecutors’ minds, briefs, and arguments, which created the conditions for subsequent aggression and carnage.

The Betrayal takes the reader on a tour through each of the Nuremberg cases, and does so through close analysis of the trial documents. The book represents the first time that a historian has relied heavily on the Nuremberg Military Tribunal proceedings’ transcripts, as opposed to those from the International Military Tribunal at Nuremberg. The former has never been published in full, and thus compiling them from “some forty archives and libraries” provided the opportunity to flesh out the goals that tied the Allies together.

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Priemel uses this opportunity to structure his book around the Nuremberg cases: what led to them, the actual trials, and their aftermath. Much time is devoted to the previously academic nature of international law, and how various policymakers (overwhelmingly American) sought to convert the esoteric to the pragmatic, starting truly from square one. Before deciding on an adversarial system or who to indict, academics had to agree upon a basic definition of a “war crime.” The structure of the court itself proved to be a longer struggle in which the Americans took the lead.

In constructing Nuremberg, all decisions had to be agreed upon by the Allied leaders — the United States, Great Britain, France, and the Soviet Union. Priemel takes great pains to explain the cast of characters that made up each delegation: prosecutors, policymakers, generals, and others. What held them all together, in his view, was the purpose of each country’s role at Nuremberg. Soviets sought to “rewrite Western hypocrisy.” Specifically, defense attorneys consistently pointed out that the war victors were no different than the Reich — Allied practices, policies, and even instances of racism were often not markedly different from those carried out by German citizens in many cases. Therefore, according to the defense teams, Nuremberg indictments were inherently unfair, since only one side was being prosecuted. Priemel, though, shows that in large part the argument was “ruled out by the bench” and went unconsidered in most verdicts. Unsurprisingly, the judges making these rulings were (mainly) Western themselves. This proved to be a boon for the divergence story that Priemel (and Priemel) sought to tell, with perhaps some judicial complicity — the tu quoque argument falling on deaf ears “immunized the trial’s narrative[s].” and allowed the French-led rhetoric to indict Nazism.

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Priemel believes that this strategy had inherent problems. How could the Allies act morally superior with Stalin at the Soviet helm and the Japanese interned in the United States? One of the most commonly cited arguments by German defense counsel was that of tu quoque, in English translated to “thou also.” In just about every trial, attorneys for accused war criminals (whether they were bureaucrats, businessmen, or concentration camp authorities) sought to object on tu quoque grounds, highlighting Western hypocrisy. Specifically, defense attorneys consistently pointed out that the war victors were no different than the Reich — Allied practices, policies, and even instances of racism were often not markedly different from those carried out by German citizens in many cases. Therefore, according to the defense teams, Nuremberg indictments were inherently unfair, since only one side was being prosecuted. Priemel, though, shows that in large part the argument was “ruled out by the bench” and went unconsidered in most verdicts. Unsurprisingly, the judges making these rulings were (mainly) Western themselves. This proved to be a boon for the divergence story that Priemel (and Priemel) sought to tell, with perhaps some judicial complicity — the tu quoque argument falling on deaf ears “immunized the trial’s narrative[s].” and allowed the French-led rhetoric to indict Nazism.

Each individual case (and in many cases, each individual defendant) receives detailed attention from Priemel’s research. One of the strongest components of The Betrayal is the
of this analysis — there are many missed opportunities in the lack of comparison of Nuremberg to not only its legal offspring, but contemporary responses to terrorism and insurgency. The divergence narrative is relevant not only to criminal prosecution, but also to existing supranational organizations and their efforts to disarm, de-radicalize, and reintegrate insurgents in various contexts. Both application of Priemel’s work may have had fascinating potential for designing transitional justice mechanisms.

But more important in Priemel’s eyes are the subsequent WWII prosecutions — specifically the prosecution of one of Germany’s major Holocaust architects, Adolf Eichmann, and the International Military Tribunal for the Far East, also known as the Tokyo Trials. Both occurred shortly after Nuremberg — despite the Nuremberg principles, institutionalization or implementation of such systems were not customary in international law, and as such, Nuremberg’s structural and legal precedents were not ubiquitous in future international criminal procedures. Nonetheless, Priemel notes that the construction of a Nuremberg narrative, regardless of its veracity, is its strength — each subsequent court system also adopted one cohesive narrative throughout its many trials to keep a common thread among various prosecutions. For Priemel, the idea that court cases could be packaged in this manner is the best lesson that can be drawn from Nuremberg and applied to future international cases.

There are numerous publications that seek to criticize the Nuremberg trials or author’s attempt to differentiate the trial efforts, the prosecutorial strategy, and the delivered verdicts. In painting a vivid picture of the judges hearing each case (and often, their own records of racism), the reader can see the potential danger in arguing the virtue of Western superiority, but the didactic nature of the prosecutions and verdicts trumped those concerns. By the same token, the Germans had been one of the most scientifically advanced and economically powerful founders of the Western world — Priemel shows how the Allies had to walk the tightrope carefully, condemning German practices of capitalism and efficiency, but not the concepts themselves.

Additionally, the Soviet participation in various cases made it especially problematic to paint Germans as the “other.” As a result, the degree to which prosecutors relied on the “Western deviation” story varied based on all of these factors. Priemel successfully illustrates that the trial briefs, oral arguments, and written verdicts were held together by the narrative’s glue.

Priemel concludes with an analysis of how Nuremberg served as a model for future courts — especially how (and whether) the United Nations co-opted the constructed tribunal systems, and the precedent that international law ultimately codified. Specifically, the comparison of the Holocaust’s treatment at Nuremberg with the Rwandan genocide’s prosecution at The Hague seeks to bring Nuremberg into the modern context. The Betrayal would have benefited from more of this analysis — there are many missed opportunities in the lack of comparison of Nuremberg to not only its legal offspring, but contemporary responses to terrorism and insurgency. The divergence narrative is relevant not only to criminal prosecution, but also to existing supranational organizations and their efforts to disarm, de-radicalize, and reintegrate insurgents in various contexts. Such application of Priemel’s work may have had fascinating potential for designing transitional justice mechanisms.

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to applaud their efforts. This book does not seek to do either. Instead, Priemel works to explain why Nuremberg looked the way it did, why actors within the system behaved as didactically, and where the cases share commonalities. While the Holocaust was a clear and convincing piece of evidence in many cases, it alone could not explain how or why Germany committed the crimes it did. In addressing the roots of the problem versus the branches, while simultaneously reinforcing that “Western-ness” had not caused the Reich, but instead could have saved it, Priemel’s narrative seeks to offer an illumination, not a defense, of Nuremberg.

In a time of uncertainty, with the British vote to leave the European Union, Russian annexation of Crimea, and the election of Donald Trump as U.S. president, the Western world has continued to change — and an analysis of how global politics have arrived at this moment is especially pertinent. In studying the Western world’s turn to the right, the danger of straying from what scholars have defined as the Western path and its principles can be better understood. Priemel’s book will force academics and citizens to ask hard questions about what comes next for the United States, Britain, and the West as a whole. The question will become not just how these countries can return to the traditional path of Western values, but additionally whether such a revival is now too late.

ABOUT THE AUTHOR
Ellen Chapin is a first year Master’s student at the Yale Jackson Institute for Global Affairs. She spent two years at the U.S. Department of Justice, where she worked to calculate and monitor trends for national white collar crime takedowns and to assist with trials against top executives at BP following the Deepwater Horizon disaster. At Yale, Ellen is excited to return her focus to counterterrorism, national security, and the intersection of law and policy in those practices.

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Manjanath is a bonded laborer who has been working on a tobacco farm in Mysore, India, for more than 55 years. A grassroots non-profit, Jeevika, is fighting for Manjanath's release; however, corrupt law enforcement and the deep rooted caste system prevent significant progress for his freedom.
Photo by Aleydis Nissen
The statue ‘Man of Steel’ honors the workers of the Welsh town Port Talbot who have kept the steel industry going for more than 115 years. Port Talbot Steelworks is the largest steel plant in the UK.
In October 2016, the Yale Journal for International Affairs launched its inaugural podcast series. We spoke with Howard Dean, former governor of Vermont and presidential candidate, about the U.S. election; Stephen Roach, former chair of Morgan Stanley Asia, about the future of work; Emma Sky, former advisor to the Commanding General of U.S. Forces in Iraq, about the shifting geopolitical order; and philosopher and political scientist Seyla Benhabib about the refugee crisis.

In our fourth episode, historian Daniel Magaziner reflected on contemporary politics in South Africa, Rwanda, and the withdrawal of several African governments from the International Criminal Court. Below are two abridged excerpts from this conversation. The episode was hosted by Alex Defroand and Nelly Mecklenburg.

**Daniel Magaziner**: The first question speaks to this idea that human rights is some sort of universally-accepted norm that is applied equally and equitably. We have to get rid of that. Human rights only apply in certain places at certain times. They tend to be applied as a matter of doctrine and policing where states are weakest. African states have been weaker than other states across the world over the last fifty years. They have seen their ability to project and maintain sovereignty within their territorial boundaries undermined because of the nature of the construction of the states in the colonial period and the nature of the post-1973 economic crisis.

**Alex Defroand**: You mentioned the announcement by the Zuma government in South Africa to leave the International Criminal Court (ICC). This comes after Burundi and the Gambia already made that step, and other countries are hinting at leaving too: Uganda, Kenya, for example. They claim that the ICC is biased against them. How fair do you think this accusation is? And secondly, with South Africa specifically, the Mandela government was pivotal to the establishment of the ICC. What does this shift by the Zuma government say about the legacies of Mandela?

**Daniel Magaziner**: Human rights is seen as continuous with forms of colonial exploitation as many African peoples experience it. The language of human rights emerged in the late-eighteenth century. It was a matter of doctrine and policing where states are weakest. African states have been weaker than other states across the world over the last fifty years. They have seen their ability to project and maintain sovereignty within their territorial boundaries undermined because of the nature of the construction of the states in the colonial period and the nature of the post-1973 economic crisis.
century as part of the widespread movement toward the abolition of slavery. Where this gets complicated is that the necessity of abolishing slavery became part of the justifications for imperialism across the African continent. Africans know this. They know human rights were used to justify limitations on sovereignty.

To the specific case of South Africa, it hurts to see this government withdraw from the ICC. It hurts not because I’m a great fan of the ICC, not because I think it’s fair or functional, but because I see in that a rejection of the idea that the international community has something to say about what happens within sovereign states. And in South Africa, it was the international community that kept the African National Congress (ANC) alive during its exile.

One of the most striking changes of the last half decade or so in South Africa has been a reappraisal of Nelson Mandela and his legacy. A younger generation of activists within South Africa are much more critical of the things he did and that he stood for. Foreign policy is a very small part of this. The Mandela era is remembered around the world as a golden age; people don’t see it quite so nostalgically on the ground.

Nelly Mecklenburg: You’re on the editorial board of [the blog] Africa Is A Country whose title plays with this image that the African continent is one unit and we can talk about it as one entity: Since you’ve been in the field for twenty-some years, how has the idea of Africa changed in the public imagination?

DM: Africa Is A Country is directed not just at the Africa of the imagination but the Africa of public media discourse. It was founded in the late 2000s as a space to intervene against public perceptions that Africa was one place and all Africans act in certain ways. We have moved on from that. We no longer spend a lot of time addressing every time someone makes some gross generalizations. That battle has been won, or at least there are now other battles to be fought.

There are certain things that we have had to combat constantly. For example, the common perception of ‘Africa Rising’, this idea that in the early 2000s, the economic indicators were going up, democracy was going up. People said, “Oh look, Africa is good now.” So a lot of the issues that continued to dog the continent – in terms of treatment to women, ‘sexual minorities’, general kleptocracy – people started looking away from those.

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Now, people say that Africa is not rising. You have people like Jeffrey Gettleman in the New York Times saying Africa is a continent in flames, in protest, a continent of repression. The fact of the matter is Africa as a whole was never rising or falling. Some African countries were doing well, some were not.

Instead, we try to show what is happening in dynamic African cities, what is happening with culture, who are the cultural producers, what is the fashion scene like. This is something that is now being picked up elsewhere. Others are starting to catch up with the notion that these are places of enormous complexity and they defy generalization.

ABOUT THE INTERVIEWEE


ENDNOTES

Warehouse Children
Syrian Refugees in Search of Shelter

By Marwan Tahtah

The Syrian Civil War has seen more than 4.8 million refugees flee the country, with 1.1 million now living in neighboring Lebanon. They constitute more than 20% of the Lebanese population and, although many have access to official refugee camps, others have been forced to seek refuge in already crowded, impoverished areas of Lebanese cities. One such example is "The Warehouse," as named by its occupants. It is the lower level of a complex in Baysariyah, Southern Lebanon. In 2012, refugees began to fill the space that used to host two warehouses of nearby wood factories. Today, they occupy tens of dark, humid rooms. The refugees came from Baba Amr, a district largely brought to rubble in the city of Homs in western Syria through the popular uprising against the Syrian regime. Most of the inhabitants in the complex are family members of Syrian workers, whose presence in the southern Lebanese village dates back decades.

As in many refugee crises, children pay a high price. According to the United Nations High Commissioner for Refugees (UNHCR), children make up 53.5% of documented refugees who fled to Lebanon as of May 2015. The complex we visited in July 2016 is not a skewed case: around 350 of its roughly 600 refugee occupants are children. Roaming around nearby sidewalks, most children spend their days playing street games. More “privileged” children can be found strolling on little bicycles inside the dark tunnel spanning the lower floor. Ayman, a 9-year-old we met by the door of one of the rooms, smiled at us while hanging an apple on his pet bird’s cage. He said he is planning to take the bird with him back to Syria when the war is over, but added that he couldn’t find him a name yet.

“The floor we live on is not designed to be residential. It not only lacks spaces for children to play, but also lacks basic needs for a decent living,” a father occupying one of the rooms with his wife and children said. “Have a look at the ceiling, that part fell the other day. Luckily, the children were playing outside,” Amenah, the mother, added. Amenah was not the only one to express safety concerns about living in the 33-year-old building. In 2015 alone, four partial ceiling collapse incidents caused minor injuries. These led the UNHCR and the Lebanese Ministry of Social Affairs to send a team of engineers to assess the building’s condition. The team confirmed the threat and prepared a plan to temporarily underpin the building before its final evacuation in 2017. In September 2016, the Lebanese government officially endorsed the plan.

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More than 600 refugees live in the complex, over half of whom are children.
"The complex was built in 1984, but its condition deteriorated fast because of continuous lack of maintenance," one of the occupants told us.
According to the United Nations High Commissioner for Refugees (UNHCR), more than 50% of Syrian refugees in Lebanon are children under 18 years old.
A child sitting in a cardboard box in front of his family’s room. For these children embroiled in war, it is not politics that is at stake, but their future.

Natural sunlight is rare for most of the rooms in the complex.
Refugees began to occupy the lower floor of the complex in 2012. Other occupants include families who have resided on the upper floor since the 1980s.
Children often lack access to basic education and spend their days playing street games.

The occupants adopt old-fashioned methods to survive high indoor humidity levels and a lack of appropriate infrastructure.
ABOUT THE AUTHOR

Marwan Tahtah is a professional photographer who has been working for Lebanese newspapers for more than ten years. He has also worked on projects managed by the UNDP, Lebanese Red Cross, Goethe-Insitut and many other organizations. Marwan's work has been on display in many professional photography exhibitions in Beirut and Paris. In June 2016, he received a Master Diploma in Photography from the École Nationale Supérieure de la Photographie in Arles, France.
Analysts commonly depict Iran's Supreme Leader, Ali Khamenei, as the prime mover behind the Islamic Republic's foreign policy. Khamenei is "the head of state, the commander in chief, and the top ideologue," and Iran's elected parliament and presidency "all operate under [his] absolute sovereignty." So, too, does the Islamic Revolutionary Guard Corps (IRGC): the paramilitary organization most responsible for executing the hardline domestic and foreign policies—civil suppression, missile development, and support for proxies—that the Islamic Republic's critics find most odious. Such depictions imply that factional politics matter little in forming Iran's foreign policy; all blocs, moderate or radical, are limited to executing the tasks allocated by the Supreme Leader. Perhaps President Rouhani is "more inclined toward compromise," favors foreign states to sectarian militias, and laments the financial burden of IRGC adventurism. But so long as Khamenei does not concur, gains by Rouhani and moderates like him will matter little.

This article will challenge this view, arguing that the IRGC both pressures and enables the Supreme Leader to adopt hardline policies through its influence on three aspects of the regime: first, its stability—compelling Khamenei to accommodate IRGC demands; second, its relationship with the United States—preserving an antagonism which necessitates a hard line; and third, its capabilities—which make hardline policies more immediately effective than moderate ones. Before substantiating the above, I outline the IRGC's role in the Islamic Republic and its distinct interests regarding Iran's foreign policy, which drive the IRGC's activism and distaste for Rouhani's moderation.

**THE IRGC'S ROLE IN THE ISLAMIC REPUBLIC**

The IRGC was established in 1979 as a deliberately ideological force that would protect the Islamic Republic more reliably than the Iranian army, which was historically loyal to the Shah. Article 150 of the regime's constitution and a 1979 provisional law assign the IRGC three duties: first, to defend the country against foreign attacks and agents; second, to fight counterrevolutionary forces disrupting...
internal security, gather intelligence on threats to the regime and execute judicial decisions; and third, to support global “liberation” movements.5

Today, the Guard numbers 150,000 and exists alongside but independent of the army. The exact scope of its duties is unspecified by Article 150 and its presence in the regime has expanded immensely since 1979. As an internal security force, the IRGC is peerless in Iran. While the army shares internal security responsibilities, it is based in garrisons outside populated areas—the IRGC, meanwhile, maintains hierarchically organized bases for every province, city, sub-district, suburb, and rural area.6 The Guard also maintains its own intelligence agency,7 and controls the Basij—a popular reserve force numbering around 300,000 and a cultural organization with chapters everywhere, from universities to villages, to factories and urban communities.8 With these faculties, the Guard is the regime’s primary security force: detecting, deterring and cracking down on dissident and reform-oriented civil-society activists; organizing counter-demonstrations; and censoring and countering subversive media.9

Similarly, while the IRGC and the army share responsibility for defense and foreign policy execution, the IRGC’s activities dwarf the army’s. During the Iraq War, the Guard established the Quds Force, an elite external IRGC branch through which Iran funds, trains and coordinates proxies.10 In Lebanon, Quds commanders helped organize Hezbollah, bringing militant Lebanese Shiites together around Khomeinist ideology and violent opposition to Israel’s 1982-1985 occupation of Lebanon. The Quds Force continues to train, coordinate, and fund Hezbollah, creating a staunch Iranian ally with power rivaling that of the Lebanese state.11 In Iraq—most vigorously since the rise of the Islamic State—the Quds Force has granted vast military and financial support to Shiite, Iraqi state, and Kurdish forces; and moved thousands of IRGC and Basij soldiers into the country to coordinate operations, gather intelligence, and sometimes fight alongside Iraqi forces. Most significant has been the Quds Force’s leadership of and support for Iraqi Shiite militias and parties, many of which were created by the IRGC in the decades before the U.S. invasion of Iraq. Using these groups to fight the Islamic State (ISIS), terrorize U.S. forces, and compete in Iraq’s formal political system, the Quds Force anchors Iran’s influence in Iraq.12 Finally, in Syria, the Quds Force is spearheading efforts to preserve the Assad regime. Beyond providing military and financial aid, hundreds of IRGC and Basij soldiers have been deployed in Syria. They both fight and help coordinate the efforts of Syria’s fractured security forces, and have trained thousands of pro-Assad militiamen, mostly from minority communities.13

The IRGC’s final role in the Islamic Republic is one neither shared by the army nor outlined in the constitution: it is Iran’s most powerful economic actor, controlling an unrivalled portion of the country’s GDP.14 After the Iran-Iraq War, then-President Akbar Hashemi Rafsanjani placated the largely demobilized Guard by granting it reconstruction contracts. Subsequently, the IRGC established several industrial and construction companies, gaining significant stakes in Iran’s agriculture, industry,
transportation, construction, and telecommunications sectors. The IRGC also advances its economic interests through bonyads, ostensible charity organizations that operate as large holding companies. The IRGC controls bonyads indirectly, using individual Guardsmen as privately appointed directors of these organizations.

Notwithstanding the above, the IRGC only became truly omnipresent in Iran’s economy after Mahmoud Ahmadinejad’s 2005 election. As president, he awarded them billions of dollars in new, no-bid government contracts, and provoked an international sanctions regime that eliminated the Guard’s foreign competitors. Most notably, the IRGC became the sole contractor of the South Pars oil and gas fields and gained enough capital to establish thousands of small-scale front companies, expanding its economic hegemony to unprecedented levels.

**THE IRGC’S INTERESTS AND THE ROUHANI ADMINISTRATION**

The IRGC has frequently criticized the Rouhani administration’s foreign policy positions, claiming they open the door for foreign intrusion into the Islamic Republic. Having discussed the IRGC’s activities, we can explore how these criticisms might derive from a conflict between the administration’s aims and IRGC interests. To begin, the IRGC, like any political actor, has an interest in maintaining its role in the regime. Rouhani’s emphasis on diplomacy—stressing “cooperation between states” and economic “development” over Shiite liberation or resistance—threatens the IRGC’s importance. First, if implemented, it would gradually decrease the Quds Force’s importance for achieving Iranian objectives abroad, a major source of prestige. Iran’s support for Quds-cultivated proxies is a major obstacle to regional cooperation because Iran’s rivals—especially the United States and Saudi Arabia—see these groups as anathema to their interests, given their long-standing sectarianism and anti-Americanism. Furthermore, should Iran mend fences with its adversaries, the geostrategic rationale for proxies—deterrence against Western, Israeli and Saudi aggression—would fade. Therefore, if Rouhani succeeds diplomatically, support for proxies would likely decrease, draining much of the Quds’ importance.

Second, Rouhani’s emphasis on international cooperation and domestic economic development threatens to undermine the IRGC as the regime’s security guarantor. In Iran, the threat of foreign intrusion has long been used to “divert attention away from mundane, ‘bread-and-butter’ issues to questions of identity, existence, and principles,” legitimizing the regime as a bulwark against Western encroachment. If these internal fears were to subside, justifications for the regime’s authoritarianism would weaken and the discursive space for political reform would grow; calling into question the IRGC’s vast security apparatus. Rouhani’s decision to cut IRGC funding by 17 percent in May 2016—causing an uproar from the hardline media—has only exacerbated this anxiety.

The Guard’s next set of interests is economic. Rouhani ran for office promising to bring prosperity to Iran by liberalizing the economy and reopening it to international
trade through the nuclear deal. On the latter, the Guard mostly agreed: while sanctions expanded its wealth up to a point, they also limited it. The Guard, however, resists fully opening to foreign trade or liberalizing because that would entail eliminating the Guard’s privileges—including “lower insurance, shipping and commission costs”—and allowing it to be out-competed by new entrants to the Iranian market. The Guard also resists efforts to have Iran de-listed as a terrorist sponsor and money-laundering hub, designations that make IRGC affiliates the only actors in Iran with access to substantial capital.

The Guard, therefore, has strong material interests in opposing Rouhani’s foreign outreach, but its intransigence is probably also at least partly ideational. The IRGC’s perspective is rooted in an image of a world divided between two axes—“one of domination and one of resistance”—and of an Islamic Republic that, besieged during the Iran-Iraq War, again finds itself in combat with the same powers that supported Saddam: Israel, the United States, and Saudi Arabia. From this vantage point, the Guard’s security and economic power are crucial for resisting foreign corruption; supporting Hezbollah (and Assad, as an ally and land-bridge for aid to Hezbollah) to deter the United States and Israel; maintaining militias to protect Shiism from the Saudi-brewed Islamic State, and preventing another American-sponsored war. In prescribing cooperation, then, the Rouhani administration is either naive or traitorous. Though Guardsmen of course vary in their ideological fervor, the IRGC recruits and promotes based on such commitment. Ideology, therefore, cannot be dismissed in assessing its actions.

THE REVOLUTIONARY GUARD, KHAMENEI, AND IRANIAN FOREIGN POLICY

There is undoubtedly a synergy of interests between Khamenei and the IRGC. This is likely, in part, ideational: Khamenei was a protégé of Ruhollah Khomeini, leader of the 1979 revolution, and helped topple the Shah in the name of Islamist anti-Imperialism. Their political interests, moreover, are also well aligned—both hold undemocratic power and require an atmosphere of perpetual foreign threat to maintain some degree of legitimacy. Neither would have pursued a nuclear deal with the West if the sanctions regime placed upon Iran did not pose them an existential threat, and neither is keen on extensive international cooperation.

Yet this symbiosis does not rule out the possibility that the Revolutionary Guard exerts independent influence over Iranian foreign policy. To address this problem we must ask, first, whether Khamenei could easily pursue hardline policies if the IRGC were weaker; and, second, whether the IRGC’s activities themselves make a moderate foreign policy strategically untenable for Iran. My answer to both is yes, and I will put forth three arguments as to why.

There is undoubtedly a synergy of interests between Khamenei and the IRGC.
DOMESTIC POWER AND FOREIGN POLICY

First, I will argue that the IRGC’s security apparatus and patron-client network, fueled by its wealth, allow it to counter Iranian moderates while pressuring Khamenei to adopt hardline foreign policy and giving him political cover for doing so. To be sure, the Supreme Leader has the most formal power in Iran. The Constitution allows him to set the general direction of government policy, preclude individuals from running in elections, and appoint senior state officials, including commanders of the IRGC. Furthermore, he appoints the Supreme National Security Council, which decides foreign policy, and he must approve of its decisions. But given the often-overlapping constitutional prerogatives of the Islamic Republic’s institutions—the President vs. the Supreme Leader, the IRGC vs. the army—it is its informal ability to co-opt or mobilize supporters that decides which institution is decisive. Informal networks are usually based on economic patronage, or shared social or political interests. Lacking Khomeini’s charisma, Khamenei is more dependent upon the IRGC’s informal power to maintain his significance.

Khamenei’s first major use of the IRGC in domestic politics came after the 1997 election of Reformist Mohammed Khatami, who aimed, to Khamenei’s chagrin, to liberalize Iran’s political system and foreign policy. Over eight years, Khamenei allowed the Guard to set up a parallel security apparatus to block reforms, bloody intellectual and Khatami’s ministers, and crush the 1999 and 2003 student uprisings. Khamenei, seeing its benefits, let the Guard’s political encroachment continue, culminating in Ahmadinejad’s 2005 election.

Since then, however, the IRGC’s power has grown to rival Khamenei’s, mostly because of its economic expansion under Ahmadinejad. The Guard can co-opt politically moderate elites into its business network and mobilize support amongst the underclasses by offering, through the Basij, job training, scholarships, rural projects, and other financial incentives. This has helped Khamenei in the short-term, having used the IRGC’s network to counter the 2009 Green Movement. But in the long-term it means Khamenei must take great account of the Guard in deciding policy. This was apparent when the IRGC closed the newly built Imam Khomeini airport, after it was slighted for the contract; when Khamenei disqualified every non-IRGC shareholder of the Telecommunications Company of Iran; and, some speculate, when Khamenei disqualified Rafa’i Sanjani, whom the Guard despises, from the 2013 elections.

The IRGC’s political influence also allows it to affect foreign policy directly. First, the reason moderates hold little sway in foreign policy production is because the Guard’s informal power dwarfs their own. If the Guard were weaker, Khamenei would have to accommodate moderate foreign policy positions—curtailing, for example, ballistic missile development—regardless of his opinion of them. Second, supposing that Khamenei would like to moderate parts of Iran’s foreign policy, he would be pressured not to do so because it would weaken him, empowering
moderates and incurring IRGC anger. The policymaking process in Iran is largely opaque, making it difficult to know for certain how often Khamenei is compelled to support policies he opposes. But certain moves—blocking the reduction of IRGC privileges, placing Hossein Abdollahian, a powerful IRGC representative, in Rouhani’s Foreign Ministry—seem without intrinsic benefit to Khamenei and, therefore, likely to be concessions.41

SABOTAGING U.S.-IRAN RELATIONS

The Guard can also influence foreign policy by deliberately provoking the United States, and thus forcing hardline responses. The Quds Force’s activities, as discussed, are intended to assert Iran’s regional authority and, in particular, deter perceived American aggression. And if the United States becomes convinced of Iran’s antagonism, it is more likely to act in ways that vindicate hardline, deterrence-based Iranian policy and render moderation infeasible.

Before Rouhani, Rafsanjani also attempted to moderate Iranian foreign policy. His attempts at courting the United States and the European Union were shattered by several IRGC operations: the 1991 assassination of the Shah’s last Prime Minister, Shahpur Bakhtiar, in Paris, shortly before Rafsanjani’s scheduled visit; the 1992 slaughter of a Kurdish opposition group in Germany; and the 1994 bombing of a Jewish center in Buenos Aires.44 Khatami, too, sought to ease tensions with the West, cooperating extensively in post-9/11 counterterrorism and building support for the American-composed post-Taliban constitution. The United States later discovered that the Guard had, in 2001, given refuge to al-Qaeda members fleeing Afghanistan, let Hezbollah coordinate operations from Tehran, and delivered explosives to the Palestinian Authority, prompting Iran’s inclusion in the “Axis of Evil”45 and the Americans’ development of detailed plans for war. All of this happened despite the 2007 National Intelligence Estimate claiming that Tehran was not developing nuclear weapons.46

When the war plans were leaked, one IRGC general warned: “If the Americans show madness and attack us we will not defend ourselves only within our borders. We have a long and powerful arm, and we can threaten American interests anywhere.”47 The Guard could now argue that Quds-Force deterrence against the United States, especially in Iraq, had become Iran’s only feasible policy.

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It seems today that the Guard intends to sabotage Rouhani’s outreach, too. While it is difficult to differentiate between deliberate provocation and standard IRGC operations, some of the Guard’s actions since the nuclear deal have been conspicuously exhibitionist. The Guard broadcasts itself testing ballistic missiles
with “Israel must be wiped out” written on them—in contravention of both American sensitivities and UN Resolution 1929. It has also arrested several Iranian dual nationals, and forced a group of American sailors arrested in Iranian waters to apologize in a humiliating film. All of these cases go beyond even standard Quds policy, and seem designed to make improvement in U.S.-Iran relations more difficult. Congressional Republicans have, predictably, obliged. And as the new U.S. President threatens to repeal the nuclear deal, citing Iranian indiscretion, the Guard’s hardline policies might, once again, seem Iran’s only rational stance.

**PROXY DEPENDENCE**

The final way that the IRGC influences foreign policy is by making Iran dependent on the Guard’s personnel for regional influence, and by circumscribing other foreign-policy options. Let us first acknowledge that the Quds Force has been stunningly effective—particularly in Iraq. Baghdad is one of Iran’s few regional allies and an important trading partner. Moreover, the prospect of their neighbor being taken over by another Saddam, or used as a springboard for Saudi, Islamic State, or American operations, is unacceptable to most Iranians. Shiite militias have given Iran considerable leverage over the Iraqi and U.S. governments. In 2008, for example, then-Prime Minister Nouri al-Maliki, an Iranian ally, tried to eliminate recalcitrant Shiite militants in Basra—but failed. Suleimani brokered the ceasefire, in which Badr Organization militants were incorporated into Iraq’s security forces, entwining IRGC-linked forces with the Iraqi government. Furthermore, in 2010 Suleimani extracted, from senior Shiite and Kurdish leaders, promises to support Maliki for Prime Minister, accept Jalal Talabani as President, and make American troops leave Iraq. While effective, Iran’s use of proxies reaches is not without costs. Many of these groups terrorize the Middle East’s Sunnis indiscriminately, turning them into enemies of Iran. In Iraq, in particular, Iran needs the Iraqi government to reassert its authority in Mosul and to have that authority appear legitimate to the largely Sunni residents of the area. This is the problem that Rouhani’s insistence on international, rather than sectarian, cooperation addresses. But the sheer range and depth of Quds Force operations means that moderation, at least in the Middle East’s current conflicts, would cost Iran severely—for two reasons.

First, the anti-Iran sentiment that these proxies generate precludes Iran from developing diplomatic means of expanding its influence, in turn increasing its dependence on the proxies. IRGC backing of Assad, for example, has pitted Iran against most regional actors, excluding Russia. But Iran fears that Russia will abandon Assad if its place in the eastern Mediterranean is secured otherwise. It has therefore had to build a vast, decentralized network of militias, modeled on the Basij, so as to assert its interests should Russia defect. In Iraq, furthermore, “Washington provides Baghdad assistance that Tehran cannot match in the military sphere alone, U.S. airpower and on-the-ground support have helped Iraq...”

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achieve major gains against ISIS. Given the toxic relationship with the United States, Iran has little reason to believe that the Americans will attend to its interests should Iran abandon these militias.

One response is for Iran to moderate the proxies, pressuring them to curtail mistreatment of Sunni populations or be more cooperative with the Iraqi central government. But to do this, the Iranians cannot leave the Quds Force in command, as it would have little incentive to try to moderate the proxies (given the interests explained above). But if the Quds Force is removed from command of these groups, Iran will almost surely lose its leverage in Iraq. In part, that is because the Quds Force is uniquely knowledgeable and experienced there. The IRGC exerts influence in Iraq by “paying officials, subsidizing newspapers and television stations, and, when necessary, intimidating.” Such operations require a deep understanding of Iraqi politics and society, which the IRGC has gained over years of operating in the country. Furthermore, much of the Quds Force’s success is based on personal relationships, built through decades fighting together—some fought alongside the IRGC during the Iran-Iraq War—and shared ideology. Now having their own leaders and facing pressure from Shiite rivals who decry Iran’s “colonization” of Iraq, it is unclear if the militias would still be obedient should more moderate, diplomatic Iranian officials take the helm.

In other words, the Quds Force has made both proxies and its own personnel so integral to Iranian power that Tehran, in formulating foreign policy, must choose between pursuing short-term interests—by maintaining Quds proxies—or long-term interests—by shifting towards diplomacy. It cannot have both. Given the high stakes of the short term, a hardline, proxy-based policy will likely take priority.

CONCLUSION
The IRGC has an enormous, possibly decisive, influence on Iran’s foreign policy. Its security apparatus and patron-client network minimize the extent to which Khamenei must accommodate moderates in an Iranian system based around informal power. Its provocations maintain the toxicity of the U.S.-Iran relationship, and hence the necessity for hardline policy. Its proxies have given Iran leverage to secure its interests in the Middle East, while eroding its relationship with other powers and making Iran dependent on IRGC commanders. Hardline Iranian foreign policy cannot be explained by mere recourse to the Supreme Leader as God; it is driven by factional dynamics that, while long-standing and entrenched, might change given the right conditions.

ABOUT THE AUTHOR
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ENDNOTES

7. Frederic Wehrey, Jerrold D Green, and Brian Nichiporuk, The Rise of the Pasdaran: Assessing the Domestic Roles of Iran’s Islamic Revolutionary Guards Corps (Santa Monica, CA: RAND National Defense Research Institute, 2008), 29-31; See also Sinkaya, 177.
8. Alireza Nader, Shahram Chubin, and David E. Thaler, Mullalls, Guards, and Bonyads: An Exploration of Iranian Leadership Dynamics (Santa Monica, CA, United States: Rand Corporation, 2010), 34.
flags.html; Ostovar, “From Tehran to Mosul”; Ostovar, Vanguard, 160-178, 205-229; Fikkins, “The Shadow Commander”.


22. Nader et al, Mullahs, 12, 77-78.


26. Hafezi and Chouhanoune. See also Meichtry, and Fitch, “Iran’s Government”.

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29. Ostovar, Vanguard, 201-207.

30. Ostovar, Vanguard, 223; Mamouri, "Shiite Alliance.”


35. Wehrey et al, Vanguard, 205-207.


41. Nader et al, Mullahs Guards and Boyndays, 55-71; Ahmadi, "Tensions in Tehran.”

42. Arjomand, After Khomeini, 60-62; Alifoneh, "All the Guard’s Men.”


29. Ostovar, Vanguard, 201-207.

30. Ostovar, Vanguard, 223; Mamouri, “Shiite Alliance.”


44. Arjomand, After Khomeini, 133-141.


47. Ostovar, Vanguard, 171.


52. Hezbollah is another markedly effective proxy. It not only a powerful deterrent to Israeli action against Iran and a vigorous representative of Iranian interests in Lebanon.; but its soldiers, being Arabic speakers, are also attractive units for Iranian deployment in Iraq and Syria. See Filkins, “The Shadow Commander.”

53. Ostovar, Vanguard, 224; Bajoghi, “The IRGC’s Plan.”


55. Ostovar, Vanguard, 212; Filkins, “Shadow Commanders.”

56. Filkins, “Shadow Commanders.”


60. Johnson, “Iranian Strategy.”
61. Ostovar, “From Tehran to Mosul.”
64. Ibid, 224; Saadoun, “Iraqis Divided”; Ranj Alaaldin, “Iran’s Weak Grip.”
“My solar light is like a mother, because a mother gives light to her household. Because she gives it light, her house is beautiful.”
“I use the light to give manicures and pedicures at night—my customers come to my house and I can do my work then. We don’t have electricity because my neighbor doesn’t want to let us connect to their electricity, and before that was a problem for us. But now that neighbor asks why even in a brownout we have electricity. My granddaughter is very protective of it—if someone reaches for the light, she says ‘No, don’t touch, my grandmother owns it!’”

Photos by Lissa Glasgo
These photos were taken as a part of a research project on a solar social enterprise in the Philippines, HSSI. The women featured here had recently purchased new solar lights from HSSI and were asked about how the lights had changed their lives.
Decoding Gender Mainstreaming  
Gender Policy Frameworks in an Era of Global Governance  
By Zeinab Khalil

INTRODUCTION

The purpose of this article is to examine gender equality strategies employed by supranational entities and international development institutions as a way to elevate the status of women. This essay specifically unpacks gender mainstreaming, a project that first emerged in the European Union (EU) and was then popularized in the past generation through conferences by the United Nations (UN). The project of gender mainstreaming has gained much clout in global affairs, and particularly in women in development (WID) networks. This article analyzes gender mainstreaming, which was configured by European feminist policymakers and liberal developmentalist discourses, through the lens of postcolonial theory and feminist political economy. Such an analysis foregrounds the transnational political economic contexts that gender policy frameworks operate in. I argue that we can only assess this project—including its possibilities and limits—in relation to its surrounding political imperatives.

Thus, this article will trace the genealogy of gender equality frameworks in the international arena and unpack the theoretical articulations of gender mainstreaming. It will analyze the implementation of gender mainstreaming via a textual analysis of a UN case study and assess its potential as an empowering project for women.

Finally, we will examine whether gender mainstreaming acts as an empowering project that is able to reconfigure gendered distributions of power, wealth and resources, especially toward poor and rural women of the Global South.

CONTEXT

The summer of 1995 in Beijing marked the occasion when the UN convened the Fourth World Conference on Women. The conference marked a notable shift in how the UN addressed women’s issues, adopting a strategy known as gender mainstreaming (GM) as its main protocol for promoting gender equality at all levels of policymaking. The body called on other stakeholders to institutionalize GM as their strategy, including member states, donor governments, multinational institutions, civil society actors, and other international development agencies. GM emerged for the first time through the European Commission in 1991 as a strategy
for member states to pursue. The Beijing Conference of 1995 then solidified the term via the Beijing Platform for Action, which incorporated gender as a category for the first time.1

DEFINITIONS AND MOTIVATIONS

In 1997, the UN Economic and Social Council (ECOSOC) institutionalized and defined the project as follows:

“The process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.”

This mission statement of ECOSOC reflects how other UN agencies have come to define the concept, with the Chief Executives Board for Coordination in 2012 adopting and applying ECOSOC’s gender mainstreaming mission across all UN bodies.1 UN Women took this statement a step further by articulating the universalist nature of the project, stating that GM “is a globally accepted strategy for promoting gender equality.” This points to a trend and attempt by international development institutions to universalize the provincial; that is, to take a specific project (that emerged in Western Europe, in this case) and transfer it to non-European contexts without thorough regard for the epistemological and political implications of doing so. I will later discuss the particularities of gender mainstreaming to the European integrationist context where it emerged.

DUALIST AGENDAS: GENDER AND THE MAINSTREAM

How do GM’s dualist agendas of the mainstream and of gender equality reckon with one another? What is being mainstreamed? Does mainstreaming gender mean transforming gender, or transforming the mainstream?2

Sylvia Walby, a British sociologist and proponent of GM, argues in her book, The Future of Feminism, that GM must engage with the mainstream as it is a powerful tool in instilling feminist principles and goals at institutional levels. While she understands a possible coupling of the two, others have critiqued this approach by highlighting the tense relations between the two frameworks. The dualist agendas of gender equality and the mainstream are often at odds, requiring negotiation, especially as each is subject to its own charged connotations.

This negotiation is perhaps most evident in the rhetorical and linguistic changes around gender equality frameworks. GM employs a shift from women and feminism to gender equality and a heavy-handed assertion of women and men. In
analyzing a number of EU documents on gender mainstreaming, Maria Stratigaki looks at how evolving policy discourses are usually preceded by changes in rhetoric. She writes, “The texts and the administrative and institutional changes observed reveal underlying policy interests and intentions by policymakers; specific words are selected and specific technocratic decisions are taken.” Therefore, we should understand how changes in branding and discourses reflect broader political changes of the project. Alison Woodward also asserts the importance of linguistic evolutions in facilitating increasingly depoliticized and passive frameworks that make gender equality policies more palatable for the mainstream. She traces the material implications of changes in EU documents and policies that move from discourses of action to vocabularies of rights and inclusion. She asserts, “name changes often entail changes in substances. These, as well as shifting venues...are not merely symbolic...such changes hold serious ramifications for future possibilities and activities.”

TRANSFORMATIVE POLITICS AND MAINSTREAM TIMES

Can serious transformative policies occur through mechanisms of “mainstreaming”? GM is a widespread effort in both public polities and private organizations, intended as per UN Women’s statement, to “transform discriminatory social institutions, laws, cultural norms, and community practices, such as those limiting women’s access to property rights or restricting their access to public space.” GM here is articulated as a transformative project, one that would logically proceed to analyze and reconfigure power relations. GM theorists posit, “mainstreaming means integration of the project. Alison Woodward also asserts the importance of linguistic evolutions in facilitating increasingly depoliticized and passive frameworks that make gender equality policies more palatable for the mainstream. She traces the material implications of changes in EU documents and policies that move from discourses of action to vocabularies of rights and inclusion. She asserts, “name changes often entail changes in substances. These, as well as shifting venues...are not merely symbolic...such changes hold serious ramifications for future possibilities and activities.”

Accordingly, gender mainstreaming is understood by and large to be an additive measure rather than an uprooting or transformative one, which would undoubtedly constrain rigorous analysis or reconfiguration of power relations. stipulated by the UN? Or does the project have the authority to set its own agenda and reconfigure policy goals? Walby asserts that GM does not cultivate a separatist gender theory, but rather, its dilemmas, tensions and questions reflect broader trends in feminist theorizing. Many “femocrats”—women politicians and bureaucrats
who advocate for gender parity—have understood the additive approach to existing political paradigms as one that is more pragmatic for the broader policymaking arena even if they understand that ideally gender frameworks should set their own agendas. Thus, GM proponents have come to understand that feminism should not stand against political power, but with time become its new objective. In other words, this sort of feminism should no longer be the anti-system oppositional force to state authority seen during specific time periods in western feminist movements, but rather should be precisely involved with the government.

This transition, of course, comes with costs. For one, it portrays a feminist movement as defunct, as feminism gets absorbed into professionalized and institutionalized practices in the name of “gender equality.” This is actualized through bureaucratic procedures, where new departments, ministries and offices are constantly created and repurposed as guardians of gender equality. In this sense then, as feminism is co-opted by institutions of power, it also loses its public image of protest and is replaced by a gender-neutral public policy.

Accordingly, GM is understood by and large to be an additive measure rather than an uprooting or transformative one, which would undoubtedly constrain rigorous analysis or reconfiguration of power relations. Woodward, who researches European transnational civil society mobilization, argues that such an additive approach does not leave much room to reach GM goals of more equitable gender relations and gender conscious policy-making. Additionally, Diane Perrons argues that upholding economic agendas of a competitive market override concern of “gender” considerations, allowing the mainstream to always have more bargaining power than do advocates of “gender equality.” Therefore, the process of negotiation and contestation that occurs is never on an equal playing field.

Walby is aware that there are dangers to GM that can lead to the erasure of feminist demands in developmentalist and policymaking frameworks. However, she contends that such one-way conceptions of impact are not sufficient due to the “continuously evolving nature of the interaction between feminism and mainstream conceptions.” She argues that such negotiation “may not be as simple as either ‘agenda setting’ or ‘integration’” but rather that the outcomes of such negotiation are contingent on shifting political will, policy environments, and the historical strengths of various institutions.

PRECEDING FRAMEWORKS TO GENDER MAINSTREAM

Woodward identifies three stages of EU approaches to gender policy (which came to be adopted by the UN) that emerged through the changing contexts of European enlargement, feminist theorizing, and transnational organizing on women’s issues.

The first phase took place from the 1950s through the 1970s, and largely focused on gaining economic and legislative rights via equal treatment. Mimicking the broader demands of liberal western feminist activists, gender equality as a strategic policy

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was understood as extending principles of sameness, equal treatment, and gender neutrality.

The second period, from the 1970s through the 1980s, was inspired by the wave of international and radical feminist movements that demanded structural analyses and remedies to gender oppression, echoing demands of domestic civil rights mobilization in the United States, the United Kingdom and elsewhere. This period, marked by difference feminism and affirmative action programs, asserted that legal equality does not translate into social acceptance or factual equality, and that equal treatment does not readily lead to equal outcomes. In fact, they argued that in the many cases such an approach brought forth more burdens while curtailing privileges and protections to which women may previously have had access (lower retirement ages, prohibitions on working night shifts, etc.). These advocates claimed that situating men as the frame of reference and resultantly de-gendering women so that they are constructed only as workers ignored their choices and roles. Thus, femocrats during the second period demanded special and targeted approaches needed for emancipatory politics. This period was marked by many women specific projects, campaigns, and budgetary allocations to respond to women's socio political and economic issues.

This was also the period in which the UN Decade for Women (1975-1985) requested that member states initiate specific mechanisms and policy frameworks to address women's issues. This period marked increased numbers of women in decision-making roles in the EU both in the Commission and the Parliament as a result of positive action programs applied internally in the 1980s. Transnational civil society efforts during this time flourished, as new networks of European women bureaucrats, scholars and activists focused not only on legal transformation, but also on instituting national actions and women's policy machinery that acknowledged the specificity of women as workers. Thus, issues of part time workers (who were by and large women), women farm workers, the health of pregnant and young mothers, and parental leave came to the forefront of gender policy and action programs. Overall, these sets of positive actions acknowledged the particularity of women's circumstances (although mostly in relation to the labor market) and took on measures of recruitment, targeted hiring programs, and preferential selection as a response.

Therefore, it is against this evolving backdrop that the emergence of gender mainstreaming must be understood. Rekha Mehra and Geeta Gupta have argued that GM is a response and backlash to the preceding period of interventions targeted at women that were deemed insufficient by development agencies because of their “marginalization” in policymaking. Thus, GM was seen as a way to “bring gender equality issues into the core of development activities” rather than to be pigeonholed into already under-visible and under-resourced outlets. Woodward asserts that this third stage of gender policy is a way to reconcile articulations of equal treatment and special treatment. She writes that this present approach seeks to move “beyond
‘women’ and beyond the labor market, to attack policy transversally for producing unequal relations between men and women.”

**GENDER MAINSTREAMING: COMPLEMENT OR REPLACEMENT?**

It is important to note that GM initially was understood not as a replacement to positive action programs of the preceding time period, but as part of a dual pronged approach to transform mainstream policies. Stratigaki explores how GM shifted from being introduced initially as an auxiliary to affirmative action program and equal treatment legislation, to becoming its own equality tool. When GM and affirmative action worked together, they often produced positive outcomes by enlarging the scope of gender equality policies as well as focusing on measurable targets for women’s advances. Specific policies and positive actions were capable of addressing gendered economic distribution of resources in ways that GM (on its own) could not.

However, GM came to be used as a political tool of efficiency to replace positive action programs and avoid women-centered policymaking, rolling back the advances of the early 1990s. Stratigaki writes, “positive action was sidelined after the launch of GM as a result of the specific way GM was used by the opponents of gender equality to damage the dynamic created by the successful enlargement of the scope of gender equality” in community action programs. GM was co-opted and used to reinforce and support EU policies already in place. As a result, GM was primarily brought in to advance broader suprastructure priorities (e.g. employment or labor issues).

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While proponents may suggest that GM’s advantage is its resistance to compartmentalizing women’s issues, Stratigaki argues that GM must be understood as a contingent and structural phenomenon. She writes:
“…In practice, thorough GM application becomes an almost Sisyphean mission. Strategies and policy instruments (even those for gender equality) are shaped within multiple gender hierarchies and thus become the implicit vehicles of the reproduction of inequalities. Without simultaneously tackling the accumulated inequalities between the sexes and reinforcing gender specific policies, GM effectiveness cannot be assured.”

Thus, an analysis of GM must consider how the project is implicated in reproducing accumulated inequalities if it does not actively intervene to disrupt them.

Furthermore, because GM focuses on assessing means rather than actualizing results, critics have regarded this approach as a kind of formal equality rather than a substantive equality that accounts for equality of opportunity and outcomes. The latter, Iris Young argues, should not be understood as compensation for oppression, but rather as a way “to diminish the current biases of institutions and decision makers,” and to destabilize notions of meritocracy that uncritically advantage some individuals on the basis of race and gender among other characteristics. Iris Young argues, should not be understood as compensation for oppression, but rather as a way “to diminish the current biases of institutions and decision makers,” and to destabilize notions of meritocracy that uncritically advantage some individuals on the basis of race and gender among other characteristics. Thus, this individualistic bias ignores important factors including accumulated intergenerational wealth, property ownership, and how families and spouses may “reinforce each other’s class position.”

Evaluating the implementation and effectiveness of GM has also been another one of its major challenges. Here GM contrasts significantly with previous affirmative efforts —…In practice, thorough GM application becomes an almost Sisyphean mission. Strategies and policy instruments (even those for gender equality) are shaped within multiple gender hierarchies and thus become the implicit vehicles of the reproduction of inequalities. Without simultaneously tackling the accumulated inequalities between the sexes and reinforcing gender specific policies, GM effectiveness cannot be assured.”

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As a result, the project’s goal through GM is to rectify such stated cognitive dissonance by building women’s confidence and developing their skills for entrepreneurial endeavors.34

Meanwhile, in the case of Burundi, the report points to GM as a successful and important element of the Burundi Peace Agreement. Specifically, “Burundian women were able to incorporate a gender equality perspective into the Burundi Peace Agreement. Many of the recommendations put forth by the All-Party Burundi Women’s Conference—30 percent quotas for women representatives in political bodies were rejected—were included in the final agreement. Burundian women and girls now have a legal basis with which to claim their rights to active participation in the reconstruction and development of their country.”35 Thus, the work of GM here focuses on appeals to legalism and awareness of the law.

The United Nations High Commissioner for Refugees’ (UNHCR) 2001 policy report, UNHCR Good Practices in Gender Mainstreaming, provides a telling example of how GM has been conceptualized and utilized within a specific agency. The report is commendable in that it admits that the tools it uses for mainstreaming—including the creation of “gender networks” and “refugee gender sensitive checklists”—still require evidence that these actually promote gender parity. The report reads, “This is no easy task given that no one factor leads to empowerment, nor is the process of empowerment necessarily linear...very often, empowerment strategies do not produce immediate results, but require multiple interventions over the long term.”36

However, a closer look at its specific operations in various countries exposes a number of gaps. Specifically, the report reviews cases of GM operations in four countries. In the first case, the report looks at a microfinance initiative called the Kosovo Women’s Economic Empowerment Project. The project aims to increase women’s low numbers as micro-finance clients. The disparity, we are told, is a result of:

“Discriminatory practices in micro-finance institutions, international funding agencies, and Kosovo society. Women are perceived to be unproductive members of society who do not need credit. Women internalize this perception themselves, resulting in low self-esteem and hesitancy to apply for credit. Because women have been excluded from business, many lack basic skills.”37

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In the Colombian case, the report examines GM efforts in responding to displacement and armed violence, especially as it affects indigenous Afro-Colombian communities in Uraba. The report reads, “as a result of UNHCR sensitization workshops, the initial resistance of male dominated communities was overcome as they began to recognize the value and importance of including women.”

Similarly, in another project that focused on the impending return of West Saharan women refugees based in Algeria, the report also emphasizes on raising awareness and capacity building as approaches to GM. “UNHCR plans to focus on rights training and raising awareness on refugee law and women’s rights through a planned joint Protection and People Oriented Planning/Gender (POP) workshop.”

It is crucial to note how in all of these cases GM is implemented through reformative approaches that do not fundamentally question the role of political economic imperatives in perpetuating these issues of economic oppression, political exclusion, conflict, and displacement. Rather, the solutions offered rely on western liberal frameworks that uphold what Lauren Leve has dubbed the “Law, Literacy, Loan trifecta.”

Lauren Leve has dubbed the “Law, Literacy, Loan trifecta.” In her research on failed developmental policies in rural Nepal, she draws on the work of Veronica Schild, who argues “the discourse of neoliberal modernization emphasizes an active relation to the market, expressed on the part of citizens as the autonomous exercise of responsibilities, including economic self-reliance and political participation.” This cultivates governmental frameworks where “citizens are...conceived – and produced – as empowered clients, who as individuals are viewed as capable of enhancing their lives through judicious, responsible choices as consumers of services and other goods.” This results in the creation of what she refers to as market citizens who embody the liberal norms of the market and adopt the idea that they can progress in life by being better consumer political subjects.” This assessment rings true in UN and international development policies as well, which execute a similar agenda through women’s empowerment initiatives that stress individual materialism and the rule of law, which Ugo Mattei argues are mechanisms that historically worked to “guarantee political stability in a society characterized by inequalities and in which wealthy landowners were in the minority and had to be defended against the majority.” Therefore, we must ask...
what tools are emphasized and reinforced in neoliberal developmental frameworks for women's empowerment, and what the motivations are for selecting such frameworks. In this case, we should ask: what kind of subjects does GM produce? How does it give rise to citizens who are productive and instrumental in the broader politico-economic order where political liberalization goes hand in hand with economic neoliberalism?

In all of the above four cases in the UNHCR's GM projects, we see liberal solutions in the form of: 1) an emphasis on literacy, awareness building, and sensitization workshops, that shift responsibility and burdens on marginalized individuals without addressing structural impediments; 2) an emphasis on law that upholds western legal exceptionalism as given and the law as the ultimate method of social order without regard to its specific transnational, capitalist imperatives; and 3) an emphasis on microcredit loans that do not question the effects of globalization on land dispossession and privatization of services, and the context of a deregulated, informal economy that most microcredit projects function in. These three elements individualize poverty and transpose it onto “the backs of poor women” rather than offer holistic responses by the supranational structure to alleviate oppression and poverty among women. Thus, the solution to women's empowerment and poverty reduction is portrayed as simply getting women to work harder and become more educated and aware while also placing on them more responsibilities without considering alternatives for traditional forms of social protections and support that come to be erased through neoliberal policies.

Additionally, GM facilitates and standardizes a normative approach to address women's issues; you can address gender by working through the supranational structure itself. In accordance, another trend we see in GM is what Sabine Lang refers to in her own work as the institutional advocacy bias. Lang, who looks at the impact of women's advocacy networks amid EU engagements, argues that gender issues become constrained to institutional advocacy due to the legal and economic constraints set by the supranational agenda. Thus, because women's NGOs are limited by wider legal and economic stipulations, they are funneled into institutional advocacy and issues that are already approved by the European Union. Similarly, we can understand GM as directing gender policies toward specific types of women's issues and forms of advocacy that do not question broader legal and economic boundaries and must remain within the dictates of government contexts.

This is why we often see GM focused on issues of labor market policy. The overemphasis on the labor market is not coincidental; focusing on labor issues (retirement age, working hours, etc.) is a way to leverage the discourse on gender equality in favor of state economic interests. Stratigaki argues that GM's adoption in employment and labor policy by the state in particular moments was a way to reinforce broader economic policies. However, when push came to shove and unemployment began to disturb male-dominated policy circles, GM was thrown under the bus and mainstreaming employment came to dominate community
were also now working in low paying, part time, temporary, flexible jobs. The European Employment Strategy in labor market and work and family policies where GM was incorporated, the result was often not favorable for women. The European Employment Strategy in the 1990s indeed did result in more women in the labor market, but more women were also now working in low paying, part time, temporary, flexible jobs.

CONCLUSION

Overall, while GM has made some strides and advances beyond equal treatment paradigms, it has also harmed and eroded women-centered affirmative action programs that produced positive outcomes on women's issues. Stratigaki argues that GM becomes an abstract principle, not a strategy, as it focuses more on broadening rather than transforming. She asserts that the broad reach and scope of GM, which was its innovative and trademark feature, is also its greatest weakness. In trying to be a blanket policy that addresses every level of policies and programs, the project's politics and impact become diluted. Such unclear articulation of roles can have dire consequences. As Mehra and Gupta caution, "when mainstreaming is everyone's task, it can become no one's responsibility...there is a real danger that gender equality goals can be swept away by the mainstream, instead of changing it."

History has given us many accounts of policies that concern women's livelihoods, bodies, and interests as projects that are not neutral or benign, but politically motivated. Ultimately, what we see through GM is an appropriation of women's issues as a pacifying strategy toward women's movement building and women-specific interventions, as well as an opportunity to co-opt women as productive citizens who can better serve and uphold transnational imperatives that are more concerned with profitable land and resource competition than redistribute efforts that respond to the challenges and poverty of women, and especially women from the Global South. As scholars and practitioners of gender, development, and global affairs, we have much reason and responsibility to interrogate and expose such motivations and ask in this specific case, what tools and approaches are allowed and reinforced in GM? Which ones are excluded? How are gender equality policies co-opted to fit broader economic priorities of the supranational governing institution? Fundamentally, GM's prospect of emancipatory outcomes for women is limited as the project is constrained to offer solutions that do not disturb politico-economic imperatives and to which supranational entities are beholden.
ABOUT THE AUTHOR

Zeinab Khalil is a graduate student at the Jackson Institute for Global Affairs where she specializes in critical development studies, global governance and state-civil society relations.
ENDNOTES

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David Satter, a journalist who has covered Russia for more than 30 years, opens his new book *The Less You Know, the Better You Sleep*, with an anecdote. Satter was living in Kiev in December 2013, where he was covering the Maidan Revolution and waiting to receive a renewal of his Russian visa from the Russian Embassy.

His application was rejected and he became a persona non grata. This was the first time a professional journalist had been denied entry to Russia since the collapse of the Soviet Union. From later conversations with officials, Satter found out that operatives of Russia’s Federal Security Service, the FSB, had obstructed his visa renewal.

As the book progresses, it becomes obvious why Satter is no longer welcomed in Russia. His previous published works, most notably *Darkness at Dawn*, *It Was a Long Time Ago*, and *It Never Happened Anyway* showed the post-Soviet Russian state in a critical light. *The Less You Know*, while providing comparatively few new insights, ties together anecdotes and themes from Satter’s previous books and years of reporting. These revelations shatter any lingering perceptions that Russia is a state with Western standards of human rights.

Satter criticizes many Western analysts and politicians that have chosen to treat Russia pragmatically. These observers view Russia as a state with which the West has many ideological, cultural, and philosophical disagreements, but one that can be generally treated like a normal liberal democracy.

Satter’s message is overwhelmingly clear: Russia is not a liberal democracy, and mere everyday bureaucratic corruption is not the issue. He views Russia as a state that is run like a...
Satter’s message is overwhelmingly clear: Russia is not a liberal democracy, and mere everyday bureaucratic corruption is not the issue.

Importantly, Satter notes that the criminality and corruption did not start with Vladimir Putin, but with his predecessor, Boris Yeltsin. While Many Western journalists portray Yeltsin in a more sympathetic manner than Putin, Satter does not. He shows criminal gang, tolerating liberal values like free speech only as long as they do not interfere with the goals of the ruling elite in any way. In some respect, Satter’s impression of the Russian State is quite Orwellian. Through his works, he shows that the Russian government creates terror (or in some cases fails to prevent it), then pretends to fight it by various actions such as the invasion of Chechnya. The atmosphere created in the country as a consequence of this sophisticated political game is one of fear, blame, and paranoia. This keeps the public subdued and reliant on the government. However, despite his overwhelming disdain for Russia’s officials, especially the FSB, Satter’s attitude towards ordinary Russians is very sympathetic. He views them as victims in a grand criminal machine that no one can control any longer.

For the reader unacquainted with Russia, the book can seem conspiratorial. Many of Satter’s claims on the criminality of Russian officials and their utter disregard for the humanity and dignity of Russian citizens may seem unbelievable at first glance. But Satter’s examples and sources are well-documented; they include interviews with former government officials and regular citizens. Other works, such as those of Karen Dawisha, confirm his reporting, and it becomes clear that his findings are based on years of research and fact-checking, and are very real indeed.

In the first part of the book, Satter revisits the apartment bombings that occurred across Russia in 1999. The bombings happened in three cities including Moscow, killing around 300 people and injuring about 1,000. These bombings were the catalyst for the Second Chechen War and then-Prime Minister Vladimir Putin’s successful ascension to the presidency. Satter’s earlier book, Darkness at Dawn, also investigated the bombings. Satter implicates the FSB in staging the attacks and gives evidence that the publicly-blamed Chechen terrorists were not involved. He also shows that many officials and journalists who have attempted to impartially investigate the bombings have either died, suspiciously disappeared, or been imprisoned. Satter believes that Russia’s ruling class has built its entire legitimacy on the 1999 apartment bombings and the Chechnya campaign that followed.

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that corruption and undemocratic rule started with Yeltsin as early as 1993, when Yeltsin disbanded and bombed the Russian parliament and implemented a new constitution while trying to battle communist and conservative opposition to his neoliberal, free-market, and privatization reforms. Satter implicates Putin's regime in many other crimes against ordinary citizens—some deliberate, others the results of utter incompetence on the part of the government. He returns to disasters he previously covered, each resulting in mass casualties. He writes about the sinking of the nuclear submarine Kursk in 2000 (118 dead), the Nord-Ost Theater Hostage Crisis in 2002 (at least 170 dead, and many others injured), and the 2004 hostage crisis in a school in Beslan (at least 385 dead with many injured). According to Satter, these horrific events show that terrorism is a weapon that Putin's regime uses to leverage public opinion in its favor.

For the reader unacquainted with Russia, the book can seem conspiratorial. Supreme Soviet and the creation of a super-presidential system destroyed any chance for a separation of powers. This culture of corruption beginning in the early 1990s led to the mass impoverishment of ordinary Russian people, who soon craved Soviet-like stability. “The criminality of the Yeltsin period engendered a hunger for order, which, in the absence of moral content, led top banditry in the guise of a state,” says Satter (79). Vladimir Putin rose to power at this moment. He stabilized the economy and raised real incomes for almost all sectors of the Russian population, including the working class. However, this was done at the price of liberty, human dignity, and long-term prosperity. Remembering the difficulty of life in the 1990s, many Russians were nevertheless grateful.

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The Less You Know can be seen as a final verdict of a country that Satter had been covering for decades, and Satter’s message about Russia hits the mark. “Russia must take an honest look at its past. Because it has failed to face truth about the crimes of the communist regime, it did not purify the moral and political atmosphere after seventy-four years of communism” (171). Satter seems to believe that the truth about the past will set Russia free and put it on a real path to freedom and democracy. Whether or not he is right, the chances for a reckoning with the past are, at the present moment, remote.

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I met with Matthew Rycroft, the British Ambassador to the United Nations, on Wednesday November 10, the day after the election of Donald J. Trump as the 45th president of the United States. It was a gloomy day, raining and grey, and there was a sense of despondency and incredulity at the result around New Haven, Connecticut. Ambassador Rycroft was limited in what he could say about the election since was only a few hours since Trump's victory was confirmed, but the position of the British government was to welcome the new administration and reiterate that the ‘special relationship’ between the United States and Britain would endure.

Rycroft has had a full agenda since taking up one of Britain’s top diplomatic posts last year. His duties may yet become more complicated under President Trump, whose references to isolationism and disdain for multilateral organizations such as NATO have stoked fears that the United States could also turn away from the United Nations.

In this wide-ranging conversation, we discussed Russia’s role in Syria, the global spread of populism and the battle for female leadership within the United Nations. Below is an abridged transcript of our conversation, edited for brevity.

Joshua Jacobs: Britain is pushing for United Nations reform, to add Japan, India, Germany, Brazil, and an African representative as permanent members of the Security Council. Are the regional rivals to these countries opposing this?

Matthew Rycroft: Each of those countries has countries that are adamantly opposed to them joining the Security Council. For the countries that oppose, the status quo may be bad enough, but to have their archrival or their big neighbor or their enemy added would make things even worse. There is one group that favors those countries and then another group made up of the opponents of those countries. There is a bit of a standoff. And that is one of the many reasons why nothing has happened in terms of new countries joining the Security Council for decades.

The United Nations brings the world together. That carries on whoever is in power.
JJ: You strongly advocated for a woman to be appointed the next United Nations Secretary General. In the end a man was chosen, António Guterres. Currently there is only one female Ambassador to the Security Council. What do these facts say about the fight for female leadership?

MR: Samantha Power is [the only female Ambassador to the United Nations Security Council] at the moment. When she leaves it is possible that it will be all fifteen men, which is extraordinary. I think it is very bad for the image of an out of date, secretive club. But the U.K. is one-fifteenth of that, so I am not blaming anyone else.

In terms of why we did not choose a woman to be Secretary General, I pushed hard. I said it was high time for a woman to run the United Nations, other things being equal. We chose António Guterres because he was the best candidate and I’m very glad that we did. We worked hard to get women into the field, seven out of thirteen candidates, a majority of the candidates were women. But in the end the process did identify the strongest candidate and, as it happens, it was a man.

JJ: More broadly, what are the forces holding back female leadership in politics? How can we see more progress in this area?

MR: There is a whole load of things. A lot of my experience with this come from being Chief Operation Officer of the U.K. Foreign Office. There is something in the stereotype that men put themselves forward for jobs on the off chance that they will get them whereas women tend to wait until they are absolutely sure that they are going to get something, absolutely sure that they are ready before putting themselves forward. Of course that’s a generalization, of course there are plenty of counterexamples, but on average that is what happens. On average more men put themselves forward, so on average more men get promotions, get big jobs and so on.

To counter that, what you need is a proactive strategy to encourage women to apply. I think women disproportionately are positively influenced by having someone who matters to them saying, “you should really go for this”. So having mentoring, sponsorship, all those sorts of things. In a closed market like the British Foreign Office, that works well.

JJ: I understand that you are limited in what you can say about the United States election results, but more generally how do you think the rise of populist and authoritarian forces will effect international cooperation, both within the United Nations and European European Union and bilaterally as well?

MR: I think that there is going to be a continued requirement for multilateralism and for organizations that bring different parts of the world together. The United Nations is the most supreme example of that because it brings the whole world together, literally:

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Throughout my career and before, and probably after as well, there is a pendulum that swings in different directions on this sort of issue. So in the time of my career we have had a phase of under-intervening in the Western Balkans, Bosnia in particular. We have had a phase of under-intervening in the Western Balkans, Bosnia in particular. We
learned from that and we arguably over-intervened in Iraq and Afghanistan, and as a result [U.S. President Barack] Obama came in and chose not to intervene as strongly in places like Syria. And so it will carry on.

ABOUT THE INTERVIEWEE

Matthew Rycroft has represented Britain as the Permanent Representative to the United Nations since 25 April 2015. From March 2011, Rycroft was the British Foreign and Commonwealth Office’s Chief Operating Officer and from 2002 to 2004 he was Private Secretary to Prime Minister Tony Blair for Foreign Affairs, covering all foreign, European, Northern Ireland and defense issues in 10 Downing Street (the Prime Minister’s office).
Lethal Autonomous Weapons Systems
Adapting to the Future of Unmanned Warfare and Unaccountable Robots

By Aiden Warren and Alek Hillas

ABSTRACT

In response to a push from civil society to confront the legal and ethical dimensions of lethal robotics, the UN Convention on Certain Conventional Weapons convened a four-day Meeting of Experts on Lethal Autonomous Weapons Systems (LAWS) in 2014, which was followed by five-day meetings in 2015 and 2016. This was the first occasion diplomats had openly discussed or even considered the prospect of lethal autonomy. Many issues remain unresolved. In response, this article seeks to address the question, how do lawmakers and policymakers in the United States envisage responding to the advent of LAWS?

As a new addition to literature on lethal autonomy, the article considers whether a robot with either strong Artificial Intelligence (AI) or Artificial Consciousness (AC) could obtain moral agency and stand trial in the U.S. military justice system. The necessary reforms within the Uniform Code of Military Justice (UCMJ) are ultimately deemed too difficult to achieve, meaning that LAWS will not obtain personhood unless robots are conferred moral agency first under civilian criminal law. The status of Military Working Dogs (MWDs), which are alive and conscious, is then utilized as a case study to illustrate how unattainably high the bar for moral agency is for animals and robots alike, suggesting that the training and development of what we call the “Machine’s Human Operator/Overseer (MHO)” —humans who will either share in the responsibility or be held solely accountable for the actions of LAWS during human-machine teaming missions—could utilize lessons gained from MWD handlers in previous conflicts.

INTRODUCTION

The landscape of war and how it is conducted is changing exponentially. For the first time in history, humankind is confronted with the prospect that autonomous robots may join the battlefield. They will come in all shapes and sizes. Some of these machines will be fighting under the same flag as a nation-state, while others may be enemy combatants with no fixed address or fear of death. Indeed, the advent of LAWS is an emerging game changer for the next generation of soldiers, seamen, airmen, marines, and politicians. The likely disruptive effect of the singularity, which may broadly be defined as a technology-driven revolution that will impact almost all aspects of society including law, science, and even philosophy,
will raise questions about the capacity of machines with artificial intelligence (AI) or artificial consciousness (AC) to exercise moral agency.

In unpacking this evolving area in security, this article begins by outlining what policymakers will be confronted with in response to the next emerging Revolution in Military Affairs (RMA). It will also assess what they need to consider in response to the rise of lethal robotics, which has necessitated the U.S. military move toward its “Third Offset Strategy.” The article then proceeds to examine the oft-stated but under-researched proposition that robots could one day obtain moral agency and examines whether reform within the U.S. military justice system would be possible to regulate robot personhood. This finding is compared with the current status of Military Working Dogs (MWDs), which are alive and conscious, but do not have individual responsibilities that are subject to punishment. Overall, while these areas of concern are not an exhaustive list of the discipline of lethal robotics, they nonetheless represent a meaningful contribution to the debate, at a defining juncture in international security.

USES OF FORCE COMPLEXITIES PRESENTED BY LAWS

Controlled remotely from virtually anywhere on the planet, drones have come to the forefront in the military suite and contribute significantly to what has been described as the further “dehumanization of death.” Indeed, drones—a catch-all term for unmanned aerial vehicles (UAVs), remotely piloted vehicles (RPVs), and unmanned military systems (UMS)—illustrate that “we are currently in the midst of an epochal transformation” in violence, that is in response to a “new species of war.” However, existing armed drones are only the precursors to so-called autonomous robotics—devices that could choose targets without further human intervention once they are programmed and activated. While this may appear somewhat exaggerated, the Pentagon is already planning for them, “envisioning a gradual reduction by 2036 of the degree of human control over such unmanned weapons and systems, until humans are completely out of the loop.”

LAWS will provide the state with a greater capacity to defend itself through force projection and force multiplication, and thereby enable politicians to justify the loss of a robot, rather than a soldier, to the public and media.

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Proponents claim that LAWS will save lives. As machines acting under the control of a computer program, LAWS would not exhibit any desire to rape civilians or torture prisoners of war, nor shoot an unidentified “target” out of fear, only to discover it is, in fact, an innocent non-combatant. They also believe that LAWS will provide the state with a greater capacity to defend itself through force projection and force multiplication, and thereby enable politicians to justify the loss of a robot, rather than a soldier, to the public and media.

Conversely, opponents warn that the introduction of LAWS would make it easier for states to enter into a war; lowering the threshold to go to war but also perhaps normalizing war as an alternative to diplomacy. Additionally, critics contend that machines lack moral agency, meaning that the same standard of criminal accountability and “justness” of punishment, as expected of humans, would be difficult for robots to execute. Moreover, unlike drones, LAWS would not be under the direct control of a human, which could make war less humane and less dignified. While no one is exactly sure how these robots of the future will emerge, or what actions they might be able to perform, roboticists, soldiers, politicians, lawyers and philosophers must ask some very complex and interdisciplinary questions regarding the future use of LAWS.

REGULATING LAWS IN THE U.S. MILITARY JUSTICE SYSTEM

As a new and untested RMA, LAWS will present immense challenges to those involved in the U.S. security and policymaking domain, particularly on the extent to which the United States is capable of regulating robots with strong Artificial Intelligence (AI) or Artificial Consciousness (AC). Computers are changing from essentially being calculators constrained by the von-Neumann architecture, to having artificial “brains” with neurons and synapses working in parallel to feed off real-time sensory information like hearing and vision (if the latest chip from IBM, developed with funding from the U.S. Defense Advanced Research Projects Agency [DARPA], is any indication). Could these computer “brains” think and act like ours? Several scenarios are possible, each of which can be mapped to a timeline of projected technological developments. In the short-term, the law will continue to regard robots as weapons like any other (the status quo). As the complexity of human-machine teaming increases and humans begin to delegate more decisions to robots on the battlefield (corresponding with the “Third Offset Strategy” scenario), accountability would remain with humans but may become distributed between multiple people working across weapon systems. In the distant future, humans may cede responsibility to robots where robots have demonstrated moral agency. At present, U.S. military law reform is limited in its capacity to regulate robots as moral agents, meaning that humans will maintain responsibility for both human and machine actions in the foreseeable future.

Given the rise of drones and the advent of technology in the form of robots, managing their operations or potential contravention of law will require some

Proponents claim that LAWS will save lives. As machines acting under the control of a computer program, LAWS would not exhibit any desire to rape civilians or torture prisoners of war, nor shoot an unidentified “target” out of fear, only to discover it is, in fact, an innocent non-combatant. They also believe that LAWS will provide the state with a greater capacity to defend itself through force projection and force multiplication, and thereby enable politicians to justify the loss of a robot, rather than a soldier, to the public and media.

Conversely, opponents warn that the introduction of LAWS would make it easier for states to enter into a war; lowering the threshold to go to war but also perhaps normalizing war as an alternative to diplomacy. Additionally, critics contend that machines lack moral agency, meaning that the same standard of criminal accountability and “justness” of punishment, as expected of humans, would be difficult for robots to execute. Moreover, unlike drones, LAWS would not be under the direct control of a human, which could make war less humane and less dignified. While no one is exactly sure how these robots of the future will emerge, or what actions they might be able to perform, roboticists, soldiers, politicians, lawyers and philosophers must ask some very complex and interdisciplinary questions regarding the future use of LAWS.

REGULATING LAWS IN THE U.S. MILITARY JUSTICE SYSTEM

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In the short term, lethal robotics will most likely be considered as ‘soulless’ machines without moral agency, which will present its own set of problems and complexities. Indeed, if autonomy is distributed between a human and machine, then responsibility could likewise be divisible. According to Andrea Omicini’s presentation at the 2015 Meeting of Experts on LAWS, in socio-technical systems, “the agent abstraction typically accounts for both human and software agents.”24 As such, a lack of understanding surrounding distributed autonomy could lead to “uncertain responsibility,” and therefore unclear liability in the international legal system.25

In considering the above discussion, it is worth emphasizing what the paradigm shift in thinking would require at a policy level, particularly the complexities associated with the JSC or an ad hoc committee arguing in favor of robot personhood. Lawful permanent residents who serve in the armed forces of the United States today can be deported if they are found guilty of criminal misconduct in a court-martial.26 The compulsory expulsion of non-citizens would, presumably, place autonomous robots in a precarious position. Japan’s nascent and largely experimental experience of granting special residency permits to robots is hard to imagine taking a foothold in Western societies.27 If a robot were found guilty of criminal misconduct and didn’t have citizenship in another country, to where could it be deported and how would this process differ (if at all) from the current treatment of stateless persons?28 The execution of a robot with moral agency would potentially be illegal for non-capital offenses. Moreover, consider the potential issues surrounding International Humanitarian Law (IHL) that are bound to arise in a war where one belligerent country recognized robot rights, but the other did not. This, and many other issues that may appear somewhat trivial at first, actually reveal the depth of change that reform-minded policymakers would need to consider, before a robot could be subject to the court-martial process or a human soldier could themselves be court-martialed for mistreating a robot.

**CASE STUDY: CONSIDERING THE STATUS OF MILITARY WORKING DOGS (MWDs) TODAY**

Although it is difficult to theorize the status of autonomous robots as legal persons when none currently exist, MWDs present an interesting case study—to which this section now turns—due to their similarities with unmanned weapons. This discussion takes off from where Pagallo has canvassed whether a robot mostly resembles a corporation, a pet animal, a child, or a household appliance and attempts to place the discussion into a military context.29 MWDs and LAWS share philosophical questions regarding moral agency and appropriate forms of regulation.30 MWDs are also force multipliers.31 Further, legal experts recognize the utility of MWDs as autonomous or semi-autonomous weapons,32 and the requirement for handlers to keep oversight of their dog at all times bears similarity and historical context.

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with the need for meaningful human control over LAWS. For example, U.S. Army Regulation 190-12 states that canines,

“will not be used for crowd control or direct confrontation with demonstrators, unless the responsible commander determines this use is absolutely necessary. When used for crowd control or direct confrontation, dogs will be kept on a short leash to minimize the danger to innocent people. Dogs will not be released into a crowd.”

Here, such strict regulations could be under threat if autonomous systems were utilized for crowd control purposes instead, which raises the question over whether the human control of MWDs prevent canines from being recognized as members of the armed forces in their own right. Or, rather, whether it is their species’ lack of intelligent thought that does not allow for MWDs to uphold responsibilities and obligations like humans.

MWDs make large contributions to the work of the armed forces, but it is only their actions, rather than their species, that receives recognition. On average, each dog saves the lives of 150 human soldiers. These days, the respect toward MWDs is best illustrated by the fact that dogs are always given a higher ranking than their handler, and it was no exaggeration when General Petraeus claimed in 2008 that “the capability that military working dogs bring to the fight cannot be replicated by man or machine.” Under U.S. law, MWDs can be recognized for their service when they perform an “exceptionally meritorious or courageous act.” However, none of these canine achievements have translated into formal recognition of the dogs themselves. Only one dog has even been awarded a medal, and even that was later revoked. Memorials to MWDs are not officially recognized either.

The human tasked with oversight may struggle to keep up with all systems simultaneously; one research project envisions a machine-to-human ratio of at least six to one.

Further, an attempt to officially reclassify MWDs as "Canine Members of the Armed Forces" was stifled in Congress, and MWDs are still considered "equipment" under the law. This, despite growing support from the veterinary community that MWDs can experience similar psychological issues as people; disturbingly, more than five percent of MWDs suffer from Canine Post-Traumatic Stress Disorder. In Britain, some police dogs even receive a pension after retirement, which pays for three years’ worth of medical care. Indeed, millennia of evolution in social groups alongside humans have instilled dogs with a higher level of intelligence than most other animals, even to the extent that they might, “have a level of sentence

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comparable to that of a human child. In sum, while dogs are alive and conscious, and much beloved for their lifesaving work, the standard for moral agency is so high that MWDs do not even come close to having capacity to share in the legal responsibility for their actions.

While MWDs obviously cannot stand accused at courts-martial, their handlers can. One of the most well-known of these cases involved Army Sergeant Michael J. Smith, a military police officer stationed at Abu Ghraib. Smith was convicted on six counts of abuse of a detainee, removing a bag off a detainee's head, and licking peanut butter from the genitals of other military police officers (even so, the two dog handlers convicted at Abu Ghraib received light sentences). Despite Smith's belief that he was acting with the authorization of military intelligence, the presence of an untrained dog during interrogations was illegal under Operation Iraqi Freedom Combined Joint Task Force-7 policy. In United States v. Smith, the Court of Appeals for the Armed Forces upheld the ruling, finding that the detainees under Smith's orders were entitled to the appellant's protection, but had been subjected to "cruelty and maltreatment." In the ruling statement, Judge Baker said, "We hold that Article 93, UCMJ, applies to detainees in U.S. custody or under U.S. control, whether they are members of the U.S. armed forces or not." Despite being reasonably foreseeable without the need to go to trial first, these changes took time and bitter experience for the DOD to implement. The given amount of training, bonding, trust, and control that handlers have with their dogs, and the regulations preventing others from doing so, each handler is personally responsible for the actions of their MWD. The policy link with autonomous systems is that an MHO should not use robots for the purposes of torture, maltreatment, committing an indecent act, etc. It may also be necessary for someone to oversee the overseer in real time, rather than review their actions after an incident, when it is already too late. Therefore, there should be an extra level in the command structure allowing for continuous oversight over MHOs that has not been possible with MWD handlers so far, which will become available with the advent of trackable robotics. In this respect, the military can and must learn from the prior experiences of MWD teaming, when making policy decisions and designing training manuals for human-machine teaming in the future. MWDs are an appropriate case study to demonstrate that being alive and conscious is, quite simply, not a prerequisite for a non-human to have moral agency under the law. Indeed, a detailed analysis of U.S. military justice law has revealed the comparable to that of a human child. In sum, while dogs are alive and conscious, and much beloved for their lifesaving work, the standard for moral agency is so high that MWDs do not even come close to having capacity to share in the legal responsibility for their actions.

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extreme unlikelihood that robots could be treated as such in our lifetime, and that it would be inappropriate to, “put a robot in jail until the battery runs flat,” as stated caustically by Heyns.\textsuperscript{46} Not all of the policies surrounding Military Working Dogs Teams are directly transferable to LAWS, but, perhaps, some of the lessons learned are. MWDs require a handler, just as LAWS would require an MHO. In order to minimize criminal activity within the military, it will be necessary to learn from the past mistakes in MWD policy and ensure that MHOs, as the overseers of LAWS, are themselves subject to oversight from someone else. More likely than not, doing so would actually stand to benefit the MHOs by raising the expected standard of conduct and ensuring that poorly trained staff are not allowed to continue to be derelict in their performance of duties. This would not necessarily absolve manufacturers, military strategists or politicians from blame, but they are shielded to some extent compared to the MHO, who will watch the action unfold in real time.

In considering the mechanism for the MHO to observe and control the actions of LAWS, policymakers must ensure the mission commander is at all times capable of maintaining Meaningful Human Control over the actions of multiple systems; the MHO must be able to order LAWS to cease any action, just as soldiers can be contacted by radio and told not to proceed with their mission today. This will require close engagement with engineers, particularly as one of the most advantageous uses of autonomous systems would involve sending UMS and RGVs into remote areas, and UAVs into GPS-denied environments, with little possibility of communication with the MHO. While policymakers believe it will be technologically possible and therefore desirable from a force multiplication perspective for a large number of LAWS to swarm together,\textsuperscript{47} the human tasked with oversight may struggle to keep up with all systems simultaneously; one research project envisions a machine-to-human ratio of at least six to one.\textsuperscript{48}

Rather than allowing programmers and engineers to drive technological possibilities in machine autonomy to the extreme limits of everything except for legal accountability, policymakers should be far more concerned about maintaining the threshold level of human oversight over LAWS. After all, an MHO will not be able to read a robot’s mind. While military strategists will no doubt be tempted with the allure of being on the cutting-edge, they must also remember not to push their staff over the edge of the proverbial cliff. Danièle Bourcier has told the 2016 United National Convention on Certain Conventional Weapons (CCW) Meeting of Experts that “researchers must ensure that robotic decisions are not made without operator’s knowledge, in order to avoid gaps in the operator’s situational awareness.”\textsuperscript{49} Otherwise, as Pablo Kalmanovitz noted during that same conference that “while in principle possible to attribute responsibility fairly to human beings, in practice it may require defining specific roles within a complex web of industrial-military production and use. Unless deploying states are willing to define certain roles as those responsible for impact of LAWS, the nightmare of unaccountable robots killing innocent civilians may become reality.”\textsuperscript{50}
In summary, even though the creation of criminal robot personhood is extremely unlikely, placing an MHO in a position to monitor multiple LAWS in real time could fulfill the ethical requirement of having a “human in the loop” whilst taking full advantage of force multiplication-enabling technologies. However, with each group of systems potentially operating across different kill boxes, the mission commander could feel overwhelmed due to different scenarios and may face pressure to approve engagements in short timeframes – perhaps even within seconds. At the moment when the human feels more “on” than “in” the loop, the responsibilities of human-machine teaming will have become more evenly distributed; the human is no longer in full control and they will trust the robots on the extent of their training and prior experiences, remaining far more exposed to the unpredictability of machine error (in both an operational and legal accountability sense) than anything witnessed so far.

CONCLUSION

As one of the most challenging junctures in global security, increasingly autonomous systems threaten to take humans out of the loop completely. This presents a potential RMA by initially linking the state’s engineering and computing prowess with force projection and force multiplication capabilities. Yet, as has been evident from the proliferation of armed drones so far – which once belonged to only a handful of powerful states only a decade ago, including the U.S. – combat UAVs have proliferated rapidly since. There is no doubt that, if used, LAWS will bring unmanned warfare to a whole new level. Along with the spread of uninhabited technologies thus far, it is foreseeable that lethal robotics will pose new security challenges and greater complexities. In responding to this threat, states must consider approaches that would seek to implement new forms of regulation to manage the uses of LAWS.

While there is no “legally-binding” definition of LAWS to date, nascent experiences with Automatic Weapon Defence Systems (AWDS), which are capable of firing without express human consent but remain in fixed locations, illustrate just how far-thinking policymakers and manufacturers must become, to catch up with the state of technology today. The view of the United States delegation to the CCW Meeting of Experts is that LAWS are “future weapons … not current weapon systems.” Although seeking to differentiate between the various ranges of the autonomy spectrum is useful in a scientific sense, diplomatically the U.S. position is far less nuanced, insofar as a ban on future weapons would potentially “lock in” any weapons currently under development or in the military’s arsenal, thereby excluding others from developing more sophisticated technology in the long-term.

Moreover, the development of lethal autonomy places MHOs in the difficult position of potentially needing to approve multiple engagements within a short timeframe; mission commanders may find themselves unlucky enough to be used as a scapegoat for the distribution of legal accountability, because robots are not

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Moreover, the development of lethal autonomy places MHOs in the difficult position of potentially needing to approve multiple engagements within a short timeframe; mission commanders may find themselves unlucky enough to be used as a scapegoat for the distribution of legal accountability, because robots are not
moral agents. While unfair, this is actually the simplest scenario. It would be far more complicated to grant robots moral agency; this delegation of individual responsibility to machines would have far-reaching consequences outside of the battlefield, too. For example, Heyns has warned that if robots are intelligent enough to stand trial one day, there would be little to prevent them from finding employment as a judge the next. Some have considered whether it is possible to conduct an empirical test for these purposes. Yet this is simply not the case under the present application of U.S. military law; the UCMJ does not allow for the courts-martial of robots. As a general rule, it will be difficult to argue that a robot is a moral agent in some cases but not others, unless an entirely new set of criminal codes is created to distinguish between human rights and robot rights. No matter how impressive it would be to create and prove the existence of non-organic ‘life’ in the form of a robotic system, this is quite simply irrelevant when assigning moral agency. As a clear and applicable example, MWDs fulfill both parts of the criteria of being alive and conscious, but fall short of exercising moral agency because they are incapable of intelligent, human thought. Consequently, MWDs are not defined as “persons” under military law and cannot be court-martialed for their actions. Further, past uses of MWDs in criminal activity and violations of IHL serve to highlight the need for mission commanders of an autonomous and semi-autonomous weapons systems to be subject to oversight. This process of constantly reviewing the MHO’s actions will also raise the standard of conduct, thereby putting measures in place to limit unforeseen mismanagement, abuses and human rights violations.

Overall, this article has sought to address how lawmakers and policymakers in the United States envisage responding to the advent of LAWS. In examining the difficulty of ensuring that an autonomous system will observe IHL, or the judicial process, it is evident that policymakers could face one of their biggest challenges yet. As an academic field, lethal robotics encompasses the disciplines of law, philosophy, psychology, engineering, military strategy, and international relations. In the previous RMA, nuclear weapons almost led (and could still lead) to the indiscriminate and disproportionate deaths of billions of people. Despite these being inherently abhorrent weapons, the Nuclear Non-Proliferation Treaty (NPT) is still a long way away from having the nuclear states disarm and move to “zero.” Perhaps this is the real lesson for LAWS. In response to the challenges identified in this article, policymakers in the most powerful and technologically-advanced states must judge whether their collective and competing national interests are best served in the long term by placing certain limitations on lethal autonomy. In doing so, they must exercise their own version of meaningful human control over the allure of technological determinism and actually define the future of warfare so as to mitigate conflict, rather than making it an easier and tempting option.
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ENDNOTES

1. Frank Kelley, Deputy Assistant Secretary of the U.S. Navy for Unmanned Systems, has recently identified the next RMA as encompassing more than just technological change: “Fully integrating human and unmanned systems is as much a military cultural evolution as a technological evolution.” Frank Kelley, “Realizing the Robotic & Autonomous Systems Vision,” in 2016 Ground Robotics Capabilities Conference, March 02-03 (Springfield, VA: Defense Technical Information Center, 2016), 11.

2. According to Melissa Flagg, Deputy Assistant Secretary of Defense for Research, the “First Offset Strategy” placed an emphasis on nuclear deterrence; the “Second,” on technology to overcome the enemy’s numerical advantages; and the “Third” will involve human-machine teaming and the delegation of decisions to machines in time-critical situations. Melissa Flagg, “DoD Research and Engineering,” in 2016 Ground Robotics Capabilities Conference, March 02-03 (Springfield, VA: Defense Technical Information Center, 2016), 5-7.


7. For an historical analysis of support for the United States’ involvement in wars based on polling trends, see Adam J. Berinsky, In Time of War: Understanding American Public Opinion from World War II to Iraq (Chicago, IL: University of Chicago Press, 2009).


13. Ibid, 45.


17. “Civil forfeiture is a legal fiction that enables law enforcement to take legal action against inanimate
objects … Civil forfeiture actions are in rem proceedings, which means literally ‘against a thing’—the property itself is charged with a crime. That is why civil forfeiture proceedings have bizarre titles, such as United States v. $10,500 in U.S. Currency or People v. Certain Real and Personal Property. And because they are civil proceedings, most of the constitutional protections afforded criminal defendants do not apply to property owners in civil forfeiture cases.” Scott Bullock, “Foreword,” in Policing for Profit: The Abuse of Civil Asset Forfeiture, Marrian R. Williams et al, 9-10 (Arlington, VA: Institute for Justice, 2010).

18. From the perspective of a tech company based in Silicon Valley (itself a legal person), the goal to minimize programmers’ liability could lead to lobbying around legislation to permit the incorporation of self-driving cars. That would mean that the ‘car’ buys insurance in case it needs to make payments after an accident. Given that many states in the United States are withholding legislation on self-driving vehicles until the establishment of more rigorous liability schemes, it will be reasonable for people to question whether autonomous vehicles should have their own legal entity or merely constitute products that fall under the manufacturer’s guarantee. Regardless of the outcome, placing artificial legal persons into the national conversation would instill a degree of normality to the idea. See David C. Vladeck, “Machines Without Principals: Liability Rules and Artificial Intelligence,” Washington Law Review 89, no. 1 (2014): 125, 129. See also, Jeffrey K. Gurney, “Sue My Car Not Me: Products Liability and Accidents Involving Autonomous Vehicles,” University of Illinois Journal of Law, Technology & Policy 33, No. 2 (2013): 249-250. Recent crashes involving Google’s self-driving car hitting a bus, and the fatal collision of a Tesla vehicle set on Autopilot with a truck, both indicate that these technologies are imperfect.


21. 30,000 permanent residents were on active duty in 2004 and strangely, the citizenship of a further 9,000 people was listed as “unknown.” Richard D. Belliss, “Consequences of a Court-Martial Conviction for United States Service Members Who Are Not United States Citizens,” Naval Law Review 51 (2005): 23-54.


23. Little research exists on the intersection between robots and statelessness. As a starting point for comparison, stateless persons cannot be held under indefinite detention due to the Supreme Court ruling in Zadvydas v. Davis (2001).


28. U.S. Army, Army Regulation 190-12, 4-72(4).


44. “No dog shall be used as part of an interrogation approach or to harass, intimidate, threaten, or coerce a detainee for interrogation purposes.” U.S. Department of Defense, Directive Number 3115.09 – DoD Intelligence Interrogations, Detainee Debriefing, and Tactical Questioning (Washington, DC: U.S. Department of Defense, 2013), Enclosure 4-5.

45. Curiously, Deputy Assistant Secretary of the Navy (Unmanned Systems) Frank Kelley has compared the trust between the between Military Working Dog Teams with what will be required of “human-machine team[s].” Kelley, “Realizing the Robotic,” 14-17.

46. Heyns, “Death by Algorithm.”
47. “Swarms of unmanned aircraft may be used to quickly provide unprecedented amounts of surveillance data on a particular problem, to provide wide-area internet or telecoms access, or to overwhelm even modern air defence systems (if only due to the fact that such systems have a finite number of rounds).” UK Ministry of Defence, Joint Doctrine Note 2/11, 3-10, 6-8–6-9.

48. “CODE [Collaborative Operations in Denied Environments] intends to focus in particular on developing and demonstrating improvements in collaborative autonomy: the capability for groups of UAS to work together under a single human commander's supervision. … CODE's envisioned improvements to collaborative autonomy would help transform UAS operations from requiring multiple people to operate each UAS to having one person who is able to command and control six or more unmanned vehicles simultaneously. Commanders could mix and match different systems with specific capabilities that suit individual missions instead of depending on a single UAS that integrates all needed capabilities but whose loss would be potentially catastrophic. This flexibility could significantly increase the mission- and cost-effectiveness of legacy assets as well as reduce the development times and costs of future systems.” Defense Advanced Research Projects Agency, “Establishing the CODE for Unmanned Aircraft to Fly as Collaborative Teams,” U.S. Department of Defense, January 21, 2015, http://www.darpa.mil/news-events/2015-01-21 (accessed August 06, 2016).


In the alleys of Homs in western Syria, my camera looks for what is left of the city and struggles to find any remnants. On the sidewalk lies a stray cat that does not let out a sound. It drags its memories of destruction and hides behind one of the buildings reduced to rubble. The smell of war and the deafening silence of its aftermath pervade.
Homs was one of Syria’s most important industrial centers before the civil war. But in the spring of 2011, demonstrators took to the streets in many neighborhoods across the city demanding the change of a one-party regime that has been ruling Syria for more than four decades. Homs was dubbed by dissidents as the “Capital of the Revolution,” and became an opposition stronghold in the Syrian Civil War. After a series of escalations, violent clashes, blockades, and large-scale shelling, the regime consolidated its grip on most of the city in 2014. In September 2016, the remaining rebels and their families evacuated Al-Wa’er, the last neighborhood under rebel control in the city, resulting in a government takeover.

A scene from one of the few markets left intact in Homs.

By Marwan Tahtah
I roam the old district of the city trying to capture the massive destruction. In spite of limited attempts to restore the area, all signs of normal life are absent. While walking on the streets for hours, I encounter a handful of people, one of whom rides a bicycle, trying to navigate the rubble. In a square that witnessed the beginnings of the uprising against the Syrian regime, I stand up and look around. A clock tower catches my attention. But the clock is idle, perhaps to mourn the death and exodus of those who used to inhabit the surrounding neighborhoods.
Two women walking through an old, deserted market in central Homs. It was once the center of bustle and economic prosperity.
Another view of the rubble and destruction in Homs. A few residents were able to return, but the city was changed irrevocably.

A view of the front of an open shop in one of the least destroyed areas in the city. The text on the damaged door reads, “shop for sale or rent.”
Rubble and the remnants of a mannequin are all that remain of a market in Old Homs.
In most of the neighborhoods in Homs you can find the remnants of clothes, mattresses, photo frames, and other objects that residents left behind. In this area in Old Homs, a tree remains amongst the concrete that was reduced to rubble during the shelling.
Only a mattress remains in the rubble. It may have belonged to a local rebel, a regime soldier who later entered the city, or a displaced resident.

A picture of Jurat Al Shayyah, one of the neighborhoods where the uprising began. The whole area was obliterated by shelling.
ABOUT THE AUTHOR

Marwan Tahtah is a professional photographer who has been working for Lebanese newspapers for more than ten years. He has also worked on projects managed by the UNDP, Lebanese Red Cross, Goethe-Insitut and many other organizations. Marwan's work has been on display in many professional photography exhibitions in Beirut and Paris. In June 2016, he received a Master Diploma in Photography from the École Nationale Supérieure de la Photographie in Arles, France.
Guatemala is grappling with the horrors of its recent past. Between 1960 and 1996, the country was engaged in a tortuous civil war between the authoritarian government and a coalition of leftwing rebel groups, typically from poor, rural, Mayan communities. Over 200,000 civilians were killed or ‘disappeared’ (the practice of U.S.-trained death squads capturing, torturing, and executing opponents, then disposing their bodies into the Pacific). A United Nations human rights truth commission published in 1999 attributed 93% of the atrocities to government forces. According to the commission, the activities of the Guatemalan government amounted to genocide against the Mayan people.

In 2013, after years of wrangling, former dictator José Efrían Ríos Montt was finally brought to trial. The prosecution secured a guilty verdict on the charges of genocide and crimes against humanity. However, this victory was short-lived. Ten days after the verdict, the Constitutional Court of Guatemala controversially ordered a portion of the trial to be repeated, citing a supposed violation of a technicality in the oral debate. Subsequent efforts to reinstitute the trial have faced complications. In the words of Edgar Gutiérrez Girón, foreign minister between 2002 and 2004, post-conflict Guatemala has become “a kingdom of impunity.”

Like many other countries recuperating after civil war, Guatemala has pursued policies of transitional justice. A product of the late Cold War, transitional justice was conceived as a way for formerly repressive regimes to transition to a more peaceful, democratic, just societies. It involves a range of measures that identify and redress the legacies of past misdeeds, including investigating human rights abuses, putting perpetrators on trial, and providing reparations to victims. In June 2016, the United States State Department recognized the promotion of transitional justice as a priority of U.S. foreign policy.

This is broader than forgiveness. It is a transformation of the structures of Guatemalan society.”

“Impunity does not die quickly”

Transitional Justice in Post-Civil War
Interview with Alejandra Castillo Díaz

By Rebecca TeKolste and Erik Woodward

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In an exclusive interview with Alejandra Castillo Díaz, the assistant director of the organization that led the prosecution against President Ríos Montt, Rebecca TeKolste and Erik Woodward discuss the mechanisms of transitional justice currently operating in Guatemala.

**Yale Journal of International Affairs**: In the current Guatemalan context, what does transitional justice refer to?

**Alejandra Castillo Díaz**: When we talk about transitional justice, we are talking about the search for memory, truth, justice, and reparations. We’re talking about how, as a result of these processes, survivors become political actors with the capability to generate political transformations at the national level and, through social movements, at the community level. These processes develop organically over a long period; they are impossible to achieve immediately.

[In this system,] sentencing is not the ultimate goal of judicial processes. Instead, in searching for justice, you generate conditions that recuperate and fortify political identity, community identity, and the ability to break the silence about what happened. This search needs people to see reforms in the judicial system and to integrate themselves in the judicial process.

**YJIA**: When we think about transitional justice, we tend to think about a tension between forgiveness and retribution in the eyes of the victim. How is this tension reconciled in Guatemala?

**ACD**: The primary objective of transitional justice is to find mechanisms that guarantee that these acts won’t be repeated. It must build a system that recognizes that violations were committed and that no dictator will commit violations or denigrate the life of a citizen again. This message is shown in the testimonies of men and women in the trials. When they were asked by the judge, “why are you testifying,” they responded, “I don’t want my children and grandchildren to experience what I lived through.”

For them, this is broader than forgiveness. People say to me: “how can I forgive if I don’t know who committed the violations?” So there are two parts to the process of transitional justice: one is justice, another is truth. For them, this is not a reconciliation with the perpetrators but a dialogue. They want to understand exactly what happened, where the ‘disappeared’ are, and how we can learn from this experience. So this moves beyond the victim/victimizer relationship. It is a transformation of the structures of Guatemalan society.

**YJIA**: Can you speak more specifically about this in the Guatemalan context?

**ACD**: It is important to recognize the prevalence of racism, classism, and patriarchy in the lives of Guatemalan people. Since the Spanish invasion [in the early sixteenth century] when the state was constructed, racism, classism, and patriarchy have been a part of the nation’s history. They have been internalized in decisions and decision-making processes. They are the motors of human rights violations.

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So, after an internal armed conflict that lasted thirty-six years and included crimes against humanity, sexual violence, and genocide, we should ask: how do we use the processes of transitional justice to re-envision ourselves as a society? How can we identify these structural problems, principally racism and the disregard of the rights of indigenous populations, and rectify them?

**YJIA:** Your law firm was involved in the 2013 trial that found former dictator Efraín Ríos Montt guilty of crimes against humanity. While the verdict has not been nullified, the case itself has been reopened due to alleged technical irregularities in the judicial process. What is happening with this case?

**ACD:** Impunity does not die quickly. After the verdict was recalled, there were several attempts to initiate a new trial alongside Montt’s director of military intelligence José Mauricio Rodríguez Sánchez. The last attempt was successful. However, Ríos Montt is in poor health and doesn’t have the mental ability to be able to participate in a trial. There is a detail in the judicial system that says that when a person isn’t able to participate in court, a representative can be assigned for him but the trial in such cases must occur behind closed doors. This is a problem because it violates the right of Rodríguez Sánchez to his own public trial. Incredible! If the cases are divided, the trial would have to return to the beginning. This would be the fourth attempt to bring these two to trial.

**YJIA:** In the past decade, the International Commission Against Impunity in Guatemala (CICIG), an anti-corruption commission under the joint auspices of the United Nations and the Guatemalan government, has helped to uncover corruption in the highest levels of government. But I assume that the objective is that transitional justice solutions ultimately come from Guatemala. So, what changes in Guatemala will aid this process?

**ACD:** First, we must purify the judicial system. For every major case – corruption, drug trafficking, transitional justice – you can find out who the judge is, their connections, where they come from, who they talk to. And you can use this knowledge to say, “This judge is acting according to a context of impunity.” Second, we must separate the army and the national police. They have two distinct mandates. It is always said that the army should have a civic role because the police are corrupt or because the police don’t have the capacity to protect citizens. Yes, the police have to be purified. But it should also have its own budget. This was a central goal of the Peace Accords.

Finally, I think the 1996 Peace Accords, which brought an end to the war, must be recuperated and revised. We have to revisit them, see what has advanced, and identify everything that hasn’t advanced. In those instances, we must ask why it hasn’t advanced and set new targets in place. ■
Alejandra Castillo Díaz is the Assistant Director of the Center for Human Rights Legal Action (Centro para la Acción Legal en Derechos Humanos, CALDH). CALDH specializes in cases of transitional justice, representing victims of state-sponsored violence during the country’s thirty-six-year civil war, from 1960-1996.

ENDNOTES

How Should the U.S. Respond to a Russian Cyber Attack?

By Nicole Softness

Following the hacking of the Democratic National Committee in 2016, the United States publicly expressed concern that it could imminently face additional cyber attacks. Public discourse has focused on Russia as a likely culprit, calling attention to its advanced military technology in Syria, President Vladimir Putin’s prioritization of information warfare, and its deteriorating relationship with the United States. A historical analysis of Russia’s strategic military choices suggests that the state would prioritize the U.S. information technology (IT) and communications critical infrastructure as key cyber targets. In reaction to such an attack, the United States would have to choose from a spectrum of military and intelligence counter-responses, ranging from lower-level alternatives to those with high potential for escalation.

POLITICAL LANDSCAPE

Recent attribution reports by private cyber security firms CrowdStrike and Mandiant allege that Russia conducted the 2015-2016 hacks on the Democratic National Committee (DNC). Citing weak international cyber norms, the Obama administration argued that Russia has violated what all responsible nations would consider acceptable state behavior. In the absence of an immediate response to these violations, and the lengthy attribution process, the American population has arguably become complacent, especially considering minimal military responses to other publicized cyber intrusions (i.e., Sony Pictures, and the Office of Personnel Management). Admiral Michael S. Rogers, Director of the National Security Agency (NSA) and U.S. Cyber Command, believes that this complacency will only vanish if a cyber attack on U.S. soil achieves large-scale destruction.

RUSSIAN STRATEGY AND CAPABILITIES

The U.S. Intelligence Community’s 2015 Worldwide Threat Assessment highlighted China and Russia as the “most sophisticated nation-state actors” in the new generation of cyber warfare and noted that Russian hackers have impressive programming power and inventiveness. With the exception of the U.S. Stuxnet incident, Russia is the only state that has publicly successfully augmented cyber warfare with conventional warfare, evidenced when Russian hackers manipulated blast furnace control systems in a German steel mill in 2014; conducted cyber-to-conventional operations against Georgia in 2008; and interfered with a French
Strategically, Russia has an incentive to employ its cyber arsenal to further its broader political aims. A 2015 NATO report noted Russia's unique ability to foresee the broader impact of technology on the field of battle, and the military advantage of using cyber attacks to "intensify the fog of war." Russia is not likely to target something without an end goal; rather, the state would aim to confuse the United States just enough to force it to begin and escalate a low-level cyber conflict. This strategy of prepping the battlefield is consistent with Russia's strategy during the Cold War, when operatives constructed maps of U.S. cities for future exploitation. Within the scope of cyber, this strategy would translate to Russian intelligence operations conducted against the United States, with the goal of acquiring information related to activities in Ukraine and Syria, U.S. military operations, and to generally "prepare the cyber environment for contingencies." In order to achieve this strategic preparation, Russia could choose from an array of cyber tools, possessed by two prominent hacker groups, APT29 and APT28. According to NATO, APT29 has successfully spear phished information related to Russian geopolitical interests, while APT28 has targeted European states. In 2008, Russia was able to manipulate its IP addresses with Agent BTZ to penetrate U.S. military networks, and throughout 2013-2014, used highly complex malware to penetrate Ukraine. In 2014, researchers discovered that this malware, called television network, the Polish stock market, and the U.S. State Department. This intent and capability to supplement cyber intrusions with conventional consequences demonstrates the unique and serious character of the Russian cyber threat.

Russia's political elite has prioritized these capabilities. The Henry Jackson Society, a British-based think tank, wrote in 2016 that, "as far as the Kremlin is concerned, geeks and hackers now rank alongside soldiers and spies as weapons of the state." Russian military and academic elites have published a plethora of documents over the past decade describing the state's desires to modernize its information warfare defenses and capabilities, as well as its strategy of utilizing cyber means to disrupt its enemy's weapons, decision makers, and the minds of average citizens. The information-psychological aspects of information warfare have an integral role within the strategies of these documents, demonstrating the possibility that Russia could contextualize an attack within a greater emergency context, in the hopes of causing disorganization within the American citizenry, resulting in panic or loss of life. These leaked policies, along with Russia's history of attacks, demonstrate clearly significant cyber capabilities, and willingness to target critical industries. Strategically, Russia has an incentive to employ its cyber arsenal to further its broader political aims. A 2015 NATO report noted Russia's unique ability to foresee the broader impact of technology on the field of battle, and the military advantage of using cyber attacks to "intensify the fog of war."

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Sandworm, had used zero-day exploits, software vulnerabilities largely in email attachments, to infect energy and telecommunications firms, as well as government targets.¹⁶

**RUSSIAN CYBER ATTACKS ON THE UNITED STATES**

Russia’s past strategic choices, demonstrate an unwillingness to commit an act that could trigger a full-scale war, potentially with nuclear weapons. The country’s focus on battlefield preparation and intelligence gathering suggests that strategies would work to take advantage of U.S. complacency via the preponderance of smaller-scale cyber attacks, and would conduct an attack unlikely to trigger a full-scale military response. By choosing an industry with consequences limited to the United States, Russia could avoid damaging its alliances or inciting other states to join forces against Russia militarily, politically, or economically. According to this analysis, Russia would choose not to conduct a cyber attack on the majority of the United States’ critical infrastructure sectors, for fear of over-escalation.¹⁵ Attacks on the defense, nuclear, and chemical sectors could be immediately considered acts of war, while attacks on the financial, food and agricultural, or critical manufacturing sectors would be likely to enrage other states dependent on the United States for economic stability. Thus, with these strategic choices and toolkits in mind, if Russia were to conduct a cyber-to-conventional attack against the United States, it would choose to target either the communications or IT critical infrastructure sectors.

A Russian attack on these sectors could take several forms. Russia could use any of the following tools to cause serious damage to U.S. operations:

- **Social engineering** [taking advantage of human vulnerabilities to dismantle cyber security]
- **Counterfeit devices** [the replacement of crucial technology with unapproved, alternative products]
- **Targeted Zero-Days** [the early acquisition, via purchase or discovery, of knowledge regarding system vulnerabilities, and the ability to act early on those vulnerabilities]
- **Exploits** [Identifying vulnerabilities, and using tools to break into systems and alter, steal, or block data].²⁰

In the past, Russian cyber operations against the United States manifested largely as simple procedures, requiring little financial and operational support. Throughout 2014 and 2015, Russia employed more complex strategies against government computers, including “disguising the electronic ‘command and control’ messages that set off alarms for anyone looking for malicious actions.”¹⁷ This precedent for attacking alert systems demonstrates that even robust U.S. monitoring systems could have trouble catching Russian intrusions within the necessary window to stop or identify the hack. “If the adversaries know you are aware of their presence, they will take steps to burrow in, or erase the logs that show they were present,” said Michael Sussman of Perkins Coie LLP.¹⁸

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If the Russian strategy of doxing, or broadcasting stolen intelligence, was meant to disrupt U.S. politics and intensify the fog of war, then the Russians would have achieved their goal, and would be likely to repeat this tactic against government executives within the communications and IT industries.

Russia could graduate from doxing and focus on tactics with more immediate conventional consequences. By targeting central systems within the IT and communications industries, using DDoS attacks or stealing information that could cripple internal proceedings, Russia could disrupt service for thousands of phone customers or sever the Internet for millions of consumers. It could also shut down government IT operations during wartime, or disrupt national emergency alert services, including 911 networks or emergency broadcast stations, during a national disaster. The latter scenarios could cause immense economic and military harm to the United States and even result in loss of life and safety.

There are an overwhelming number of vulnerabilities within these systems. The communications sector is inextricably linked with the energy, IT, banking and finance, postal and shipping, and emergency services sectors, while the IT sectors provides control systems, technology and Internet infrastructure, and operating systems for all major military and civilian networks. These systems present additional vulnerabilities to Russian cyber actors, as a majority of their operations lack government oversight.

A huge number of nodes within the United States’ critical communications systems are managed by private companies, such as FOX, which have private sector-driven priorities, and could not ostensibly perform seamless defensive cyber security collaborations with the government. This lack of centralization is a clear challenge for national defense. Although these companies certainly have incentives to implement sufficient security features, they are for-profit organizations. The National Telecommunication and Information Administration (NTIA) cautioned in 2013 that these infrastructure operators “would invest in cyber security to a level that is justifiable according to their own business plans – this is a unique warfare threat – we have private companies responsible for determining budgets for issues of national security.”

However, notwithstanding profit-based priorities, private companies also have a significantly larger cyber security arsenal than the government. Over five years, the private sector doubled its spending on cyber security from $40 billion to $80 billion, while the Department of Homeland Security, specifically tasked with defending the United States on the ground and in cyberspace, received a mere $59 billion in

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U.S. DEFENSE CAPABILITIES

In 2013 the United States published the National Infrastructural Protection Plan, which included defense strategies and implementations for each critical infrastructure sector. The plan assessed sector-specific vulnerabilities and risk profiles, likely targets, and methods of addressing those vulnerabilities.

These methods include several priorities for passive and active protections. Under the plan, the government must perform continuous monitoring and diagnoses of all CI cyber systems, and conduct immediate information sharing during and after all cyber incidents. Sectors must also back up essential information on remote servers disconnected from the Internet, to ensure redundancy in the case of attack. Over time, key operational functions must be removed from Internet-connected networks, to ensure that any incidents can be sufficiently contained from public consequences.

DEFENSE SCOPE OF COMMUNICATIONS AND IT SECTORS

The communications sector represents a large host of attack vulnerabilities. In 2014, Information and Communications Technology (ICT) accounted for 3.5 million jobs, and $1 trillion of the U.S. GDP (7 percent of the economy). This cyber infrastructure includes access networks, and thousands of cable systems, satellites, and wireless networks. Russia could specifically capitalize on these opportunities by targeting private-sector-managed gaps within the industry’s supply chains, including:

- Power and data sources [Physical infrastructures such as data centers provide energy and information to networks that serve millions of consumers.]
- Diesel fuel centers for generators [These fuel centers keep generators alive, and allow for systems to transport data between different areas of the network.]
- Fuel transportation [Roads and trucks are required to transport physical infrastructure crucial to maintaining IT and communications networks open, and are thus vulnerable as physical, isolated, and moving targets.]
- Technological products [Communications and IT networks depend on physical pieces of technology to move and retain information between computers and other devices, such as routers, as well as software that automates crucial government processes.].

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The IT sector, while similar to the scope of the communications sector, includes newer "trends" in vulnerabilities that are open to attack, including an increasing reliance on the Internet of Things (IoT), cloud computing, and mobile computing. Likely targets for a cyber attack within this sector could include:

- Internet routers
- Domain Name System (DNS) operators
- Supply chains (distribution of untrustworthy content via these vulnerabilities)
- Internet Service Providers (ISP) (could block Internet activity)
- Security vendors.

In recognition of these vulnerabilities, and the disastrous consequences that could result from an attack on each critical node, the government conducts continuous aggressive active defenses on behalf of each of these sectors, and continuously looks for intrusions, suspicious activity, or alterations in content. These active defenses include information sharing, technical tools that slow hackers at the perimeter (tarpits and honeypots), denial and deception (providing false information in front of legitimate information), beacons (software hidden in files that sends an alert in response to unauthorized access), hunting (rapidly enacted technical measures that evict adversaries already present in a network), intelligence gathering in the Deep Web and Dark Net (continuous and covert human intelligence to identify likely adversaries and toolkits), and white-hat ransomware (legal malware utilized by public-private partners to obtain stolen information and return it to proper owners).

While militaries have registered each other’s intrusions and responded, and corporate entities have registered ongoing hacks into their systems, there has yet to be a big, public, conventional result from a cyber operation.

GOVERNMENT ORGANIZATION FOR A CYBER ATTACK

In 2016, under the mandate of Presidential Policy Directive (PPD) 41 – United States Cyber Incident Coordination, the White House released the definition of a significant cyber attack as something "likely to result in demonstrable harm to national security interests, foreign relations, the domestic and global economy, public confidence, civil liberties, or public health and the safety of the American people." A Russian cyber attack on communications or IT critical infrastructure, particularly in the context of a national emergency, would fall under this classification.

In the event of such an attack, the United States would draw together the National Cyber Response Group, which would lead the defensive response in support of...
the National Security Council.²⁶ The Secretary of Defense and the directors of the Intelligence Community agencies would manage incoming cyber threats, and any movement that would require an active military response. Were the telecommunications nodes of the National Security and Emergency Preparedness sector to fail, the National Coordinating Center for Communications (NCC) would be responsible for restoring those capabilities.³⁶ Additionally, as part of the mandate of PPD-41, if an operation with clear attribution were to occur, the Cyber Response Group would then call upon a cadre of qualified and trained cyber personnel to mitigate and respond to the cyber incident. Theoretically, these participants would have been training together in war games and practice sessions prior to the Russian intrusion.

U.S. STRATEGIC RESPONSES
After mitigating the immediate effects of a significant cyber incident, the United States would consider its preponderance of strategic and tactical responses to direct toward Russia. The United States could choose to respond by non-military means, including indictment, diplomacy, or sanctions.³⁶ As a lower-level military and intelligence strategy, the United States could then choose to respond with counter-surveillance intelligence operations, a non-attributable cyber or conventional attack, or an attributable cyber or conventional attack.³⁷ These operations could target Russia’s military, civilian, or critical infrastructure systems. In acknowledgement of NATO’s classification of cyberspace as the fifth operational domain, it is likely that if the United States attributed a significant cyber incident on its soil to Russia, it would respond in an aggressive cyber manner. Although it is also possible that the United States would respond with purely conventional military operations, the potential escalation of this suggests that the United States would prefer to solely employ cyber operations in its response.

LOW-LEVEL ATTRIBUTABLE CYBER INTRUSION
The United States could respond with a low-level cyber intrusion, falling across a spectrum of cyber incidents that could not be classified as a major attack. This intrusion could appear from what has been dubbed “loud cyber weapons,” or tools that can definitively be traced back to the U.S. military.³⁸ The military would send these weapons, embedded with encrypted codes, into Russian networks. The United States would then publicly provide the encryption key to claim responsibility. This intention of causing attributable damage represents a key paradigm shift in U.S military strategy, one in which the attribution is a key aspect of a successful operation, and the publication of the attribution is vital for deterrence strategy. The United States could also conduct simpler cyber intrusions against Russia’s network, including defacements of government websites, disruptions of Internet services, interferences and disablements of communications, or the dissemination of propaganda.³⁹ Following the hack of the DNC, senior government officials discussed options for counter-cyber attacks on the Russian Federal Security Service.

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(FSB) and the Main Intelligence Agency (GRU), including the utilization of the NSA’s TreasureMap tool, which tracks all global connections to the Internet, and could be used to place malware in targeted Russian computer systems for intelligence gathering and future cyber-assaults. 48

**MEDIUM-LEVEL CYBER ATTACK – NO IMMEDIATE CASUALTIES**

Using logic bombs, the United States could also conduct a cyber operation against military and non-military targets. By sending in these logic bombs to self-destruct within Russia’s critical infrastructure, the United States could cause serious economic and operational damage. 40 It is likely these logic bombs are fairly well-developed; back in 2014, U.S. Cyber Command offered a $460 million contract to develop a “computer code capable of killing adversaries.” 40

**HIGH-LEVEL CYBER ATTACK – POSSIBLE CASUALTIES**

By using logic bombs or other cyber intrusion methods, the United States could attack Russian critical infrastructure in a more serious manner, with a larger potential for loss of human life or safety. These attacks could include hacking into a dam located above a populated area or disabling air traffic control services. These options, particularly if they are easily attributable, have the potential to escalate quickly.

**MILITARY-LEVEL CYBER ATTACK – ESCALATORY**

The United States could use similar cyber operations to directly attack Russian military targets, which include shutting off the power at a nuclear facility or an airfield, causing serious casualties and triggering a notable escalatory threshold. Of note, many Russian industrial networks run on Windows XP, or equitable older systems, while remaining connected to the Internet. Not only are these systems extremely vulnerable to attack, but the United States has already demonstrated its ability to break into these systems. In November 2016, the United States reportedly penetrated Russian military systems and left behind malware, to be activated in the case of Russian interference of U.S. elections. 42 This demonstrated both confidence in the success of the malware implant, and political willingness to trigger a consequential conflict.

**STRATEGIC CONSIDERATIONS FOR U.S. DECISIONS**

In response to a Russian cyber attack, the United State’s strategic responses would stem from its classification of the response as non-significant, significant, or an act of war. Testifying in July 2016 before the House Subcommittee on Information Technology and National Security, State Department Cyber Coordinator Chris Painter said the United States would respond to incidents on a case-by-case basis, adding that, “it could be through cyber means. It could be through diplomacy. It could be through indictments and law enforcement actions.” 43
Some of these responses would require action. Such a path would depend on actual and anticipated effects of any cyber incident, including injury, damage, and death. Painter testified that, “cyber activities may in certain circumstances constitute an armed attack that triggers our inherent right to self-defense as recognized by Article 51 of the U.N. Charter.” The United States could also justifiably accuse a cyber-attack of infringing upon its territorial integrity or political independence, per Article 2(4) of the Charter.

Recent political precedents suggest that the United States would be hesitant to invoke Article 51, even if a Russian cyber attack resulted in nominal deaths, injury, or damage. Instead, it would limit its declarations and label the attack a “significant cyber incident,” invoking the full support of the U.S. military while avoiding overescalation. As well, even though NATO justified military responses within cyberspace, the lack of precedent or norms mean that the United States would actually have more creative license in responding to Russia if it were to use cyber means, that could or could not result in conventional consequences.

The United States would have to choose between a hidden or obvious counter-cyber attack. The above tactical considerations demonstrated that a hidden, non-attributable cyber attack would not fall within the Department of Defense’s deterrence strategy, and would thus be discarded as a strategic option. Following North Korea’s reported hack into Sony Pictures in 2014, the United States did not publicly respond with a cyber operation, and it was “unclear how the United States may have retaliated against the North in secret, if it even did so.” This, along with public and mild economic sanctions, now seems ineffective.

Circumstances could arise that would leave the United States with the opportunity to perform an immediately observable cyber attack (using a “loud cyber weapon”) or a preparatory attack (such as a logic bomb), and could either target a Russian military or civilian infrastructure. Similarly to Russia, the United States would also likely avoid directly targeting a military structure, to avoid escalation and a possible world war. Thus, the United States would most likely choose to deploy a cyber weapon against critical Russian infrastructure, resulting in conventional consequences. Even considered a medium-level choice in terms of escalatory possibilities, this strategic decision would have to take into account the global ramifications of an attributable cyber-to-conventional attack. General Keith Alexander testified before Congress in 2016 that attribution and response via offensive cyber capabilities must only occur if the actor is prepared to use them immediately.

**STRATEGIC RAMIFICATIONS OF RUSSIAN CYBER ATTACK AND U.S. COUNTER-ATTACK**

Although the above outlines the need for a U.S. counter-cyber attack, such a response would have drastic normative implications. Even though President Obama said in September 2016 that, “we’re moving into an era here where a number of countries...”
have significant capacities. And frankly, we’ve got more capacity than anybody, both offensively and defensively,” his administration also feared initiating a digital arms race. Strategically, “our goal is not to suddenly in the cyber arena duplicate a cycle of escalation that we saw when it comes to other, you know arms races in the past, but rather to start instituting some norms so that everybody’s acting responsibly.”

This is not to say that the Russian attack on the U.S. electoral system, nor any potential attack on critical infrastructure, would be the first time the United States had to worry about cyber intrusions into its government systems. Even back in 1984, President Ronald Reagan saw the potential for intrusions, and signed the first Presidential Directive on computer security. The United States knew that someday, foreign entities could hack into U.S. military systems because they were already hacking into foreign systems themselves. As of 2016, more than twenty countries have offensive and defensive cyber units in their militaries, including Iran, Syria, and North Korea. The United States has been conducting counter-surveillance, intelligence, and intrusive operations against these adversaries for decades.

However, until now, the effects of these cyber battles have been limited. While militaries have registered each other’s intrusions and responded, and corporate entities have registered ongoing hacks into their systems, there has yet to be a big, public, conventional result from a cyber operation. Thus, even if Russia were to blatantly and publicly cross the normative threshold that most militaries hold themselves accountable to, the United States would be cautious about an overly zealous response, for fear of escalation.

Still, fear of escalation should not preclude U.S. response, particularly if the significant Russian attack is, in fact, significantly harmful. Although a cyber attack on U.S. infrastructure would fall under the purview of national defense, it is important to consider the economic and political consequences of such an attack, regardless of the U.S. response or any future escalation.

These attacks are costly. According to RAND, first party losses, or those incurred as a direct result of the incident (investigations, customer support, notification), and third party losses (lost revenue and market valuation) as a result of cyber incidents cost the world more than $8.5 billion annually. Between 2004 and 2015, the study found that the U.S. government faced roughly 1,300 cyber incidents.

However, the more pressing costs are those relating to deterrence. Long-term, a less reputable U.S. defense system and a lack of confidence in U.S. digital infrastructure would be damaging both economically and politically, and invite further attacks from state and non-state actors. Although cyber attacks are increasingly considered common, and businesses register thousands of penetrations each year, the world has yet to see a cyber-to-conventional attack that would trigger a significant response. Thus, the United States would have to consider the strategic implications of setting that norm.
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Emergency Systems: likely to escalate, qualify as an act of war, or cause loss of life
Healthcare and Public Health: likely to incite national panic and resulting military actions
Defense: likely to escalate or qualify as an act of war
Chemical: likely to cause panic and escalate into war
Dams: too involved with energy, likely to incite
Transportation: could cause too many accidents and loss of life
Energy: too many global industries dependent on energy or overlap with health concerns
Waste: biohazards could cause loss of life

15. There are a number of reasons Russia would likely avoid a cyber attack directed at the following critical infrastructures sectors:

- Chemical: likely to cause panic and escalate into war
- Defense: likely to escalate or qualify as an act of war
- Emergency Systems: likely to escalate, qualify as an act of war, or cause loss of life
- Healthcare and Public Health: likely to incite national panic and resulting military actions
- NUC: likely to escalate or qualify as an act of war
- Dams: too involved with energy, likely to incite
- Transportation: could cause too many accidents and loss of life
- Government Facilities: direct act of war
- Energy: too many global industries dependent on energy or overlap with health concerns
- Waste: biohazards could cause loss of life
- Financial: would incite U.S. economic allies or could damage Russian alliances

14. Weedon. p. 73.
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21. NTIA. p. 3.

22. NTIA. p. 3.

23. NTIA. p. 3.


29. Information Technology Sector.


44. Testimony of Christopher M. E. Painter.  


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52. Romanosky.
Lessons Against Authoritarianism
Interview with Timothy Snyder

By Alex Defroand

A week after the election of Donald Trump, Timothy Snyder, a historian of twentieth-century Europe, posted a Facebook message entitled, “Twenty Lessons from the Twentieth Century.” Reflecting on the experience of Europeans “who saw democracy yield to fascism,” Snyder urged Americans to heed lessons such as “do not obey in advance” and “be kind to our language.” The post was shared more than 17,000 times, published in the Dallas Morning News, and translated into Czech, Polish, Hungarian, and Ukrainian. It inspired articles for the New York Review of Books, The Guardian, Slate, The New York Times, Süddeutsche Zeitung, and Eurozine and was expanded into a book that was published on February 28, 2017.

Like many historians, the current demand for Snyder’s work is perhaps a reflection of a public desire for perspective and precedent in light of unexpected developments in global politics. To some observers in the United States, Trump’s election, combined with rising nationalism and attacks on the judiciary and the free press, recalls 1930s Europe. More broadly, the resurgence of Russian imperialism, the rise of populism, the destabilization of the European Union, and the impenetrable crises in the Middle East represent an unhinging of the liberal international order. Historians are being called upon to provide context, clarity, and reassurance.

Snyder wishes this attentiveness to history had come earlier. In his view, Western democracies have become complacent in their attitudes to the past since the end of the Cold War. The fall of the Berlin Wall was interpreted as proof of the inevitable triumph of democracy against totalitarianism. This precipitated what Snyder calls “the politics of inevitability,” where politics in Western democracies was understood simply as a progression toward a more liberal, democratic future of more peace, more globalization, more enlightenment, and more prosperity. Accordingly, Western democracies lowered their guard against the dangers of tyranny.
“Twenty-five years ago we said history doesn’t exist and we don’t have to think about how systems change,” he told me. “If you think history is over, and [the future is] just more the same, whenever anything happens, like terrorist attacks or Trump winning an election, you think nothing like this has ever happened before. You’re shocked, you’re surprised, and therefore you’re vulnerable.”

Snyder argues that authoritarians use shocking events to consolidate power, hence the lesson to “be calm when the unthinkable arrives.” “It is the oldest trick in the Hitlerian book,” he writes. “Don’t fall for it.”

According to the “politics of inevitability,” the future of democracy is assured. Therefore, it is unnecessary to beware the cautions of history and the threat of non-democratic alternatives. The past offers little from which to learn.

Actual journalism is edgy now.

The disregard for lessons from history, Snyder argues, has allowed for the resurgence of authoritarianism in Europe and the United States because people have forgotten “how bad un-freedom is.” Democracy has been taken for granted. “It’s not that people want authoritarianism, per se,” he explained, “but that they have forgotten the reasons against it.”

This is not to say that history plays no role in politics, however. I put to Snyder that, unlike in the twentieth century, ideologues today do not appeal to visions of a future utopia, but rather rouse support through a nostalgia for the past. Vladimir Putin recalls the expansionism of the Tsarist Empire in his vision of a “New Russia.” Trump uses the far-right “America First” rhetoric of the 1930s when promising to “Make America Great Again.” Marine Le Pen evokes a time when France had fewer mosques and its own currency, and Brexiteers vow to “take back control” from the European Union. The political mood, I suggest, is now directed toward restoring the nostalgic glories of the past rather than striving for a different future.

Snyder partly disagrees. “I’m not sure I would call it a nostalgia because nostalgia is for something that really happened. It’s more like myth.”

Misunderstanding history is central to this trend. In the case of challenges to the European Union, for instance, Snyder observes that Eurosceptics in the U.K. and France advocate for a vision of an independent and prosperous nation state that never actually existed.

“[What] they are calling the nation-state was in fact an empire,” he told an audience in Amsterdam recently, referring to the height of French and British colonial power. Rather than admit that their respective global influence has declined due to the disintegration of their empires, he explained, Eurosceptics claim that a previously flourishing nation-state lost its prosperity by joining a doomed European project.

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The past is invoked, therefore, but in a way that is inconsistent with the realities of the nation’s history.

Snyder sees this misunderstanding as part of a broader parochialism in western politics. We are often guilty of believing that events are without precedent, both historically and geographically, he says. The emergence of “post-fact” politics, for example, may seem new in the United States, but has been experienced elsewhere. “Fascism was also impatient with facts,” he observed, while even in its current manifestation, “a Ukrainian or Russian will say [Americans] are about five or six years behind.”

Snyder’s twenty lessons aim to break this parochialism. They highlight ways that democracies can use history to arm against the spread of tyranny. In the fight against post-factuality, for instance, he encourages us to subsidize investigative journalism. “Journalists are going to be the heroes,” he told me.

“Actual journalism is edgy now. It is difficult and dangerous and underfunded,” he said. “And that’s another thing, by the way, that is like the 1920s and 1930s. Back then they went to Spain and wrote about it; now they are going to Ukraine and Syria.”

To Snyder, history is full of examples like this. Understanding the complexities and contingencies of history – what happened and what might have happened – is fundamental to participating in politics today. As unusual as the current political circumstances may seem, it would be unwise to ignore those in the past who have experienced something similar or worse.

ABOUT THE INTERVIEWEE

Timothy Snyder is a historian and public intellectual specializing in twentieth-century Europe. He is a permanent fellow at the Institute for Human Sciences in Vienna and a member of the Committee on Conscience of the United States Holocaust Memorial Museum. He has received state orders from Estonia, Lithuania, and Poland. Among his publications are six single-authored award-winning books; the most recent is *Black Earth: The Holocaust as History and Warning* (2015).


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Photo by Arnab Roy Chowdhury and Sreedeep Bhattacharya

The Mae-Tao clinic in the Tak province of Thailand provides healthcare and health training for displaced Karen, Burmese refugees and other migrants, who have fled Myanmar due to civil strife and military conflict.