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Letter from the Editor

The world never fails to surprise us – as I am penning this letter, the American President Obama just arrived in Havana and embarked on the historic visit to Cuba. We have observed numerous changes that have taken place in the world, be they enjoyable or pitiful. We are pondering, as researchers and scholars for international policy, what those changes mean to us. This edition of *Journal of International Policy Solutions* chooses to focus on a multitude of new changes in the international arena.

This is the 18th year of JIPS, and as such JIPS continues providing readers with in-depth analysis of diverse topics, and hopes to shed lights on existing empirical problems. In this edition, we are featuring some internationally debated issues, such as the South China Sea, the Trans-Pacific Partnership, and other interactions between the US and China. We are also displaying analyses of less well-known topics, such as the housing crisis in Cuba and sex trafficking in Dominican Republic. Receiving weaker international attention does not invalidate the significance of those issues in their own merits. In the end, we are attempting to suggest possible solutions in order to create a more peaceful world.

Our school has renamed itself from the School of International Relations and Pacific Affairs to add in more global characteristics. JIPS strives to represent the change and provide our readers with a variety of opinions around the world. The editorial board is eager to see more and more submissions from our colleagues in other countries because those submissions represent perspectives that do not necessarily align with the conventional wisdom in the US. In this edition, we are proud to present the different ideas from our contributors in Singapore, and South Korea.

The editorial board would also like to thank all editors from the School of Global Policy and Strategy (GPS) at the University of California, San Diego. Without their intellectual input, our goal of publishing a high-standard journal could not be achieved.

Now we present to you the 18th edition of Journal of International Policy Solutions. It is our deepest hope that you will enjoy this journal as much as we did making it.

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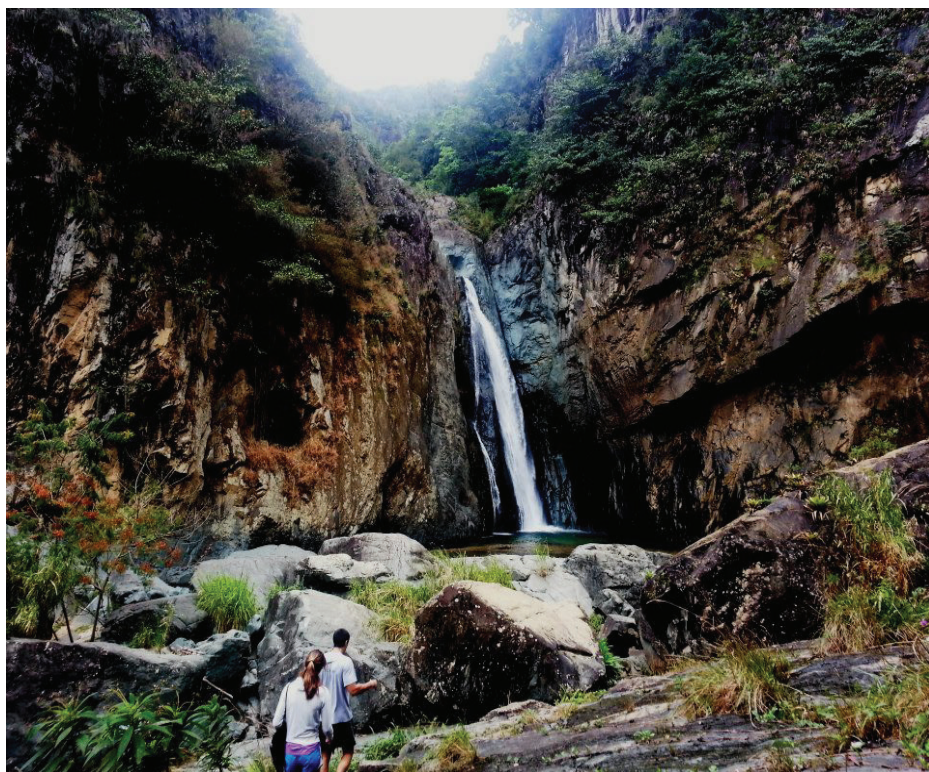
Sex Trafficking in the Dominican Republic

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Executive Summary

This policy memo focuses on sex trafficking in the Dominican Republic. In 2013, the United Nations Population Fund (UNFPA) assigned the Dominican Republic the third-fastest growth rate for human trafficking in the world (International Justice Mission, 2015, p.10). While there have been national, regional, and international efforts to combat sex trafficking in the Dominican Republic, the government ultimately lacks the resources to fund and implement anti-trafficking programs and to provide shelter for victims. Further, the government faces challenges including weak police and judicial systems and corruption.

In this policy memo, I provide policy recommendations to address both the supply and demand side of the sex trafficking equation. First, I recommend that the government of the Dominican Republic raise the penalties for police, border guards and other public officials who are caught assisting traffickers. Police, border guards, and public officials should also be trained on how to detect potential traffickers or victims of trafficking. Second, I recommend that the government cooperate with local NGO's to provide psychological assistance, legal assistance and shelter for trafficking victims. This process will help engage victims of sex trafficking in the process of prosecuting traffickers. Third, I recommend that the government and NGO's promote programs designed to keep children in school. Fourth, I recommend that the government set up a National Human Rights Institution to serve as a liaison between the government and NGO's. Fifth, I recommend that the United States continue to use its influence through its designation of countries in the different tiers signaling the government's efforts in anti-trafficking and to increase efforts in anti-trafficking operations with the Dominican National Police. Sixth, I recommend promoting the Global Business Coalition to create awareness of sex trafficking among businesses and employees. Seventh, I recommend a coordination of regional efforts through the Organization of American States and the Inter-American Development Bank. Lastly, I recommend reforming discriminatory laws against Haitian descendants to protect them and make them less vulnerable to sex trafficking.

Background

In 2005, the U.S. Department of State determined that human trafficking was the fastest growing organized crime after the arms and drug trade (Rahman, 2011, p. 58). There is an estimated 12.3 million victims of human trafficking globally, and out of the estimated 12.3 million victims of human trafficking, 2.5 million are estimated to be victims of coerced prostitution and sexual exploitation (Rahman, 2011, p. 57).

Sex trafficking generally is organized around five participants. It involves (1) migrant victims who are trafficked and transported, (2) those who recruit victims for transport and take charge of finances by paying for all transportation costs, (3) buyers who claim ownership and possession of the victims, (4) enablers who work behind the scenes either knowingly or unknowingly by assisting in facilitating the movement of victims from one place to another, and (5) consumers or buyers of prostitutes from pimps who offer clientele services on hourly bases at the expense of the victim (Rahman, 2011, p.57).

The Dominican Republic is a source, transit, and destination country for victims of sex trafficking (U.S. Department of State, 2014, p. 159). In 2013, UNFPA assigned the Dominican Republic the third-fastest growth rate for human trafficking in the world (International Justice Mission, 2015, p.10). According to the U.S. Department of State, the Dominican Republic has issues of not only human trafficking but also sex tourism (U.S. Department of State, 2011, p. 24). While it is illegal for third parties, such as pimps or brothels, to profit from prostitution, prostitution itself is legal, making it difficult for the government to enforce prostitution laws (U.S. Department of State, 2009). As a result, the Dominican Republic acquired a reputation long ago as a sex tourism haven (Caribbean 360, 2013). Sex tourism is particularly prominent in the poor regions of the Dominican Republic, including Las Terrenas, Cabarete, Sosua, and Boca Chica (U.S. Department of State, 2011, p. 24).

According to the U.S. Department of State (2014, p.160),

“the Dominican Republic does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so.” Although the Dominican Republic has ratified international conventions on human trafficking including the U.N. Trafficking in Persons (TIP) Protocol, it lacks the resources to fund and implement anti-trafficking programs and to provide shelter for TIP victims. The government also faces challenges including weak police and judicial systems and public corruption (Seekle, 2015, p.12).

Demand side

The demand side of sex trafficking of women and children primarily comes from more advanced countries such as those in Western Europe and North America (Rahman, 2011, p. 59). The globalization of increased technology, especially technologies such as the internet and webcams, have also increased the services of sex workers all over the world (Rahman, 2011, p. 61). As a result, the demand for client services in the sex industries in many developed countries has increased.

Supply side

Poverty, lack of education, and unemployment cause and foster human trafficking. Many victims are driven into human trafficking because of the lack of opportunity and the promise of better jobs and better social amenities in the intended destinations. The lack of opportunity is exacerbated in the Dominican Republic where youth unemployment is especially high at 34 percent among young people aged 18-29 (Inter-American Development Bank, 2011).

Over 30 percent of the 10 million people living in the Dominican Republic are youth ages 10-24 (Education Development Center, 2010, p. 1). They represent a valuable human resource to the country's future if directed productively. However, much of the country's youth are neither in school nor employed, making them a prime target for traffickers (Education Development Center, 2010,

p. 1). Poor economic conditions may decrease youths' opportunities for employment and increase chances of being trafficked.

Further, a report shows that 1 in 10 victims of commercial sexual exploitation in the Dominican Republic are children (International Justice Mission, 2015, p. 7). Children who are victims of sex trafficking continue to be victims of sexual exploitation into adulthood. Since children, especially children out of school, are such a prime target for sex traffickers, a comprehensive solution to sex trafficking must tackle the trafficking of children as well.

Domestic culture and laws

Certain conditions may facilitate international law in helping to combat human trafficking and protect victims of TIP in the Dominican Republic. These conditions include economic development, strong rule of law, strong institutions including educational, police and judicial systems, a non-discriminatory culture, and a culture where prostitution is not accepted.

Strong rule of law and institutions, including low corruption in police and judicial systems, may also facilitate international commitments against human trafficking. Complicity of public officials in human trafficking remains a serious concern in the Dominican Republic (U.S. Department of State, 2014, p. 160). Law 137-03 prohibits "human trafficking and prescribes penalties of up to 20 years' imprisonment with fines" (U.S. Department of State, 2014), but police and public officials must know how to detect the crime and execute the law in order for the threat of punishment for trafficking to be credible.

Human trafficking is exacerbated by cultures of discrimination and prostitution. Persons born in the Dominican Republic and of Haitian descent face systematic discrimination and fall victim to trafficking. A 2013 Constitution Tribunal ruling denies Dominican citizenship to people of Haitian descent, making those groups even less willing to speak out for fear of deportation (U.S. Department of State, 2014, p. 160). Further, prostitution has long been practiced openly in much of the Dominican Republic which

(1) makes it more difficult to differentiate between voluntary versus exploitative prostitution, and (2) facilitates traffickers' ability to conceal the illegality of their operations.

Regional

The Organization of American States (OAS) and the Inter-American Development Bank have made efforts to combat human trafficking in the region. OAS has organized, facilitated, and implemented training programs for police, immigration officers, prosecutors, and judges from the member countries of the region to prevent and combat trafficking in persons (Seekle, 2015, p.11). Through its influence, OAS also promoted anti-trafficking policies and provided opportunities for countries in the region to exchange information and best practices to assist member states in their anti-TIP efforts (Seekle, 2015, p.10). However, OAS efforts have not been effective in the Dominican Republic where the police force to population ratio is extremely low at 33 police per 100,000 people (DiarioLibre, 2012). The Inter-American Development Bank created public service announcements, promotion materials, and hotlines to report abuses in Colombia, Costa Rica, Nicaragua, and parts of Mexico, but has not done so in the Dominican Republic (Seekle, 2015, p. 11).

International law

International persuasion via law may have motivated the Dominican Republic to increase efforts to combat human trafficking. In 2010, the U.S. Department of State designated the Dominican Republic a Tier 3 country signaling the country's poor efforts in the elimination of human trafficking. Under the Victims of Trafficking and Violence Protection Act of 2000, the U.S. withholds non-humanitarian assistance and instructs the U.S. executive director of multilateral development banks and the IMF to vote against non-humanitarian assistance to Tier 3 countries (Seekle, 2015, p.8). Both coercion in the form of sanction threats and persuasion by fear and shame of being designated in Tier 3 motivated the Dominican

Republic to increase TIP investigations and prosecutions. As a result, the Dominican Republic moved up to the Tier 2 Watch List in 2011 and has since remained under Tier 2. Further, the Dominican Republic is signatory to the UN Trafficking in Persons protocol or Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (signed in 2000, ratified in 2008).

International law, however, is limited. First, there is no enforcement mechanism for international conventions on human trafficking. Second, because human trafficking is an illicit activity, it is difficult to determine the success of the law. For example, the Dominican government increased TIP investigations and prosecutions after its designation in Tier 3 in 2010. However, more prosecutions is not equivalent to the elimination of a greater proportion of total trafficking if the rate of trafficking has also increased. Further, laws in the country can change, but it takes much longer for the law to be internalized. It takes time for the police and judicial system to be trained and change and for youth to be educated and aware of the dangers of trafficking or the resources available for victims of trafficking.

Recoomendations

I recommend policies to cut off the demand side of trafficking and provide resources for the supply side to speak out and pursue other opportunities. The policies must address both the supply side and the demand side of sex trafficking. Strategies to combat sex trafficking must not only consist of short-term solutions but also long-term as well. Long-term solutions include eliminating discrimination against women and children and creating better schooling systems and more economic opportunities. A comprehensive strategy must include coordinated efforts on the part of the government of the Dominican Republic, NGOs, state stewards such as the United States as well as regional stewards such as OAS and the Inter-American Development Bank.

Judicial and police reform

The government of the Dominican Republic should raise the penalties for police, border guards and other public officials who are caught assisting traffickers. Police, border guards, and public officials should also be trained on how to detect potential traffickers or victims of trafficking.

Currently, the Dominican Republic has weak rule of law and its police force enjoys a high level of impunity in cases of corruption. The goal of this policy is to raise the costs to police, border guards, and other public officials who assist traffickers. Raising penalties for corruption comes at little to no cost for the government. The government will need more resources, however, to provide training for the police and border guards on how to detect potential traffickers and victims of sex trafficking. The training will also improve professional competencies and increase the chances of convicting traffickers.

This strategy is likely to receive widespread support, but it is much easier said than done. Dominican police have one of the lowest salary scales in the region (DiarioLibre, 2012). If presented with the option of receiving bribes from traffickers, receiving a bribe with certainty may still be a more attractive option than the possibility of penalties for some officials. An increase in the penalty for assisting traffickers must be accompanied with an increase in the probability of being caught. Nonetheless, raising penalties may change the calculus for officials who are less risk averse to punishment. While this strategy may not rid the government of all public official complicity, it may still help to increase prosecution of trafficking criminals.

NGOs

The government should cooperate with local NGOs to provide psychological assistance, legal assistance and shelter for trafficking victims. Creating a support network for victims may help to engage victims in the process of prosecuting traffickers. The government should also grant victims immunity from prosecution

of the crimes committed as a result of being trafficked to incentivize victims to participate in the investigation and prosecution of the actual traffickers.

Through localization, local NGOs can help implement ways to make the promotion of human rights more effective. NGOs will primarily serve the following purposes: (1) provide resources for victims of sex trafficking on the ground and (2) seek support and funding from foreign actors including other governments that support international human rights. NGOs can also help to raise awareness of human trafficking in the local regions that they work with through advertising campaigns on billboards and signs. Since Spanish is the primary language in the Dominican Republic, advertisement and promotion materials should be available in Spanish. NGOs should also have the advertisement and promotion materials for their available resources translated into different languages including French to target Haitian victims. Other languages available will depend on what the local NGO knows about the origin of the victims which may include victims trafficked from all over the world.

The government of the Dominican Republic is limited in its ability to provide resources and assistance to victims of sex trafficking partly because it has fundamental capacity constraints. NGOs will not only be much more effective at providing resources for victims, but they also can seek funding from foreign stewards and international organizations in order to do what the government cannot do.

Education

Many victims of sex trafficking are children. The government should invest more resources into the education system and allow NGOs to work with the local population to keep the Dominican Republic's youth in school. Awareness of the crime and the facilitation of other opportunities for those vulnerable to trafficking may help to prevent the crime from occurring. The government should advocate greater public awareness of the crime. It should

encourage the strengthening of public education in the Dominican Republic and endorse programs designed to keep the country's youth in school. Since the government, as previously mentioned, is limited in resources, it may rely on local NGOs that create programs designed to keep children in school. Schools can then also be a channel for raising public awareness of the dangers of trafficking as well.

Set up a National Human Rights Institution

Because the government is resource constrained, it should create a National Human Rights Institution (NHRI) guided by the Paris Principles laid out by the United Nations to serve as a liaison between the government and local as well as international NGOs.

For many other human rights issues especially involving political and civil liberties where the government is the abuser, NGOs tend to be suspicious of NHRI's because they are seen as an arm of the government, created only to appear legitimate in the eyes of the international community. I do not foresee this being an issue with an NHRI focused on combating sex trafficking because there is no inherent misalignment of the ultimate objectives of the government and local NGOs in the case of sex trafficking. Both actors ultimately want to eliminate sex trafficking, but both are limited in capacity in different respects. While there may not be a fundamental misalignment in objectives, the NHRI should be made independent of the government by allowing the NHRI to receive funding that is not restricted to funding from the government of the Dominican Republic. This aspect of the NHRI should not receive opposition from the government because the government is limited in funding anyway and the NHRI would not serve any purpose that is counter to an objective of the government. However, they may still want to restrict a percentage of the NHRI's funding to funding from the government itself to retain its sovereignty over the NHRI.

Powerful international actors – the U.S. as a steward of human rights

The U.S. designation of countries into the three different tiers of compliance with the Trafficking Victims Protection Act's minimum standards in anti-TIP efforts proved effective in motivating the government of the Dominican Republic to increase its anti-TIP efforts. While the government of the Dominican Republic has made significant efforts to meet the minimum anti-TIP efforts, it also has fundamental capacity issues that prevent it from reaching Tier 1 and most importantly, fully eradicating this crime. For example, the Dominican Republic only has 33 police per 100,000 population, an extremely low police to population ratio (DiarioLibre, 2012).

However, the U.S. can be a powerful steward of this human right in the Dominican Republic. The U.S., when partnering with the Dominican National police, has proved to be powerful at cracking down on sex traffickers in the Dominican Republic. In March 2015, 29 sex trafficking victims, 20 of which were children, were rescued by the Dominican and U.S. authorities after an undercover police investigation (Fox News Latino, 2015). Because of the Dominican Republic's proximity to the U.S. and because much of the demand side of sex trafficking in the Dominican Republic comes from the U.S., the U.S. should and has incentive to continue operations with the Dominican National Police to crack down on sex traffickers.

The benefits of this cooperative strategy include increased prosecution of traffickers and increased protection of victims. Further, with increased information sharing and as the crackdowns increase, the Dominican police become better trained and equipped to conduct these investigations on their own. However, it is important to remember that an increase in prosecutions is not equivalent to a decrease in trafficking when evaluating the success of this strategy. Also, like other interventions, the U.S. must ensure that the police do not become dependent on its assistance and risk making the trafficking situation even worse if assistance is withdrawn.

Global business coalition against human trafficking

The Global Business Coalition Against Human Trafficking

(gBCAT) is a coalition that engages the business community in the process of eradicating human trafficking. The gBCAT focuses on training programs to educate employees, especially in the travel and hospitality industry, to detect sex trafficking instances as well as share best practices for procedures as to what may be done if trafficking is suspected (Global Business Coalition Against Human Trafficking). The coalition creates awareness of sex trafficking among businesses and employees who may not even be aware that they are enabling traffickers through their services.

While sex trafficking may not be as prominent of an issue in advanced countries, many advanced countries are part of the problem because that is where much of the demand side of sex trafficking comes from. Governments including the U.S. and the Dominican Republic should promote this coalition and businesses in the travel and hospitality industry, especially in but not limited to advanced countries, should join this coalition to increase the ability to detect sex trafficking and protect victims. Businesses have an incentive to do this to show their consumers that they are socially responsible corporations.

This strategy is highly feasible and comes at little cost to businesses, but yet again, the effectiveness is difficult to evaluate due to the clandestine nature of the crime. Also, once traffickers know which businesses are a part of this coalition, they might simply request their services from businesses that are not in the coalition and where there is less probability of detection. Still, the coalition is a promising approach to engaging the business community in a global solution. It can put pressure on traffickers and cease enablers that may not even be aware that they are facilitating traffickers.

Regional efforts need to be coordinated so that sex trafficking does not simply move to other parts of the region

OAS has already helped to train police academies across the region to incorporate the topic of trafficking in persons into their regular training curricula. OAS should now train and boost

coordination efforts and information sharing among national police forces in the region. Regional coordination and information sharing is a crucial part of the fight against drug trafficking. Drug trafficking and sex trafficking both require regional networks in order to be successful. Therefore, there is reason to believe that this strategy of regional coordination and information sharing would be effective against sex trafficking as well.

Regional coordination is necessary to ensure combating sex trafficking in one country, for example the Dominican Republic, does not simply create a balloon effect and get displaced to other countries in the region. It may also be effective at attacking regional trafficking networks. This strategy is limited, however, because countries hesitate to share security information with other countries for security issues. Further, while some TIP victims in the Dominican Republic are trafficked to and from other countries, regional coordination may not be as effective in protecting those victims that are trafficked within the country.

Haitian discriminatory laws and legality of prostitution

The Dominican discriminatory culture against Haitians leaves the latter especially vulnerable to sex trafficking, and the culture of prostitution makes it difficult for law enforcement to differentiate between coerced prostitution and voluntary prostitution. However, there is not much that the government or the international community can do to change this culture. Because prostitution is legal in the Dominican Republic, illegalization of prostitution is likely to face much domestic resistance. There is also little evidence that the illegalization of prostitution is effective in combating sex trafficking. Sex work is often considered economically rational for people in poor countries (Jesionka). Further, illegalization of prostitution may simply make victims more fearful of speaking out which would harm anti-TIP efforts.

While there is little that can be done to reverse the culture of discrimination and prostitution, the Dominican Republic should repeal its discriminatory laws against Haitians including the 2013

Constitutional Tribunal ruling which denies Dominican citizenship to people of Haitian descent. It is not feasible to recommend that the government grant Haitian migrants citizenship because the government does not want to deal with a large flow of migrants, but it can and should reform its laws to grant citizenship to the descendants of Haitians who are born on Dominican soil. Reforming the discriminatory laws in this way will make the Dominican Republic less of a prime target for traffickers to find Dominican children of Haitian descent who are especially vulnerable to sex trafficking due to their statelessness.

Conclusion

In this policy brief, I recommend a coordination of efforts between the government of the Dominican Republic, the U.S. as an international actor and steward of human rights, local NGO's, the business community, especially businesses in the travel and hospitality industry, and regional organizations including OAS. The strategies recommended employ mechanisms of persuasion to change the incentive structures of actors in both the supply and demand side of the sex trafficking equation. It attempts to raise the costs of committing or enabling the crime, and increases the resources available for victims of the crime. Another big component of the strategy is to create awareness amongst enablers who may not even be aware that their activities and services enable traffickers.

The recommendations involving government actions to raise penalties for the complicity of public officials in sex trafficking and allowing NGO's to provide resources for victims to speak out against their traffickers may be applicable to countries in other regions of the world because the calculation that traffickers and victims make in committing the crime and speaking out, respectively, look similar.

Some of the recommendations, however, are not generalizable to countries in other regions of the world. A big difference between the Dominican Republic and those countries that these strategies

are not generalizable to its proximity to advanced countries. While countries such as Brazil, Costa Rica, Thailand, and Cambodia are also known to have thriving sex tourism industries, the Dominican Republic's proximity to the U.S., along with its inexpensive travel packages, have made it a favorite spot (Caribbean 360, 2013). Its proximity to the U.S. has exacerbated the situation, but it also means that the U.S. has more incentive, and ability to serve as a foreign steward of the human right. However, U.S. intervention efforts through operations similar to the operation in the Dominican Republic in March 2015 is not feasible in countries that are further from U.S. reach.

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Walking a Tightrope: Cuban Housing Reform in an Era of Rapid Change

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photo by Courtney Muro



“The housing situation is critical in Cuba,” says Anaidis Ramirez, who was among the 120 Cuban families displaced by the February 2014 building collapse in Central Havana (Rodriguez, 2014). Fortunately for these families, homelessness is illegal in Cuba, and those that cannot find shelter with friends or family are placed in temporary shelters. But the condition of these shelters is questionable, and many do not consider them to be adequate housing. This is because without the help of the private sector the Cuban government does not have the resources to provide the housing promised by the revolution. But opening up housing to the market will be tough for the regime to accept.

Before the revolution, Cuban society was becoming increasingly unequal in terms of wealth. In the mid-1950s, for example, 20% of the population was consuming 70% of the nation’s electricity, 62% of wages, and 60% of the automobiles in Cuba (Wolfe, 2013). These numbers were reflected in the attitudes of Cuban citizens as certain privileged classes became accustomed to luxurious lifestyles - driving American cars, gambling, accumulating excess wealth, and generally mirroring the capitalist habits of their quasi-colonists in the United States (Smithsonian, 2007). The revolutionaries focused on this American-style materialism as being largely responsible for inequality in Cuba, and getting rid of the ills of capitalism and private property became a main objective of the revolution.

Particularly conducive to this growing inequality was the rapid growth of Cuban real estate investment, fueled by the post-WWII baby boom (Wolfe, 2013). The landlord-tenant relationship became more common and by 1953, 60% of urban households and 75% of those in Havana were occupied by renters (Wolfe, 2013). With such increasing demand for rental units, prices rose. Rent control legislation (one of the world’s first) had been introduced in Cuba in 1939, but landlords had ways of getting around these regulations (Jariwala, 2014). Bogus fees, such as furniture fees and “keys” fees allowed them to charge exorbitant prices (Wolfe, 2013). Another

problematic law for real estate investors in Cuba was the “right to occupancy,” which shifted the burden of proof to the landlord in cases of eviction (Jariwala, 2014). Investors circumvented this by building condominiums, to which laws regarding rental units did not apply. Possibly due to these technicalities, evictions were not deterred and, in fact, 1950s Cuba saw an average of 70,000 evictions per year, out of only 460,000 total units (Wolfe, 2013).

Under the principles of the revolution of 1959, the right to live in an adequate home became the legal right of every Cuban citizen (Translating Cuba, 2012). Under this premise, being a landlord and extracting rents from citizens that do not own property was an infringement of their constitutional rights for the purpose of monetary gain. Furthermore, it perfectly exemplified the Marxist theory of the capitalist mode of production in which private ownership of capital results in a cycle of bourgeoisie capital accumulation at the expense of the working class. The revolutionaries were quick to address and correct for inequality in Cuban housing structure through two objectives: to eliminate housing as a business, and to eliminate eviction, gentrification, and homelessness (Holm, 2011). Just three months after the revolution, rents were decreased by 50% (Holm, 2011). A few months after that, the Urban Reform Law nationalized all urban property that was being used for business, allowing its purchase for personal consumption (Miller, 2012). When a post-revolution baby boom increased Cuba’s population by 23.8% in just one decade, exacerbating the shortage of housing supply, the Cuban government came up with an innovative method to deal with the problem (Miller, 2012). Microbrigades were created to redirect thousands of workers from overstuffed workplaces to build pre-fabricated housing units. 60% of the resulting units were sold to the workers at cost, and the remaining 40% to other citizens, “for each according to his need” (Miller, 2012). The result was the construction of 82,000 housing units, enabling Cuba to substantially alleviate the growing housing shortage, despite relatively inefficient methods of construction (Miller, 2012). However, as would be expected with an amateur workforce, the quality of the product was low, and the resulting subpar construction can be seen in the

rapidly deteriorating buildings of today.

Cuba’s current housing situation is considered insufficient in both quantity and quality. Cuba’s population has increased from 6.9 million people in 1959 to 11.2 million people today (Holm, 2011). 3.9 million units of housing exist for this population, with an average of 2.8 residents per housing unit (Peters, 2014). This does not sound terrible, especially in comparison with America’s 2.5 residents per household (US Census, 2015), but the reality is that many of the houses were built with substandard materials and construction, and are now falling apart. These houses are an average age of 75 years old and three of them collapse daily (Holm, 2011). In a country where homelessness is illegal, but people do not have enough money to pay for housing, the burden of providing housing falls on the State. To fuse this disconnect between supply and demand, the Cuban government has resorted to the temporary fix of shelters. In 2008, 11,192 people occupied 102 “transitional community” shelters in Havana, and 118,564 more are considered “poorly housed” and are waiting for shelter space (Peters, 2014). The National Housing Institute has estimated that Cuba would need to build 60,000-70,000 new housing units each year in order to sufficiently supply for this demand. However, the current rate of construction is nowhere near this number, with 16,000 houses being built annually by the State, and 8,000-10,000 by homeowners (Peters, 2014).

Much of the housing shortage in Cuba is due to lack of available resources. Distortions in the market have caused the prices of parts needed to fix minor household objects to amount to a substantially large portion of the average Cuban’s wage. For example, a gallon of paint costs the equivalent of \$3.30 USD, 42 kilograms of cement is \$10, and 3.5 square meters of particleboard is \$14 (Peters, 2014). At an average wage rate of \$20 per month, 3.5 square meters of particleboard is priced at 75% of the average Cuban’s monthly wage (Holm, 2011). However, even with the existence of high prices, property laws can be structured in a way that incentivizes property owners to maintain and care for

their properties – but Cuba lacks this. Until 2011, Cuban citizens were not allowed to sell their homes. This inhibits appreciation to property value due to investment, and therefore lowers the net return on costs going into the home and disincentivizes property improvement and maintenance. An additional collective action problem regarding Cuban housing is a result of the manner in which property was redistributed during the revolution. Large houses and buildings that were nationalized were often divided up between multiple, unconnected parties. This resulted in no single party having ownership of the building exterior or common areas, and therefore no one has any incentive to bear the costs to fix or maintain these areas.

Cubans want to fix their housing insufficiencies and, according to Wendy Holm of Saint Mary's University, "heritage preservation is a priority and the city is responsible for restorations" (Holms, 2011). But in the absence of available funds, reorganizing incentive structures will be an integral part of this process. The Sixth Congress has taken the first step with the 2011 Resolutions on Guidelines of the Economic and Social Policy, in which one law states that the sale of houses and other forms of homeownership transfer "shall be authorized and facilitated among natural persons," and that formalities required for these transfers will be "simplified to help address public housing demands" (Sixth Congress, 2011). The result of allowing citizens to sell their houses is that maintenance not only has the intrinsic value of bettering one's home environment, but it also has the purpose of investing in an asset, which yields a return. This reform can also have the positive effect of a market-based redistribution of the housing stock as property owners with excess property sell to families without adequate space. There were an estimated 200,000 vacant housing units in 2011 (Peters, 2014). With a demand of 130,000 people, there is no reason that this supply should go unused (Peters, 2014).

Legalizing housing sales was a move in the right direction but there is more restructuring to be done so that the market can sufficiently supply for the demand in housing. In particular,

although the supply side has been given the green light to sell, the demand side remains unable to purchase the available supply. In the absence of mortgages or credit, the only way that Cubans can pay for houses is with cash (Peters, 2014). This severely hinders the market system, and without fixing this problem the 2011 legalization of selling houses yields little value. In order to bridge this gap, the Cuban government will need to take measures to allow and facilitate Cuban citizens' access to credit.

It is also important that the Cuban government views private construction as an alternative to bearing the entire cost of fixing the housing shortage itself. Private housing construction currently exceeds government construction, indicating the potential for private incentives to provide solutions for housing inadequacies (Holm, 2011). The Cuban government demonstrated an understanding of this concept in its 2011 Economic and Social Resolutions Regarding Construction. The basic goals laid out in the decree were to improve the understanding of building and installation capacities, increase efficiency by implementing a performance-based system, adopt non-State means to help address the housing problems and increase the sale of building materials to the public (Sixth Congress, 2011). It was also declared that new means may include "a significant share of private efforts as well as other non-State modalities" (Sixth Congress, 2011).

Another measure that can be taken to improve Cuba's housing situation is to subsidize construction companies and/or goods needed to fix houses. The percentage share of the cost borne by the State should be progressive and arranged according to need. In other words, the State should subsidize a higher percentage as the private sector invests more money, incentivizing the private party to invest more of his/her own resources in order to get a larger percentage subsidy, but the base subsidy can be determined based on need. The 2011 Resolutions specifically noted that this would not be used as a measure for improving construction prospects, and that "building materials for housing preservation, rehabilitation and construction shall be sold at unsubsidized prices," (Sixth

Congress, 2011) but they follow up with a contradictory statement, “Where required, subsidies shall be allocated, either fully or in part, to individual persons and according to plan” (Sixth Congress, 2011). This reflects the generally opaque business environment in Cuba.

Another solution to the housing crisis is to simply give money to people to fix their houses. The Cuban government is doing this to an extent by providing grants to low-income families “to assist in home repair and construction projects” (Peters, 2014). This helps with the shortage of housing but it does not alleviate Cuban citizens’ dependence on the State, which ultimately needs to happen if the Cuban economy is going to become sustainable. According to the Cuban newspaper *Trabajadores*, construction grants in 2013 totaled \$20 million USD (Holm, 2011), the largest share of Cuban state loans (Peters, 2014). If the private market could provide this housing, then the Cuban state would have \$20 million more to invest in education or other, more socially beneficial programs.

Lastly, Cuba needs to create a business environment that is more conducive to foreign direct investment (FDI). In a country with limited resources, Cuba would benefit significantly from FDI because it would allow Cuba to use someone else’s start-up capital to improve Cuban infrastructure, while potentially assuming less risk than it does with solo ventures. But current Cuban laws do not encourage FDI. For example, foreigners are still unable to buy property in Cuba (Peters, 2014) unless it is a joint venture (Valdes-Fauli, 2003) or if they are legal residents, such as long-term workers or spouses of Cubans (Peters, 2014). In a country with a recent history and strong reputation of nationalizing foreign-owned property, there will need to be more stringent laws in favor of foreign investors to create a “more favorable investment climate, and one that reflects a more realistic appreciation for the interests and risk tolerance of potential partners” (Feinberg, 2011). A legitimate concern with allowing FDI is that prices will increase, but this can be remedied through corrective taxes.

Cuba’s housing crisis is an important social issue that needs

to be addressed. At the root of the problem is a simple contradiction – Cuban law states that private property cannot be gained at the expense of an inalienable right to live in adequate housing, but the only way for the Cuban state to provide that housing is by empowering the private sector to allow property ownership, sale, and purchase. Although the revolutionary government considers these two ideas to be mutually exclusive, they can be reconciled through a particular legal restructuring which realigns incentives so that it is beneficial for private parties to invest in and maintain their houses, while maintaining an element of governmental oversight to correct for market failures.

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Repairing Democratic Peace Theory

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The democratic peace theory has been a widely acclaimed proposition in international politics in the last few decades (Russett, 1993). The idea that democracies are unlikely to fight each other has been embraced by many international relations (hereinafter IR) scholars and policy-makers. Yet, despite its appearing elegance and parsimony, the theory displays a number of serious inconsistencies and weaknesses at closer look. My argument in this paper is two-fold. First, the democratic peace theory (hereinafter DPT) in its current flawed form is a dubious conceptual tool and policy guiding principle. Second, a promising way to “repair” the theory’s questionable nature is to find points of convergence with competing explanations.

The flow of the argument will determine the structure of the paper. I will begin by offering a coherent classification of existing and potential claims with regards to DPT. I propose to categorize the vast array of irregular points into definitional, ontological, substantive, and methodological issues. I will then proceed to the “repair” section to introduce several possible forms of synthesis to reconcile DPT with its opponents, including logics of sequence, sameness, relevance, and hierarchy. A short conclusion will be drawn based on the first two sections.

The Shaky Premises of the Democratic Peace Theory

The great philosopher René Descartes once pointed out the importance of shared definitions in order to get rid of delusions about the world observed. Thus, on the definition side, different authors advocating for DPT have unpacked the meaning of democracy and autocracy in different ways. Furthermore, even commonly accepted terms appear implausible, such as the case of war being defined as a conflict resulting in over a thousand victims. This is especially dubious in view of the changing nature of warfare, with information and cyber wars replacing traditional warfare in the globalized world. Finally, an explanation seems to be missing on why DPT adopts a strictly binary distinction between democracies and autocracies, with little or no attention given to

various modes of transition between the two.

On the ontological side, three major flaws can be pointed out. For one thing, DPT looks into a dyadic relationship, which is, in other words, a relationship between two democracies. Yet if domestic factors (whether normative or institutional ones), as DPT claims, account for the “peacefulness” of democracies, shouldn’t such behavior manifest within democracies themselves via lack of civil wars, ethnic conflicts, or civil unrest? By removing a monadic dimension DPT makes itself redundant. Also, some scholars have suggested that transitions to democracies can be rather violent. Focusing on the fixed and perfect conditions (democracy or autocracy), DPT displays reductionism once again (Mansfield and Snyder, 1995). Finally, another form of ontological reductionism is produced inadvertently by state-centrism, with such phenomena as terrorism and quasi-state entities (consider ISIS) omitted.

Regarding the substantive dimension, three issues can be highlighted as well. While DPT positions itself within a liberal school of thought in IR, its assumptions are implicitly related to the realist tradition. Thus, DPT analyzes the military conflict only, which is an intrinsic feature of realism in international politics. The next issue is a normative one. DPT can be and has been used as an intellectual justification for the “spread of democracy” via humanitarian interventionism. Does this in turn really substantiate the peaceful nature of democracies? Last but not least, while DPT offers several causal mechanisms to account for the peaceful relations between democratic states, we can rather speak of correlation than causation here.

Following from the above, my last, yet perhaps biggest, claim toward DPT is its poor research design. At first sight DPT seems to establish a strong causal relationship between the independent variable (democracy) and dependent one (peace). Yet few major points have been overlooked here. One is that the possibility of reverse causation hasn’t been contemplated. In other words, is it possible that peace induces development of democratic institutions? Another point overlooked is that alternative

explanations are dismissed too quickly. There can be dozens of intervening variables that can render the relationship postulated by DPT spurious. For instance, such factors as international anarchy, international institutions, economic interdependence, globalization, US hegemony, diminishing power of the nation-states are all worth to be controlled for.

Synthesis As A Repair Kit

According to Hegel, new knowledge can be generated by synthesis which reconciles thesis and antithesis. While DPT has been subject to criticism from various perspectives, it is worthwhile to seek points of convergence between competing perspectives in order to make DPT more robust. Consider a well-known Indian fable about blind men and an elephant. Each of the men gets his own description of the unknown (elephant); yet the idea is to get the whole picture via synthesis. Similarly, several viewpoints can be combined to beget not a sort of analytical eclecticism, but rather a synthesis that would make DPT more valid and robust. Below are some possible synthetic solutions for DPT.

In the logic of sequence, different variables exert their influence across different points in time. The revised causal logic of DPT in this case can go as follows. New democracies are still prone to follow rationalist power politics by balancing against or bandwagoning with other states; as they get embedded in the economic and dependency networks with other states, economic factors come into play, replacing power politics; as they get even more mature, states start sharing and projecting democratic norms, ideas and values. All of these developments account for peace among democracies at different temporal sections.

In the logic of sameness several explanations can be conceived at the same time. In other words, several independent variables affect simultaneously the dependent variable. For DPT, this would mean that structural, economic, and domestic factors all contribute to peaceful and cooperative environment among nations-states. An example from a daily life can illustrate this

better. Consider buying a coffee and not paying for it. Defecting (not paying) will normally not happen as one can simultaneously fear consequences, see this inappropriate, or even just not think about not paying due to internalized norms of behavior.

Further on, the logic of relevance can be applied as a way of synthesizing different explanations of the observed empirical fact that democracies don't fight with each other. For the sake of an illustration, let's consider the realist, the liberal, and the constructivist explanations of the "peace" among democracies. Different states can have different preferences and intentions at the international arena. Some states are driven by power accumulation and therefore can exhibit balancing or bandwagoning behavior. Other states are deeply embedded in the framework of international economic institutions and try to increase their benefits from globalization. Yet others can see their national interest in promoting shared values and norms across the globe. Peace among democracies appears as a by-product of all these types of motivations.

The last synthetic logic proposed here is that of hierarchy. Several variables can come into play, yet they are all subsumed by a major one. A geometric analogy can illuminate the point here. Imagine a beam of light projected onto a cone in a three-dimensional space. The shadows created by the cone on all dimensions would be one circle and two rectangular shapes. Yet the cone itself includes them all. How can such approach of converging different explanations against one leading variable be applied to DPT? As an example, realist, liberal, and constructivist "phases" mentioned in the sequential logic can be seen as different manifestations of a state's power - whether military, economic, or ideational one - which structure the international arena and make it less conflictual. Thus the core idea of power encompasses all behavioral patterns of a democracy.

Conclusion

While DPT has been subject to substantial criticism within academia (Layne, 1994, Rosato, 2003), this has remained

fragmented, let alone united under a coherent classification principle. This paper has offered one possible coherent categorization of the existing and potential weaknesses of DPT. Following that, I have demonstrated that different synthetic approaches can provide fresh perspectives on the subject matter of DPT and its connection to other alternative explanations. Such intellectual exercise suggests that adopting a non-linear or matrix logic can generate a much bigger explanatory power compared to that of a single explanation. Additionally, it increases the robustness of the democratic peace theory, and potentially can do the same for any other theory in question. Finally, while this may seem to leave policy-practitioners in a more complex and volatile world, they actually become more aware about different possibilities that exist and finish up with a wider freedom of choice in the process of decision-making.

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Left page: A family-owned potato farm in the village of Tibi, Rajasthan, India.

Amanda J. Singh

Top Left: The Treasury, Petra, Jordan.

Top Right: The ancient roman city of Byblos, Lebanon, by the Mediterranean Sea

Bottom: Al Jubaylah, Saudi Arabia
Mingda Qiu





Los Glaciares National Park, Argentina
Travis Hotby



Top: The Melaka Straits Mosque,
Melaka, Malaysia
Zeyuanya Zoey Long



Left: Ships docked at Sunda Kelapa
Harbor, Jakarta, Indonesia
Bottom right: Sunset in the town of
Painan, Indonesia
Darang Candra





Top: Lantau Island, Hong Kong
Right page: Avatar Mountain in Zhangjiajie, Hunan Province, China
Peter Larson



Left: The Great Wall of China in January, Beijing, China
Ann Listerud





Labrang Monastery, Gansu Province, China
Peter Larson



Top: Fenghuang, Hunan Province, China

Right: Nanjing, Jiangsu Province, China

Bottom: Hong Kong Central, Hong Kong





Top: Miyajima Island, Hiroshima, Japan
Emily Robles
Bottom: Osaka, Japan
Ann Listerud



Top: Balboa Park, San Diego, California. USA
Bottom: Times Square, New York City
New York, USA
Zeyaunyu Zoey Long



Dealing with North Korea: A Critical Overview of North Korean Policy

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North Korea might appear to the world as a mind-boggling riddle itching to be solved. Its title as the “Hermit Kingdom” is well deserved; not only has it restricted information from the outside world, it also filters and even alters this information to better serve the propagandistic purposes of the state, notably its military first policy. This policy has been a notable contribution to the food shortage crisis that chronically plagues the country. As it fails to maintain the rations of food provided by the Public Distribution System, the regime still has certain restraints for its people to fend themselves by means of trade, also its highly rigid mobilization permit even within the country itself. On top of that, as if an Orwellian nightmare came true, there are always people around who watch others’ every movement, so as to not allow any for defiance of the rules on pain of punishment in form of imprisonment, interrogation, hard labor, alleged torture in concentration camps known as *kwanliso*, or public execution. Issues regarding human rights violations exposed through the harrowing accounts of North Korean defectors have reached the attention of the international community. Yet the regime maintains steadfast in their denial of such acts, and its people remain beyond the reach of the international community.

In spite of its seclusion, persistent food crisis, repression, and general neglect of the rules and mechanisms of the international system, the regime has yet to show any signs of withering or collapse as predicted by scholars over the past few decades. The Kim family has ruled the country for three generations, and policies imposed by external actors aimed at undermining their authority have yet to bring about significant governmental change, let alone indicate the willingness to begin the process of denuclearization or join with the global free-market system. In this paper, foreign policies towards North Korea (with examples mostly from the US and South Korea), broadly classified into isolation and engagement approaches, and will be generally observed and evaluated for their effectiveness. Furthermore, a new strategy known as “Hack and Frack,” as envisioned by scholar Jieun Baek, a strategy which mainly involves the dissemination of information through

the cyber sphere, will be introduced and also examined. The following section of this paper will try to analyze the foreign policy dilemmas posed by North Korea, especially with regards to the repression of their people and the persecution of those with views deemed unorthodox by the state. Based on these observations, this paper will be end by proposing new possibilities for strategies of responsible foreign policy with regards to North Korean.

North Korean Policy: The Wind of Isolation or The Warmth of Engagement?

States, non-governmental agencies, and international organizations have generally dealt with North Korea using one of two distinct approaches: isolation or engagement. Both approaches could be categorized as dyadic extremes based on the distance or closeness one displays in interacting with the country. The following will examine the strengths and weaknesses of both approaches.

A common example of an isolationist policy towards North Korea would be that imposed by the Bush Administration in the wake of the tragic events of 9/11. While the government initially proceeded with the more traditional approach of diplomacy backed by deterrence as exemplified during the Clinton Administration, wherein the US maintained a position to endorse “multilateral coordination with [its] allies in Northeast Asia and negotiations” in handling issues regarding North Korea (Quinones, 2003). However, at the onset of the terrorist attacks of September 11, 2001 the government shifted its policy to intensify pressure in the form of economic sanctions defined by an unwillingness to address the government of North Korea diplomatically (Quinones, 2003). The United States adopted a more confrontational stance towards North Korea, naming it one of the “Axes of Evil” alongside Iran and Iraq (Matray, 2013). President Bush also decided to renege on the 1994 US – North Korea Agreed Framework, halting the construction of nuclear reactors reliant on US nuclear materials for fuel, and ceasing negotiation on the normalization of diplomatic relations (Matray, 2013). Bush argued in favor of abandoning the agreement

since North Korea “could not be trusted because it was refusing to fulfill its prior agreements” (Matray, 2013). This may strike many as true, yet he failed to provide any evidence to substantiate his claim. While the intention may have been to precipitate the downfall of the regime, cutting off relations with North Korea ironically only served to increase feelings of insecurity in the North, encouraging the government to cling tighter onto their nuclear capabilities. This approach made not only the denuclearization of North Korea less tenable, it also prevented the United States and other actors in the global system from the opportunity to alleviate the burden from systemic humanitarian crises and human rights violations borne by the North Korean people.

In stark contrast to the isolationist approach favored by the American government under Bush, the Sunshine Policy formulated and operated by the South Korean government under Kim Dae-Jung and his successor Roh Moo-Hyun constitutes a representative case in engagement with North Korea. As conveyed in the Aesop fable “The Wind and the Sun”, the policy’s goal is to “take off the heavy coat of the North ‘with warm sunshine instead of blowing howling gale’”; that is to build close relations with North Korea by providing aid and increasing peaceful exchanges without demanding immediate reciprocity or placing restrictive conditions on the country (Kwon, 2014). This non-provocative means of interacting with North Korea is based on three principles: (1) non-tolerance of military threat or armed provocation by North Korea, (2) official abandonment of the idea of unification by absorption and the negation of any other measures to undermine or threaten North Korea, and (3) the promotion of exchanges and cooperation through resumption of the 1991 *Agreement on Reconciliation, Non-aggression and Exchanges and Cooperation* (Moon, 2000). The policy has managed to also open up access to certain areas in the North, including the construction of the Kaesong Industrial Complex, the Mt. Kumgang resort, in granting permission to tour around the Demilitarized Zone (DMZ), and even allowing for the brief reunion of divided families; but most critically it yielded the first historic summit meeting between both the leaders of the South and

North in Pyongyang in June 2000 (Kwon, 2014). Despite fulfilling its objective, to “lay the foundation for peaceful Korean unification by breaking the vicious cycle of negative, hostile actions and reactions through peaceful coexistence and peaceful exchanges and cooperation” (Moon, 2000), the policy of engagement has been criticized for the compromising of South Korea’s national security without significant, reciprocal gain on the issue of the nuclear proliferation in North Korea (with the second nuclear crisis in 2002, most probably was also influenced by the aggressive stance taken by the Bush administration), and for neglecting to pressure the North Korean government for the continued violation of the human rights of their people (Moon and Noland, 2000). Economic and food aid rendered by this policy have been deemed unsuccessful in alleviating starvation in the North; in fact, financial assistance given by the South was reported to have been misappropriated by the regime to further develop its nuclear program. As such, it would appear as though the howling winds of isolation were not sufficient to bring North Korea inside to join the international community, and the warm sunshine of engagement has not proven warm enough to compel the three generations of the Kim family to their off their thick coat of sequestration.

“Hack and Frack” as a New Form of Engagement

In her article *Hack and Frack North Korea: How Information Campaigns Can Liberate the Hermit Kingdom*, Jieun Baek proposes a form of engagement that offers the possibility to empower the people while undermining the regime at the same time. She coined the term *information fracking*, referring to the process of *fracking*, or more scientifically called *hydraulic fracturing*, an advanced process of extraction used to liberate large reserves of oil and gas within rocks, previously unreachable, by blasting these rocks with a pressurized liquid. Using information to *frack* into North Korea, she summarized her propositions into the following three-pronged strategy: (1) to strengthen covert operations to hack into North Korea’s information channels and support internal dissidents,

(2) to increase funding for NGOs in the U.S. and South Korea to transmit outside media into North Korea and provide business skills to North Koreans, and (3) to bolster training for North Korean defectors, the primary liaisons between North Korea and the outside world, in journalism, IT and social media (Baek, 2015).

Baek proposed to target the regime’s enduring capacity to restrict flows of information by hacking into official channels such as the state’s intranet, *Kwang-Myong* and newspaper, *Rodong Sinmun*; to propagate unpleasant truths about the current regime that are usually subjected to a treatment of white-washed propaganda. She also suggested empowering defectors, so they are able to spread accurate domestic information to the people of North Korea, as well as to extract sensitive information from within North Korea and relay it to the outside world as a means of increasing pressure on the regime for change. Additionally, NGOs or other organizations should be empowered to disseminate foreign information in form of films, literature, or online media via self-propelled balloons, radio, or the Internet. The ultimate goal of this subterfuge can be seen in another applicable fable, that of “The Monkey Master,” wherein a group of oppressed monkeys become cognizant of their circumstances and purposefully leave their master to starve to death. Beyond simply providing funds for business skills workshops or information centers to empower individuals, a primary goal of *information fracking* is to make individuals aware of their circumstances so as to precipitate internal resistance to the regime (Baek, 2015).

As attractive as the prospect of external actors to assist the people of North Korea in gaining access to more factual information about the government as well as about the outside world, realized gains may be short-lived as North Korea has maintained strict control over and a watchful eye on all information that flows about the country. Furthermore, with the presence of the thought police, the *inminban*, an individual bearing even a hint of unorthodoxy behavior could presumably be rewarded for his actions by a visit to the *kyohwaso* or *kwanliso* — or even worse, being subjected to

the terror of public execution. It is also reasonable to expect the regime to retaliate, stating that states or organizations sponsoring such acts have violated the sovereignty of North Korea, and thus it might yet again resort to its nuclear brinkmanship under its “right” to defend against outside aggression.

The Myth of Impotence: Aim, Feasibility and Repercussions

Considering the implications of the aforementioned approaches, none seems suitable to address the destitute and inhumane conditions of many of the people of North Korea are subjected. Engagement policies have failed, as the Kim regime did not accede to the transparent distribution of aid and those assistances were not fairly or equitably distributed. Isolating North Korea served to decrease the exposure of human rights violations within the country, and likely gave the regime even freer rein to terrorize its people. If we are to consider policy that seeks to empower the people to topple the regime, it appears that success of such a policy is contingent on paying a high price in human lives.

These evaluations ask that we reconsider two particular issues. First is the question of aim and feasibility of foreign policy and strategy towards North Korea. So far, strategies directed towards the government have focused on denuclearization, collapse, or regime change — varying on which particular aspect is being prioritized, and the probability of such a vision to be realized. It is essential for policies to be formulated based on the feasibility of its goals, and later to consider whether the obtaining of said goals is especially desirable. In the case of North Korea, it is interesting to consider whether we have been chasing rainbows in thinking it still possible that North Korea give up its nuclear weapons willingly, or whether there might be a chance to bring about the downfall of the regime with minimal bloodshed anytime soon, or perhaps bring about change in the nascent period of the reign of Kim Jung-Un. We also must consider the repercussions of the action we take given the policies being considered at this time, and whether it is acceptable for external actors to risk the lives of the North Korean

people to meet their own collective and political goals. Is it more humane to wait for the regime to give in while death tolls keep increasing in the meantime, or to push the people towards self-determination knowing it might endanger them?

Two Schemes: to Change or to Maim?

The deadlock in dealings with North Korea does not prevent a generic follow-up question from being asked: What are we supposed to do? In remaining portion of this paper, I offer my take on the said goals and propose two opposite solutions considering the food shortage and human rights situation in North Korea.

It seems that the flaw in the currently employed strategies aimed at restricting nuclear non-proliferation is self-evident in the case of North Korea. What could be done by the international community is to uniformly urge the regime to discontinue their nuclear weapons development program, yet official statements can only affect so much change. Additionally, it is also obvious that the regime has no desire to forgo their nuclear capabilities despite sanctions imposed on them, as it is the only means it has to gain leverage or a bargaining position in the international system. Thus, the options left are to assist change or collapse of the regime.

As the Kim dynasty has managed to exceed the perennial expectations of scholars that it is on the verge of collapse, it may be considered plausible that the regime might endure without the manifestation of significant rebellion or even without sufficient reason for them to occur, as well as concessions and benefits the regime has been procuring with its nuclear brinkmanship; implying that its main objective and intent is self-preservation. Therefore, I would like to suggest that engaging North Korea using its goal of self-preservation as a key mechanism that can be exploited to realize and to an increase in the standard of living for the North Korean people. We can see that in some instances, the policy of the regime seems flexible when it has the incentive to allow for small changes to its hardline economic and social policies. It has been reported that the local authorities of *Chongjin* have relented

to demands by female merchants to permit sales without regard for the age restriction of over 49 years imposed by the central Party, after a mass collision between guards and the women (Park, 2008). Stories of the decisions of North Koreans to defect to China and the South mainly motivated by the famine could be deducted from various sources (Demick, 2009). The latest news has also stated that there has been a clash between the Ministry of People's Security agents and vendors in a marketplace in Masan County (Choi, 2015). If this situation persists, the regime would have to think of the rising unease of the people and their view of the government—this might be an opportunity for external actors to engage with the regime and encourage the adaptation of basic rights for the people as a basis of encouraging regime stability. However, exactly who could push such a strategy and the specifics of how such a strategy may be conducted means that the realization of such a policy still requires significant refinement and consideration. Furthermore, the possibility of defection on the part of the regime and the willingness of external actors temporarily forego previous goals pertaining to the denuclearization of the peninsula and the immediate cessation of human rights violations in the country might prove to be a great hindrance for such a proposal.

On the contrary, if one is pessimistic that change might occur despite the current sustainability of the regime, the only option left is to end it once and for all. A scheme that might properly poke Kim Jong-Un's vulnerability would include freezing his assets in China and Europe, flowing through American "dollar-clearing" banks, under the jurisdiction of the U.S Treasury Department (Stanton and Lee, 2014). Simultaneously, by fracking information from within the country and by increasing international pressure on implementing mechanisms designed to engage the North Korean people directly, there might be an opportunity for the people of North Korea to consider alternatives to their oppressive form of government or entertain the possibility of unification under the governance of the South. This might bring about the demise of the Kim dynasty, yet again it does not warrant the compliance of

the regime, nor would it exactly predict the reaction by the North Koreans in case of the collapse of the Kim dynasty or unification, especially those of the loyal class, favored by the incumbent.

Conclusion: The Final Problem

As Sherlock Holmes was forced to confess that he found an "intellectual equal" in Professor Moriarty, we might admit that North Korea is the "Napoleon" of the dangerous game of nuclear deterrence in the international realm. Scholars and policy-makers have been perplexed and left dumbfounded in the search for the right formula to end its oppression and horrid violations of human rights in the country.

Be it in a form of isolation or engagement, concern for the lives of the North Korean people is what stops and drives external actors to take action. From the observations provided in this paper, the most ideal form of change in North Korean society seems likely to be influenced by a sense of self-determination of the common people, or the willingness of the regime to concede or conform to the demands of the people. What is left for other states or organizations is develop new strategies that either enhance the former or the latter. Both processes will require sacrifice, but considering their lives are not their own within the totalitarian monarchy, it might be just fair to keep in mind that human lives are at stake while hatching new approaches towards North Korea.

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The Chinese Challenge to the United States' Global Hegemony:

Returning to a Multipolar World

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“...to think politically requires recognizing the ontological dimension of radical negativity. It is because of the existence of a form of negativity that cannot be overcome dialectically that full objectivity can never be reached and that antagonism is an ever present possibility. Society is permeated by contingency and any order is of a hegemonic nature, i.e. it is always the expression of power relations. In the field of politics, this means that the search for a consensus without exclusion and the hope for a perfectly reconciled and harmonious society have to be abandoned.”

- Chantal Mouffe

The current global order is changing. China’s “peaceful rise” since 2003 is challenging the United States’ global hegemony (Wu, 2006). Likewise, the way in which this change is happening has a realistic seal (opposed to the idealist seal of international relations). The Chinese modus operandi - how you operate - in Africa is far from the humanistic and universalistic American modus operandi around the world. Rather, China’s economic interests in Africa are clear, direct, and pragmatic. China is looking for natural resources and energetic security overseas. To do so, China supports and engages local leaders regardless of universal ideals or human rights violations.

Chinese public diplomacy and geopolitical strategy are creating new dynamics in the global order. China is bringing realpolitik back to the international relations, which could signal the advancement of local processes and national leaderships, and the strengthening of political institutions from the bottom up.

Every hegemon has to combine political power and economic power, “geopolitics and geo-economics” in Carmody’s words (2011), or the “territorial logic and the capitalistic logic” in Harvey’s terms (2003), to reassure its supremacy in the world. However, unlike China, America’s historical development as a great power has an idealist seal that can be traced in the colonial heritage from the United Kingdom.

The Victorian Era carried the embryo of American hegemony in the world as well as its rhetoric of humanism and idealism. Nonetheless, the Pax Britannica had a weaker civilizing mission

than the Pax Americana has had. The latter one has symbolized a systematic attempt to produce consensus in the world on the cause of humanity through cultural and moral influence. The UN, the World Trade Organization (WTO), the World Bank, and the International Monetary Fund (IMF), are international institutional channels to reaffirm, spread, and impose the Western ideals of progress, liberty, democracy, development, free markets, and free trade (Orford, 2003). American ideological effort (soft power) to legitimize the brute force and the extractive economy (hard power) is more sophisticated than the weak and loose Pax Britannica. These days, consent and cooperation are just as important as coercion and liquidation (Harvey, 2003).

Despite the similarities that can be traced between the UK, the US, and China as rising economies that at some point overflowed their domestic markets and went abroad for new markets and new sources of raw materials (Hobson 2011); the Americanization of the world certainly represents a unique accomplishment. Claiming the existence of universal ideals and archiving cohesion in the international community among them generates two different outcomes: one that somehow benefits the powerless, and one that certainly benefits the powerful. The first one is the increasing difficulty to exercise rampant exploitation over underdeveloped nations. It was easier for the British Empire to exploit the 'backward nations' (Said, 1979) than it is today. Consensus among Western ideals expose the levels of hypocrisy under which the developed nations and the United States operate. The latter outcome is the inability to substantially oppose the Western project without being called a sponsor of terrorism or being pointed out as a part of the 'axis of evil' (Bush's State of Union speech, 2002).

In the global economy, the 21st century is the "China Century" (Wu, 2006); and China is learning from America's use of soft power by using the habitual international language and operating under the Western patterns of international relations (Wang, 2008) to persuade the international community that Chinese economic development is a "peaceful rise". Since 2000, Brand China and "Go

Global" have strengthened the international strategy to legitimize China's foreign policies (Carmody, 2011). More recently, China has been placing more importance on soft power to expand its economy overseas without geopolitical repercussions.

American economic success is slowly waning while the Chinese economy is getting stronger. Furthermore, if China is able to continue its "resource diplomacy" and advance its economy with soft heels (Carmody, 2011), a radical reconfiguration of power is going to be inevitable. The current unipolar scenario is changing and the rise of a new super power with a different modus operandi and different ideas is going to create new regional and global dynamics. This subtle "counter-hegemonic movement" could help to get rid of the Western cosmopolitan discourse that approaches international relations from above (Mouffe, 2013). This could eventually lead to the rise of stronger local powers and regional blocks where the maximum ideal will no longer be the perpetual peace among Western values that idealists aim for, but the realist goal of a minimum equilibrium where different powers can emerge along with different values.

Tracing American Hegemony

Despite the political and ideological continuities between the styles of the British Empire and American hegemony, American economic power worldwide has continued to grow since the end of World War II. This new hegemonic power in the international arena is not a mere name change from the Pax Britannica to the Pax Americana. Rather, the main difference is an economic change. There is a deep switch from the industrial economy of production, trade, and commerce based on the possession of material goods to a global market economy of financial capitals where speculation, flow of capital through transference, and technology are key features. This market economy does not follow traditional patterns of space and time, which allows for infinite growth and accumulation of financial capital that does not have geographic control by the traditional political institution of the state (Harvey,

2003).

International institutions and agreements such as the World Bank, the IMF, the Bank of International Settlements in Basel, the Organization for Economic Cooperation and Development, and the General Agreement on Tariffs and Trade are developing importance in the global economy. The Bretton Woods System encourages the expansion of neoliberalism, which allows for a process of infinite growth and accumulation by disposition through the privatization of national economies. The global economy's dollarization and the technological advances in production, along with the previously mentioned international institutions and agreements have placed the United States in an advantageous position after the end of the Cold War, and has guaranteed America's economic hegemony over the rest of the world.

The US's privileged economic position in the world is the result of dialectic dynamic between political power and economic power. The apparent contradiction between accumulation/diffusion, state/empire, and nationalism/imperialism are brought together in the American modus operandi, which seeks for territorial expansion of the capitalist system using the state as primary base to guarantee US supremacy in the world (Harvey, 2003). However, the success of infinite growth and over-accumulation of surplus inside the US creates fiscal crises, over-creation of dollars, inflation pressures, fictitious capital, wave of bankrupts, and eventually, stagflation. The level of complexity of the financial economic system has led the United States to use the international institutions to regulate the global markets, and venture abroad in order to control oil markets so that constant economic crises can be avoided inside the country and therefore guarantee international supremacy. The US needs to be involved in oil-rich areas such as the Middle East and must control geo-economic places such as the Strait of Hormuz (Carmody, 2011).

In the political realm, the creation of international institutions and ratification of international agreements works to strengthen a cosmopolitan order that undermines the sovereignty of states,

especially that of the weaker ones (Zolo, 2000). Such is the case in the process of decolonization in Africa during the 1960s whereby international legal recognition of independence was given to African states without any de facto sovereignty and empirical statehood (Jackson and Rosberg, 1982). The decolonization of Africa was an event of 'organized hypocrisy' (Krasner, 2001) where there was not real development towards state's self-determination or reinforcement of domestic political institutions, but a formal recognition from the international community to legitimize disadvantageous treaties, to open new markets, to privatize national economies, and to undermine the process of "state-building" (Fukuyama, 2004B).

However, unipolar hegemony is more than economic success, political control, and geographic position. After the Cold War, America added a new political program of constitutionalism, liberal democracy, and universal human rights to current foreign economic programs of free markets and rights of private property. This became a strong ideological resource. This post-Cold War rhetoric has been used to guarantee the control over energetic resources in non-democratic territories such as Iraq where the United States has used this ideological discourse to secure control over oil resources. Despite the clear economic interests of the US, the distinctive characteristic of American domination in this unipolar world is the universal rhetoric of humanism and idealism that has been utilized to legitimize the exercise of force and economic exploitation. The configuration of the international community united along the Western values as a single voice represented by the United Nations is a unique feature of the American hegemony.

Yugoslavia at the end of the 20th century was a strong example of the end of a bipolar world and the reaffirmation of a unipolar international order (Kishore, 2014). The international response during the Balkan Wars showed that the international community was joined under the United States' umbrella of influence in following the same ideals of international liberalism and humanism (Orford, 2003). Nonetheless, the creation and reinforcement of

the international community and the UN have generated new dynamics that go beyond the control of the hegemonic power of the United States. The UN, the international community, and the public opinion in the West have developed certain degrees of independence from American political and economic agendas despite keep carrying the same Western universal values which is evident in the recent decline of American power. A clear sign of the relative independence was the international pressure over the US for its lack of action during the genocide in Rwanda and the further proclamation of the doctrine of the “Responsibility to Protect” (Kishore, 2014).

The United Nation’s independence from the agenda of hegemonic powers is a positive scenario for the oppressed and dispossessed individuals around the world because the UN can be used as a channel available for these disadvantaged nations and peoples to demand fair treatment and to expose violations of human rights to the International Court of Justice. However, the consolidation of the cosmopolitan project along the lines of universal consensus has unfolded more radical forms of exclusion of those that do not follow the Western patterns. When the U.N. represents the cause of mankind, every actor that does not follow the UN agreements or that does not agree with its ideals can be potentially considered an enemy of humanity that does not deserve a human treatment (such is the rationale that legitimizes Enhanced Interrogation Techniques). The international legitimacy of the enhanced interrogation techniques that the U.S. uses to torture potential terrorists is a clear instance where those that are against human rights do not deserve a fair trial and do not have the so called universal right of due process. The German philosopher Carl Schmitt has warned about the danger of universal humanism in his book *The Concept of the Political* when he said:

“The concept of humanity is an especially useful ideological instrument of imperialist expansion, and in its ethical-humanitarian form it is a specific vehicle

of economic imperialism. Here one is reminded of a somewhat modified expression of Proudhon’s: whoever invokes humanity wants to cheat. To confiscate the word humanity, to invoke and monopolize such a term probably has certain incalculable effects, such as denying the enemy the quality of being human and declaring him to be an outlaw of humanity; and a war can thereby be driven to the most extreme inhumanity.” (Schmitt, 2008, p. 54).

In recent years, American hypocrisy has been losing its ideological power due to the rise of competing powers that diminish the economic and political power of the United States. Chinese economic growth and its expansion overseas undermines U.S. economic capacity, which therefore challenges the political stability and ideological credibility of the United States. Roger Cohen has argued that “American power is dominant but no longer determinant” (Bacevich, 2014); such is the case inside the UN. Also, the ideological resources diminish when the political discourses fall due to the revelation of the double standards (Clark, 2014) under which the US’s diplomacy operates.

The response of the United States to the Ukrainian crisis is the most recent illustration of the decline of American hegemony. Russia’s recent display of hard power in the region is a strong temptation for the US that hardly tries to avoid confrontation with Russia, but instead uses soft power to persuade Russia through the UN and the international community. America’s weak response has allowed Russia to keep operating and protecting its sphere of influence in Eastern Europe by using force in an old fashion. Russia’s actions have not carried any substantial contestation from the West simply because China is impartial to Russia (Boren, 2015). The decline of American hegemony has been a good opportunity for the subtle rise of China. Also, the US has been unable to deal with the North Korean nuclear threat due to its strong involvement in the Middle East after 9/11 and so the United States must rely

on China's good will to cooperate in the region and manage the threat by guaranteeing some sort of regional stability in Asia (Wu, 2006). The US is weakening in comparison to China not only in a geopolitical manner, but economically at home. The amount of money that the US borrows from China hinders the capability of the US to confront possible future undesirable actions by China.

Chinese Modus Operandi

Chinese economic growth overseas has followed the same US dialectic dynamic between political power and economic power where the Chinese state provides the strong base to guarantee the supremacy of China worldwide. The fast growth of the domestic economy and population in mainland China has created a shortage of energy and natural resources that has led China to "go global" and focus on resource allocation, geopolitical security, and energy diplomacy. China is no longer self-reliant and needs to guarantee its energy and raw material sources through international involvement in Africa, Canada, and South America.

The domestic growth of China's economy and its international overflow is creating nationalist responses at home as a result of the propagandistic agenda of the government. The "peaceful rise/peaceful development" is a subtle challenge of the hegemonic power of the US that is strongly growing among Chinese people (Wang, 2008):

"...the recent rise of Chinese economic power has made a big change in the nature of Chinese nationalism, which is now confident about showing and even teaching the world how China's successes in the economy qualify Chinese political institutions and traditional cultures mandates to save humankind." (Wu, 2006, p.335).

China's slow emergence as global power has purposefully adopted a Pacific strategy that challenges the historical emergence of Western powers after violent confrontation or long periods of

military tension. China claims that this Pacific rise does not carry any expansionist ambition and will not cause any international struggle. It is only a means to later return to economic self-reliance. China's peaceful rise towards economic independence is argued to be the best way to accomplish scientific and technological solutions for the world in terms of resource scarcity and environmental problems. In 2003, China's Premier Wen Jiabao claimed that China's international involvement in other nations internationally was along the lines of mutual coexistence to cooperate with other countries on the basis of mutual respect and mutual interests (Wu, 2006, p. 319).

Recently, China has been using its soft power and "public diplomacy" to improve the international image (Wang, 2008). However, the peace-loving behavior and the use of Western rhetoric are mere strategies that China is using to supersede the United States and to persuade the international community without calling attention to its actions while advancing on economic grounds internationally (Wu, 2006).

Chinese economic growth and the further development of Sino-African relations since the beginning of the millennium provide clear signs of a reconfiguration of powers in the international arena and a focus by China on overseas economic growth. The growth in the Chinese economy has pushed the country to move up in the global ladder of resource dependency from being an exporter of raw materials to the secondary sector of the economy, manufacturing, and developing an industrial economy that increasingly needs to import raw materials from elsewhere, and most specifically from Africa. Since the state is deeply involved in China's economic system, the country became a major manufacturer of products and exporter of goods in the international market with very low prices. These low prices due to low manufacturing wages allowed China to grow very quickly in the neoliberal world (Carmody and Taylor, 2011).

However, the economic growth from industrialization has not been enough for China. The "Going-Out" strategy that the country

employs means more than opening new markets, finding places for the extraction of resources, and controlling the source of vital minerals. Chinese objectives in Africa, as Carmody and Taylor argue, also involve obtaining land for agricultural purposes, and the migration of Chinese to Africa. Combining all of these actions clearly implies territorial expansion of political power; key steps for the possible consolidation of a new hegemony.

The political agenda for the rise of China as a new global power has been very subtle in China's use of "smart power" (Carmody, 2011). Chinese foreign policy is all about economic expansion without representing a real threat to the main powers that have a stronger military capacity. China uses resource diplomacy through the Western channels of the Bretton Woods Institutions that operates in Africa, and exploits the best economic advantage without having to deal with the humanitarian rhetoric of Western nations.

China does not have any system of beliefs anchored in international institutions to follow; its only motto is economic growth. Partnerships with autocrats does not represent a future problem of being called hypocritical by the international community. China can move in the international arena more freely than the United States by using existing autocratic networks to operate at the local levels and can open new markets where the West has been too scrupulous to do so. For example, China can invest in Sudan for energy resources regardless of the human rights violations in this country.

The new power dynamics introduced by China in the global arena has diverse consequences at the global level and at the domestic level. On one hand, for the United States, the international community, the UN, and the Breton Woods Institutions, these new dynamics will lead to the end of the universal values such as constitutionalism, liberal democracy, and free markets; it is also going to lower international standards on human rights violations to prioritize economic growth. This pragmatic approach of China in Africa means the return of realpolitik in the international sphere.

Once China gains enough power in the region, the West is going to stop preaching universal values and start focusing on economic matters.

On the other hand, China's economic strategy to partner with local elites rather than using international agencies is going to strengthen political process from the bottom up. The national elites in different African states that are negotiating with China in bilateral relations state-to-state are receiving direct economic revenues without the stipulation of policy reform that the West would have imposed. This could be a potential opportunity for the process of state-building from below. One speculation is that this process will lead to more economic exploitation to the population of the African countries and the expansion of poverty, but the possible uprising of nationalist movements could bring new political dynamics of a better global order for the third world counties.

Despite the pragmatism that China shows in Africa and the negative effects of human rights violations in some African countries, China is developing a new challenge to the United States' hegemony that could bring a better scenario for the exploited regions of the world. The idea of South-South cooperation and 'win-win' scenarios could not be beneficiary for the peoples of Africa and only profitable for the authoritarian elites; but it certainly contributes to a radical challenge to the cosmopolitan project of the unipolar global order. China is developing closer relations in Africa as a careful strategy to confront American hegemony.

Conclusion

The alternatives to American Hegemony do not lie in the individual spirit of every oppressed human being, in the socio-economic reforms inside the imperial powers, or in the consciousness of one social class. This is a dynamic process of movement and relocation of powers. The solution has to be political and it is up to the nationalistic movements of every state. In order to challenge the current neoliberal order, it is clear that socio-economic reform among the developed capitalist states is

not possible since it is not a matter of agency-based decisions. Every change in the international sphere has to be expected from political dynamics and the relocation of power that those dynamics generate. The main hope then lies in the emergence of China as a new power. The emergence of a multi-polar world is more plausible than the return to a bipolar world.

China's current approach in Africa has clear economic motivations while setting the idealist discourse aside. It generates domestic and international dynamics that will give preference to state-building in Africa in which local political institutions are going to be a key element to guarantee stability when doing business. International institutions and agreements such as the International Court of Justice and the Responsibility to Protect undermine state sovereignty and prevent the emergence of local and national powers.

When the authority of the state gets rehabilitated a 'pluri-verse' (Mouffe, 2013) is more likely to emerge. The universal project of the West and the cosmopolitan dream would decline and a sort of Westphalian order would reappear (See figure 1). In a multipolar world, the highest expectation from the international community is not going to be the progress of mankind or the perpetual peace, but the respect of prudential agreements. Despite tension amongst different powers, the achievement of worldwide equilibrium is still of greatest importance.

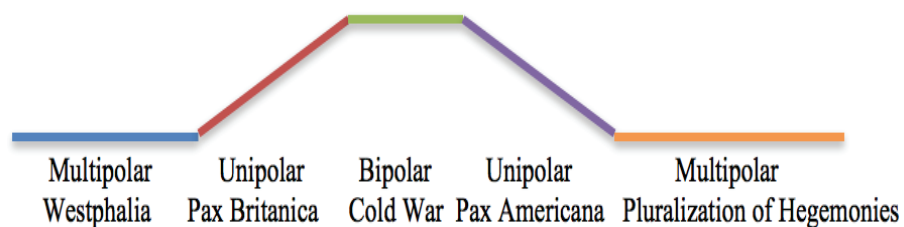


Figure 1

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Advancing Corporate Rights at the Expense of Public Health: A Brief Examination of the Trans-Pacific Partnership Agreement

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On October 5, 2015, officials working on the Trans-Pacific Partnership Agreement (TPP), a regional trade agreement between the U.S. and 12 Asian-Pacific nations, reached a consensus on the wording of the agreement that supports corporate rights over general public health interests. Framed as a trade agreement, only 5 of the 30 chapters address traditional trade issues, while the bulk of the agreement includes investment protection rights for investors, most notably transnational corporations. While the text will not be released to the public for a few months, leaked drafts by WikiLeaks, a non-profit organization that publishes and comments on leaked documents alleging government and corporate misconduct, have shown significant protections for transnational corporations in the areas of intellectual property (copyrights, patents, trademarks, etc.) and investment (WikiLeaks, 2013). The allowance of these provisions would result in further constraining governments from enacting public health policies, including tobacco control and alcohol regulations, permitting access to medicines, adopting food safety standards, and ensuring proper environmental protections. In particular, the leaked drafts of the TPP have revealed the inclusion of an investor-state dispute settlement (ISDS) mechanism, which allows a corporation to bypass lobbying one government to challenge another government's regulations and enables them to directly challenge government regulations in international trade tribunals. The inclusion of the ISDS mechanism in pending trade agreements like the TPP is dangerous for the advancement of public health, especially in the realm of tobacco control. Philip Morris International is currently using a similar ISDS mechanism from two separate bilateral investment treaties to directly challenge tobacco health warning labeling regulations in both Australia (Jarman, 2013) and Uruguay (McGrady, 2012). While Australia had the financial resources to defend the case, an estimated \$3 to \$8 million in legal defense, Uruguay, a country with only 3.5 million people and a GDP six times less of that of Philip Morris, has relied on the financial support from former mayor of New York, Michael Bloomberg, to legally defend their innovative public health regulations (Wilson,

2010).

Furthermore, the mere threat of arbitration is also having a profound impact on governments, which increasingly have to factor in the potential arbitration costs from corporate lawsuits before moving forward with adopting progressive public health policies. The New Zealand government, which proposed to adopt a policy that would require cigarettes be sold in standardized packages (also known as plain packaging) has adopted a “wait and see” approach to see how the Philip Morris trade challenge against Australia will be resolved before enacting legislation (Gilbert, 2013). Other countries such as Jamaica and Togo have also had to evaluate potential arbitration costs from threats by Big Tobacco before implementing similar labeling policies (Tavernise, 2013). As a result, instead of disseminating best practices for the advancement of public health globally, tobacco company trade arbitration threats and challenges are creating a degree of “regulatory chill” (Tienhaara, 2011) by forcing multiple governments to re-evaluate their public health proposals amid trade and investment concerns.

While reports have indicated that the Obama administration tabled a proposal to prohibit tobacco companies from using the ISDS mechanism to challenge tobacco control regulations (Calmes, 2015), it is unclear what the exact language of the text will reveal and what potential loopholes may exist. In addition, since the Malaysian government’s proposal for a “tobacco carve out” (Kelsey, 2013) (excluding tobacco completely from the TPP) was not included, the tariffs on tobacco will still be significantly reduced, which will result in an increase in tobacco consumption (Taylor et al., 2013). Furthermore, even if the ISDS mechanism were removed for tobacco, the TPP agreement would still lack the proper safeguards to protect governments from direct corporate challenges over alcohol, medicine, food, the environment and other public health regulations.

The general public needs to be more aware of trade negotiation processes and the impact trade agreements will have on governments, including limiting them from advancing public health

regulations. No longer are trade agreements primarily focused on lowering the barriers to trade, but instead center on ensuring added protections for transnational corporations at the expense of public health. Even though trade negotiations are private and non-transparent and officials from the executive branch have agreed on the text of the TPP, the public can still influence congress to vote against the agreement. Given that 2016 is an election year, the Obama administration will look to push the passage of the TPP in the U.S. House of Representatives and U.S. Senate early next year. At this stage, those interested in advancing and protecting public health should contact their congressmen to express their concerns and vote for a complete rejection of the TPP. Otherwise you can expect more rights for corporations and further constraints on the government’s regulatory authority to enact public health policies.

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