



# International Youth Journal

For The Next Generation Experts And Leaders

VOLUME OF JANUARY 2019

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### **Volume of January 2019**

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## Articles and Contents

<b>African leaders' role in financing continental development</b> ABEDNEGO ISHAYA	4
<b>Filter by Filter</b> BIANCA YSABELLE BALDEMOR	8
<b>Crocs in the Philippine Population</b> CARMINA CORDERO	12
<b>Brett Kavanaugh endorsement and the morality of the Supreme Court</b> DICKSON EYINMOSAN JNR.	15
<b>Mid-Term Elections: A win for Political Liberalism</b> DICKSON EYINMOSAN JNR.	19
<b>Myanmar: Ann San Suu Kyi and the silence of war crimes against the Rohingya's</b> DICKSON EYINMOSAN JNR.	23
<b>Are Lawyers representing asylum seekers 'un-Australian'?</b> MAULLINE GRAGAU	31
<b>Towards the improvement of science in Kenya</b> MAULLINE GRAGAU	35
<b>A look at Christopher Nolan's twenty Hollywood Years</b> MUHAMMAD FAROOQ RASHEED	37
<b>Mental Illness Among Kids and Teenagers in South Asia - A First Hand Perspective</b> MUHAMMAD TAHIR	39
<b>Disability is not inability</b> NASIR ALI KHAN	42
<b>Comprehending Sexual Violence in Armed Conflict</b> TOCHUKWU BENEDICT EZEIFEKWUABA	44
<b>Examining the Environmental Laws in Africa: Nigeria as a Case Study</b> TOCHUKWU BENEDICT EZEIFEKWUABA	57
<b>Globalization - Negative or Positive</b> TOCHUKWU BENEDICT EZEIFEKWUABA	65

## African leaders' role in financing continental development

ABEDNEGO ISHAYA

*Aside the roles that citizens play in attaining and maintaining a remarkable developmental stride, one other aspect that will bring to the actualization of a sustainable path towards the transformation of the African continent, is in the leadership structure and management. Hence, the place that leadership plays in bringing to bare, a long awaiting development in all ramifications in Africa, cannot be over emphasized.*



The yearnings towards a state of an all round development and transformation in the African continent, has been a long overdue issue. To this, is the aspect where leadership comes in: 'leadership is undoubtedly a privilege and a huge responsibility: as people aspire to be leaders, we often think of the glamorous public appearances, the power and the prestige; less is thought of basic issues that confront us all as human beings' (Gwamaka kifukwe, 2017). As such, less consideration is giving, as to how one can effectively serve towards bringing an all round developmental transformation that will further develop African states. Peter Thomson (2016) once stated that 'It is not just enough to just wish there was adequate public finance, or to wonder why the large amounts of private finance seems so hard to persuade to invest in the right things'.

Thus, as a way towards financing Africa's developmental goals, I will in this article discuss; societal peace, governmental peace, economic strive and domestic resource value chain, standardization of educational institutions, judicial strength, and diplomatic relations, as the basic necessity towards curbing problems of violence and terrorism, lack of governmental will, less value chain of domesticated resources, high tax rate, non-standardization of learning institutions, judicial loopholes, and the non-existent structures for research and information management, which has deterred the growth in Africa's developments and transformational strides.

### Societal Peace

The peaceful state of any society is the basic necessity towards whatsoever form of developments and transformation we could ever think of. '...the absence of peace and security does not allow governments to focus on meeting pressing development needs, which continues to leave Africa poor in many respects' (Victor N. Azure, (2017); and this can be seen from the destruction of life and properties which the activities of the Boko Haram Islamic sect have caused in the North Eastern part of Nigeria.

Ensuring peace will create the right avenue to appropriately and effectively finance Africa's developments and transformation. Thus, the peaceful state of the society should be prioritized. This should include: enhancing inter-religious harmony and socio-ethnic coexistence, mitigating border clashes, improving upon social development and many more. The achievement of this societal peace would be achievable through effective security strategies and community dialogue forums.

### **State of the Government**

Governmental peace is to an extent, the aspect that determines the degree to which the other state of transformations can be based on. The necessary inputs that are needed in order to have the necessary form up, that would help finance the developments and transformations which encompasses; sure commitment to be accountable and transparent, a people-involving governance and coordination at different levels of governance, should be ensured. Different institutions can be strengthened towards quality and societal gain structure, through the logistical inputs that will help fight corruption at all levels of governance, thereby creating a sustainable path towards Africa's transformation.

This would mean granting people of known ability, the opportunity to be in the necessary sectors, ministries and agencies, and not by mere means of quota system or any other system that is not of positive effect to the continent. Of paramount importance should be the strengthening of regional institutions such as ECOWAS (Economic Community of West African States) and the actualization of a research and information management centre which will serve the purpose of granting a community to governmental feedback, geared towards societal value chain.

### **Economic strive**

'The financial resources needed to achieve the Sustainable Development Goals (SDGs) in Africa are well above what can be financed from ODA (Official Development Assistance) flows and other current development financial flows'. Thus, the economic state of any nation is one factor which determines the achievement of the developmental transformation of such a nation.

'Africa is blessed with a rich bounty of natural resources. The continent holds around 30% of the world's known mineral reserves... Over the period of 2000 to 2008, resource extraction contributed more than 30% of Africa's GDP, while the annual foreign direct investment into Africa increased from 9 billion to 62 billion...' (Tom Lebert, 2015). In

like manner, the African Development Bank (AfDB) in 2015 also stated that 'domestic resource mobilization is, key to Africa's growth'.

Thus, the extraction and marketing of local resources and commodities, which shall include the activities of sectors such as: minerals and mining sector, the agricultural sector, labor force and the private sector, which will provide a boost in Africa's economic state, will be another focal point. The industrial sector should be transformed to an avenue where African youths with the necessary skills and knowledge, can be able to secure opportunities for employment. This can be achieved through cordial understanding with the necessary industrialist and investors, with key consideration to African base investors.

Having this in place will go a long way towards providing an increase in the Internally Generated Revenue of African states and thus, provide additional funding for the development and transformation of the continent. In commemoration to this, tax rate should be reduced to allow for further industrial advances to the continent that might have been derailed by the high tax rate.

### **Standardization of the educational sector**

Educational developments also tend to depict the developmental prospects of any nation. 'Education, training and innovation are not a solution to all problems; but society's ability to solve problems, develop competitively, eliminate poverty and reduce inequality is severely hampered without them' (National Planning Commission). With the architects that will be ensured and the revenue which will be received from the mining and agricultural sector as the main source of revenue generation, the African educational sector should be transformed into an internationally competitive one, through student's development that will include; scholarships into African based institutions, structural developments, and development upon staff strength.

This will help ensure the delivery of a quality learning environment that would result out in the delivery of good medical care services, ensure climate security, improving upon locally sourced labor force and many more. With the societal impact, which the various technological advancements have contributed to our localities and the global world at large; the technological transformation of African based learning institutions, when giving the right consideration can also provide an added advantage towards the developmental stride of the continent.

### **The Judiciary**

The operational state of any judicial system helps characterize any society or nation. The transformational stride which is to be effected, in the judicial arm is of that which will cover for the judicial loopholes, evident in the judicial arm of governance of African states: in the manner, which will fight for the rights of all citizens, regardless of the individual status, as shall be provided by the governing constitution.

The institution should further be strengthened through necessary judicial ties between African states that will be put in place, and the global community at large, to proffer full operational relationship. Doing so would entail the protection of our collective interest as Africans and the sustainability of the transformation we intend to make happen. And, the actualization of this transformational goal will provide the right environment where democracy as a system of governance takes its course.

### **Strengthening diplomatic relations**

Diplomatic relations have so far proven to be of great value resource in our today's leadership trend. Thus, all the necessary inputs that are needed towards the maintenance and enhancement of diplomatic ties, with the necessary bodies, through regional and international collaboration, that would help attain to a positive state of developments and transformation of the African continent should be prioritized.

This will further boost the level of collaboration between African states and the international community at large, and thereby making way for improvement upon the developmental and transformational prospects of the African continent.

The effectiveness of any leader in the capacity he or she is operating can best be evaluated based on, how he or she tends to provide the right environment for the understanding of the delivery of the transformation that the people long for. We as a people do not only long for developments, but we long after an inclusive development that can be sustainable to the near future, and this intend can be achieved through determining who gets what, how the person gets that, and the time such a person is getting that. This, I believe, if pursued religiously, will help actualize and sustain Africa's developments and transformations.

## Filter by Filter

BIANCA YSABELLE BALDEMOR

*'Propaganda is to a democracy what the bludgeon is to a totalitarian state.' Media is pervasive, and as time progresses, it appears to infiltrate our ideology and mind-setting, thus leading to an increasing influence to a chunk of our everyday actions.*



This power encapsulated by media is often an end toward which politicians' efforts are directed, using media as their instrument for their pursuit of prestige or self-preservation. Apparently, like what Andrew Heywood remarked, the media now constitute much more than a channel of communications; they are part of the political process itself, affecting, and not merely reflecting, the distribution of power in society at large.

The first step in dissecting media and its mobilizing power in the Philippine context is through a thorough analysis of the intricate framework of policies and structures via the 'propaganda model'.

Advanced by Edward Herman and Noam Chomsky, the Propaganda Model is an analytical framework that attempts to explain the performance of media in terms of the basic institutional structures and relationships within which they operate. In their book entitled *Manufacturing Consent*, they explained how populations are manipulated and how consent for economic, social, and political policies is "manufactured" in the public mind due to this propaganda.

Using this model as the basis, media in the Philippine context can be analyzed via the five 'filters' where raw materials of news pass through, leaving only the cleansed 'residue' fit to print.

### **The first filter: Size, Ownership, and Profit Orientation of the Mass Media**

Although nowadays, there's this liberal view that the market would enforce responsibility, it can also be seen how the expansion of the free market has been accompanied by an 'industrialization of the press', reflecting the rise in scale of newspaper enterprise and the associated increase in the capital costs from the mid-nineteenth century



onwards - an important reason deduced by Herman and Chomsky themselves.

This is why the first filter - the limitation on ownership of media with any substantial outreach by the requisite large size of investment - has been dubbed to be increasingly in effect over time. It is notable to take Sheila Coronel's account on how media ownership in the Philippines emanated to be: 'As in other periods of change and upheaval in Philippine history, the fall of Marcos saw the rise of many papers catering to a news-hungry public.

Many of them eventually disappeared, but many have remained up to the present day. In the post-Marcos era, the media situation became much like what it was in the 1960s. The economics of newspapering for a mass market meant that the media ownership would be limited to a small elite. Thus, what started out as journalist-owned, anti-Marcos newspapers like the Philippine Daily Inquirer and Ang Pahayagang Malaya (The Free Newspaper) were eventually sold to more established entrepreneurs.'

This gives justification to Herman and Chomsky's view that this trend toward greater integration of the media into the market system has been accelerated by the loosening of rules limiting media concentration, cross-ownership, and control by non-media companies. Because of this filter, the media companies' dependence on or ties with the government encourages them to protect themselves through lobbying and other political expenditures, the cultivation of political relationships, and care in policy.

### **The second filter: The Advertising License to do Business**

Just as what Sir George Lewis once remarked, the market would promote those papers 'enjoying the preference of the advertising public.' According to AdReaction: The Art of Integration, a new study from Kantar Millward Brown that examines the global state of multichannel advertising campaigns, in the Philippines, 89% of consumers that were surveyed report that they are seeing more ads in a wider variety of places than they did three years ago.

As the propaganda model pointed out, an advertising-based system will tend to drive out of existence or into marginality the media companies and types that depend on revenue from sales alone. The power of advertisers over television programming stems from the simple fact that they buy and pay for the programs, thus making them the 'patrons' who provide the media subsidy. The choices of these patrons greatly affect the welfare of the media, and the 'patrons' become what William Evan calls 'normative reference organizations' whose requirements and demands the media must accommodate if they are to succeed.

### **The third filter: Sourcing Mass Media News**

Here, it is justified how "the mass media are drawn into a symbiotic relationship with powerful sources of information by economic necessity and reciprocity of interest." Moreover, as Henry Kissinger has pointed out, in this "age of the expert," the "con-

stituency" of the expert is "those who have a vested interest in commonly held opinions; elaborating and defining its consensus at a high level has, after all, made him an expert." It is therefore appropriate that this restructuring has taken place to allow the commonly held opinions (meaning those that are functional for elite interests) to continue to prevail.

#### **The fourth filter: Flak and the Enforcers**

Herman and Chomsky referred to 'flak' as the negative responses to a media statement or program which take the form of letters, telegrams, phone calls, petitions, lawsuits, speeches and bills before Congress, and other modes of complaint, threat, and punitive action. The current situation of media in the Philippines was described by Lin Neuman of the Center to Protect Journalists (CPJ). According to him, the best of the contemporary Philippine media are very good and remain a bastion of muckraking courage. Public issues are widely discussed in print and broadcast media, and there is almost no official control.

Unlike most Asian countries, it is unheard of for the Philippine government to successfully keep embarrassments and flaws out of the media. The producers of flak add to one another's strength and reinforce the command of political authority in its news-management activities. Although the flak machines steadily attack the mass media, the media treat them well. They receive respectful attention, and their propagandistic role and links to a larger corporate program are rarely mentioned or analyzed, thus reflecting the power of the sponsors, including the well-entrenched position of the right wing in the mass media themselves.

#### **The fifth filter: Anticommunism as a Control Mechanism**

As a 'fear ideology', according to Herman and Chomsky, communism can be seen as the ultimate evil that has always been the specter haunting property owners, as it threatens the very root of their class position and superior status. The anti-Communist control mechanism reaches through the system to exercise a profound influence on the mass media. The ideology and religion of anticommunism is a potent filter.

After passing these five filters, it is justified how the range of news that passes through the gates can even more sharply limit what can become "big news" and be subjected to sustained news campaigns. The representatives of these interests have important agendas and principles that they want to advance, and they are well positioned to shape and constrain media policy. Furthermore, because of the processing of information that takes place, we are likely to succumb to the established political bias, whether it be partisan, unwitting, ideological, or propaganda. Media is, indeed, a tool for manufacturing consent, and that the political economy of the mass media is what powers this mechanism.

'Propaganda is to a democracy what the bludgeon is to a totalitarian state.' As informed citizens, therefore, we must understand and not neglect that fact that the information being served to us is 'processed' and are oriented towards the interests of

the economic and political elite, and that we should not succumb to acknowledging that this information is based on balanced and objective scales.

It's time to take off those rose-tinted glasses and recognize processed information in a more critical perspective. We must not be tricked by the cudgels and seek the authenticity of what is wielded before the media.

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**Link:** <https://youth-journal.org/filter-by-filter>

## Crocs in the Philippine Population

CARMINA CORDERO

*It has been a long and painful struggle for the Filipinos to obtain political equality and recognition not only from the neighboring countries but throughout the World. Even as of today, the struggle continues. The Filipinos are in a fight for democracy not with the other races but with their own brothers.*



Renowned personalities in the past considered as heroes of today, stepped up to redeem this political power from colonizers for the welfare of the people. Not foreseeing that in the end, the war will all turn between the same people they fought for. It is indeed unfortunate that despite the struggle, democracy is still far from the reach of the Filipinos thus, only small portion of this welfare is distributed. Larger portion of the bounty is hoarded by groups of creatures having the same bloodline. Political dynasty as they call it. Because of its existence for quite a period of time, hopes are fading and a question arises. Will be there a way and a time for it to end?

A Filipino will not be able to deny how strongly bonded he is with his family. This strong sense of family ties is deeply rooted to the country's cultural values. Such a wonderful thing one must say but apparently, it hides a crueler side especially when these ties intertwine with politics. This results to what has been known as Political dynasty.

If someone tries to look at a fellow dictionary for definition, then it would probably not serve the purpose of the discussion for it only gives neither positive nor negative definition of the latter. So aligning it with the issue of poverty in the Philippines is much better because we will then have political dynasty as machineries of power that seek to perpetuate their own bloodlines and expand their reach as described by Shahani (2015) which may give the discussion a direction.

So this political dynasty arises when an elected official has relatives in elected offices in the past or in the present government. These people embedded with the same family name are occupying elected positions in the same political jurisdictions sequentially or simultaneously across different positions (Mendoza et. al, 2013). This makes the concentration of political power centered at certain parts of the population which may

not totally be unwanted if ever these families prioritize the people more than their fat growling tummies.

These families are very much well-versed in using their bloodlines in fighting democracy to remain in power. This in turn, contributes in sustaining poverty also in accordance to the study conducted by Mendoza et. al (2013). It also reveals that political dynasty is linked to weak political competition, poor accountability, concentration of political power, perpetuation of patron-client relationship and traditional politics. Those people hybrid of a crocodile and a human, loves to exploit the people's weaknesses to their advantage like the devil.

The same study reveals that political dynasties are more prevalent in places with severe poverty. They acknowledged that the poor are very much a subject to patron-client relationship thus, perpetuating political dynasty. So the poorer we are, the bigger their bellies are.

If you are not fond of paranormal activities, then I suggest you should start believing now especially with the miracle thing. Imagine how miraculous it is for these thieves to sway the people to give them the permission to steal not only their pockets but also their sweat, their blood, their tears and their dignity while making them believe that they are gaining everything as promised. A miracle indeed! If we are going to look at the Philippines basing on the prevalence of political dynasties, it can be mistaken for heaven, at least for politicians, considering the number of these political induced miracles in the country. There are around 50%-70% of all the politicians in this third world country who are involved in political dynasty according to the study conducted by Querubin in 2012. Even the president of the current administration, Rodrigo Duterte, is included.

The president even justified his inclusion to the latter by making a remark on October 31, 2018 during the awarding of the land ownership certificates at Cagayan de Oro. According to him, political dynasties will never end because the ones deciding are the people. Well, what a bunch of nonsense. The people will never want themselves to suffer for other people's own selfish desires. It is as if the people know the politicians that they are voting soldiers of corruption. Nobody knows, maybe if these politicians did not abuse their power to make the people vote for them, it may go another way around. It is also very illogical to have the people choosing them as the reason for their involvement in political dynasty because the question that will prevail is why run for the position in the first place? If a politician already has relatives elected for a position in the government, why would they still enter politics if it is not for their own personal agenda? Of course, as any politician, they would justify it by claiming that they ran for that certain position for the reason that they are only pursuing to improve their people's lives for a better future. For heaven sake that is a common denominator for every politician!

It is indeed a tedious task to determine who is righteous and who is not. These frauds are sitting in different parts of the government having various hierarchy of authority

but the problem is not only with them. It is also with the people though incapable of knowing the culprit, still accounts for not even trying to flourish and exercise their right to political participation considering that we are in a democratic country. These dynasties have a very influential role in the lives of the Filipinos knowing that these families are the ones being in-charge of running the government. But it is undeniably dangerous to let this continue for generations because if it does, we may just turn this government into totalitarian democracy which only gives the people the right to vote but have negligible participation in the decision making processes of the government (Talmon, 1952).

Though it may sound impossible due to the contradicting terms, it poses a high possibility to happen considering the current state of politics in this country. This matter is not totally irreversible if we can just have a way to see and understand through things. Education is one thing. Just like Dr. Jose Rizal's ultimate goal for his fellow Filipinos which was revealed in the book *Rizal's Life and Works: Their Impact on Our National Identity* by Diosdado G. Capino, Maria Minerva A. Gonzales and Filipinas E. Pineda. It may give us a way to see things in a clearer view. It may also turn the state of the Philippines in a whole different way, but education alone will not be enough. What the people need is education with courage. What will they do with a degree or two if they will just blindly conform to the dictations of the animals in the government? They will only become more pitiful knowing that they are aware of the whole picture and know the things that they can and should do, yet, they are unable to act appropriately due to the fear that these crocodiles may open their huge mouth and snap them in half.

Though these dynasties in politics are very much a part of us for quite a long time, still, it is not reasonable to let our lives be dictated by pretentious beings seated in the governing authority. Let's not give skepticism a place in judging those that we elected. We know that there is something yet wrong yet we doubt our perception. Let us not indulge into fear because we people possess a greater power than those ravaging creatures. Just consider the fact that we are in a democratic country and the power is with us. They will not be enjoying their privileges if it is not for us. What we need to end this is to take action, to act. Let's not let them dictate our future for us. Let us be the one to dictate for ourselves.

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**Link:** <https://youth-journal.org/crocs-in-the-philippine-population>

## Brett Kavanaugh endorsement and the morality of the Supreme Court

DICKSON EYINMOSAN JNR.

*The argument for and against sexual misconduct rest solely on the outright jurisprudence of the court in interpreting wisely both within the framework of law and absolute morality. No one is better-off seeing that a clear case win both in morals and law is been thrown out the window all due to sentiment and emotional appeals. In this case, though, the Judge may have had his way, but in the long term, the society pays direly for this singular act of abuse of office and show of legal shame.*



The victim said "Brett's assault on me drastically altered my life. For a very long time, I was too afraid and ashamed to tell anyone the details. I did not want to tell my parents that I, at age 15, was in a house without any parents present, drinking beer with boys. I tried to convince myself that because Brett did not rape me, I should be able to move on and just pretend that it had never happened. Over the years, I told very few friends that I had this traumatic experience. I told my husband before we were married that I had experienced a sexual assault."

Established on 4th March, 1789, in pursuant of Article 111 of the United States constitution, the US supreme court from time immemorial has been regarded as one among the foremost institutions which lays and okays the garb of esteem law and morality in a land where democratic norms and values remains a talking point of priority.

According to the Federal Statute, the court consist of a Chief Justice and eight associate justices who by virtue of individuality are been nominated by the commander-in-chief and confirmed by the Senate. Given the approval and onward confirmation for appointment, Justices assumes the bench for a life term service unless they resign, retire, or are removed from office which in the latter case rarely makes headline on a likelihood.

In his existence spanning over 200 years, the highest statute of law in the United States has played host to several justices and juries vetted in both character, candor, and consistency. These personalities not just align self with the jurisprudence of law, also, they fore-bares a figurine which holds a higher co-valency with absolute morality.

In decades, these have been the *modus operandi* into the highest court in the federal judiciary of the United States. No doubt, this acts of operation has seen the nomination and confirmation of varied Supreme court Justices subject to Article II, Section 2 of the U.S. Constitution which states clearly that the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Judges of the Supreme Court".

The endorsement of Brett Kavanaugh, an American lawyer who serves as an Associate Justice of the Supreme Court of the United States leaves more to be imagined than meets the eye. The former United States Circuit Judge of the United States Court of Appeals for the District of Columbia Circuit was previously nominated by the 45th president of the United States as a nominee Supreme Court Justice on July 8, 2018, to fill the position vacated by retiring justice Anthony Kennedy.

Again, the victim said "I saw press reports stating that Brett Kavanaugh was on the 'short list' of potential Supreme Court nominees. I thought it was my civic duty to relay the information I had about Mr. Kavanaugh's conduct so that those considering his potential nomination would know about the assault".

His nomination triggered a whole lot of controversies involving sexual misconduct and inappropriate personal conduct during the 1980's. Leading among the accuser was Christine Ford who accused the former of sexually abusing her during their high school days in an inappropriate manner. According to Dr. Ford in an epic testimonial at the senate judiciary committee in the Dirksen senate office building at the capitol hill in Washington Thursday, September 27 2018, Christine Ford confirms strongly the inappropriate manner in which his accuser manhandled her person during a party in Maryland.

"One evening that summer, after a day of swimming at the club, I attended a small gathering at a house in the Chevy Chase/Bethesda area. There were four boys I remember being there: Brett Kavanaugh, Mark Judge, P.J. Smyth, and one other boy whose name I cannot recall. I remember my friend Leland Ingham attending".

Her story broke loose September 16, when "The Washington Post" brought it eventually to the light of day amid strong speculations of public opinion regarding this discuss brushed in absolute controversy. Looking all sober during her testimony session, she told congress how she was pinned down by Brett Kavanuagh and his friend mark who obviously was an outright accomplice to the crime. In a testimonial session which lasted over three hours, she recounted the gory events in nostalgia as she stood in front of the Senate judiciary committee expressly terrified in both shock and pain.

"When I got to the small gathering, people were drinking beer in a small living room on the first floor of the house. I drank one beer that evening. Brett and Mark were visibly drunk. Early in the evening, I went up a narrow set of stairs leading from the living room to a second floor to use the bathroom. When I got to the top of the stairs,



I was pushed from behind into a bedroom. I couldn't see who pushed me. Brett and Mark came into the bedroom and locked the door behind them. There was music already playing in the bedroom. It was turned up louder by either Brett or Mark once we were in the room. I was pushed onto the bed and Brett got on top of me. He began running his hands over my body and grinding his hips into me. I yelled, hoping someone downstairs might hear me, and tried to get away from him, but his weight was heavy. Brett groped me and tried to take off my clothes. He had a hard time because he was so drunk, and because I was wearing a one-piece bathing suit under my clothes. I believed he was going to rape me. I tried to yell for help.

When I did, Brett put his hand over my mouth to stop me from screaming. This was what terrified me the most, and has had the most lasting impact on my life. It was hard for me to breathe, and I thought that Brett was accidentally going to kill me. Both Brett and Mark were drunkenly laughing during the attack. They both seemed to be having a good time. Mark was urging Brett on, although at times he told Brett to stop. A couple of times I made eye contact with Mark and thought he might try to help me, but he did not.

"During this assault, Mark came over and jumped on the bed twice while Brett was on top of me. The last time he did this, we toppled over and Brett was no longer on top of me. I was able to get up and run out of the room. Directly across from the bedroom was a small bathroom. I ran inside the bathroom and locked the door. I heard Brett and Mark leave the bedroom laughing and loudly walk down the narrow stairs, pinballing off the walls on the way down. I waited and when I did not hear them come back up the stairs, I left the bathroom, ran down the stairs, through the living room, and left the house. I remember being on the street and feeling an enormous sense of relief that I had escaped from the house and that Brett and Mark were not coming after me".

Christine Blasey Ford, a professor at Palo Alto University, wrote a letter in July to Rep. Anna Eshoo and Sen. Dianne Feinstein that said Kavanaugh assaulted her at a party in Bethesda, Maryland, when the two were in high school.

Following a supplemental Senate Judiciary committee findings and an added FBI investigation which was billed to span through a week, the US Senate in a very dicey vote count, confirmed the nomination of Brett Kavanaugh officially after a close victory call 50 - 48 on October 6.

This confirmation process was the closest since Thomas Clarence in 1991 . Also, it is one of the tightest lead since the civil war. The admission of Brett Kavanaugh into the highest court in the United States might seem a big win both for President Trump and the Republicans, however, it leaves series of questions mark yet unanswered:

- How well does this endorsement affects the overall morality of the Supreme court?
- To what extent will this endorsement of Brett Kavanaugh impact the #METOO campaign?
- With a Brett Kavanaugh as a Supreme Court Justice, what now lies the fate of victims

of sexual harassment?

- Given a president Trump and a Brett Kavanaugh occupying two of the most exotic offices in the United States, does this mean a win win situation for sexual offenders?
- Is the United States gradually losing her most treasured institutions to extreme far-right populist?

Indeed but then again very serious objections as Brett Kavanaugh carries on as a Supreme Court Justice for a tenure only a voluntary retirement could cut short. However the case, will a Brett Kavanaugh prove himself right in the discharge of his functions dutifully and rightly rather than appeal to sentiments and emotions when same case of sexual misconduct is brought before Her Lordship.

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**Link:** <https://youth-journal.org/brett-kavanaugh-endorsement-and-the-morality-of-the-supreme->

## Mid-Term Elections: A win for Political Liberalism

DICKSON EYINMOSAN JNR.

*Rather than argue to the obvious, it is best infer absolutely that the mid term election was a perfect score card expressing not just the views of the majority but also in every sense admitting the flaws of the present. By admittance, it clearly gave in to political liberalism predicated on the theory of equity, fairness, and justice among people. Abhorring racial bias, hate, bigotry, anti-semitism as well as alt-right principle.*



The concept of justice is never a precept of the good, but rather, a leanings of liberals. All over the world, the political philosophy of liberals has always been skewed towards the yearnings, aspirations, and anticipation of the people, allowing for equal distribution among shared resources and national values. Given absolute credence to representative democracy and the rule of law, liberalism remains a social ethical construct that sought to entertain a structured society through the substitution of absolute monarchy, divine rights of kings, mercantilism, royal monopolies, traditional conservatism among other native environmental inclined constructs prior to the Age of Enlightenment.

John Rawls in one of his book, "The Theory of Justice", explains the moral ethical philosophy of distributive justice in line with a well ordered structure in complex societies. According to him, the greatest good of mankind is the structural formation of a society in way that a vast majority of the people are allowed to enjoy the highest possible amount of liberty.

While adjudicating on the justice of fairness, Rawl attempt to answer the queries surrounding the complexities of absolute distributive justice, using a variant of familiar tool and close metaphors resembling that of a social contract. The argument for a structured marriage between liberty and equality seems to be the absolute cardinal of Rawl's objective which emphatically explains his two fundamental principles on the "The Justice Theory".

Offices and positions must be open to everyone under conditions of fair equality and opportunity. From the aforementioned, it can be deduced that the end-point results of

the American mid term elections points emphatically to a clear acceptance of political liberalism given the ground breaking wins across boards.

Philosopher John Locke, a pioneering figure of the epistle of liberalism as a prescient tradition argues brilliantly that every man has a divine right to life, liberty, and property on the ground basis that the authorities are in binding adherence of what a social contract entails. Rather than argue that the mid term election held on the 6th of November 2018 is an outright win for democrats, it is best to admit thus that the election victory was a clear admittance of equality which further transcends a victory for political liberalism and moral philosophy predicated on liberty, fairness, and even opportunity for all.

Indeed, it was an historic nights for so many in a number of ways. The election victories was more of a clear campaign abhorring hate and anti-Semitic slogans. Despite the unwavering chants of anti-Semitic and Neo-Nazi doctrines and the unending proliferation of hate chants and absolute snare rhetoric against women and people of color two years ago. Events however took a different dynamics exactly two years after projecting the true American faith with a whole lots speaking in one voice along same lines of direction.

For the first time ever, over 100 women got elected into congress, with a towering figure at the House of Representative. Inclusive but not limited to the number of women of color, race, and gender differences. Names like Sharice Davids and Deb Haaland will become the first ever native American women to serve in congress. Michigan Democrats Rashida ITaib and Ilhan Omar of the Minnesota democratic farmer labour party breaks the barrier of color and race to becoming the first ever Muslim women in congress.

Others include Ayanna Presley and Jahana Hayes who becomes the first black woman to represent Massachusetts and Connecticut in congress. In a similar vain, Tish James will be the first black woman to be New York attorney General, while Janet Mills takes authority as the first woman governor of Maine. Cindy Axne and Abby Finkenauer becomes the first women to to represent Iowa in the House of Representative. From Florida to Texas down to Illinois, record wins proved president Trump has proven toxic which proved crucial to democrats. Even in Republican held suburbs, election results showed a drift away from the norm unto a clear distinct between hate and love.

Some other notable win came from the ever blazing Lucy Mcbath, a fervent adherent cum advocates for common-sense gun reforms barely after her son Jordan was shot and killed in a senseless gun attacks. She ran for a seat in congress in a densely Republican held district in Georgia and was declared winner. Also, Alexandria Ocasio Cortez became the youngest ever to occupy a seat in congress. Together with Abbey Finkenauer, they both become the first ever women in their 20's to assume position as congresswomen.

On the flip side will be Republican Rep. Marsha Blackburn who becomes the first fe-

male senator to represent Tennessee. Biggest among the winnings was that of Colorado Democratic Rep. Jared Polis who becomes the first openly gay man elected governor. Also on the historic map was Kyrsten Sinema who was declared winner of the fiercely competitive senate seat in Arizona. She becomes the first openly bisexual person to get elected into congress as well as the first woman ever to represent Arizona in the upper chamber of a democratic decent in 30 years.

This historic victories aren't just important because it bothers on individuality. It is celebrated because extraordinary women and people of all races, gender, and colour will have a chance to bring in perspective and argument that has been absent into crucial debates and absolute politicking. Yes, it could mean a time for checks and balances, but then again, it could also indicate a time of common sense policies that works for all across every divide.

### **My Take**

The dynamics of the American political setup has always been the initiation of her mid term elections which tend to correct the flaws in the last two years. It is a democratic way of analyzing the score card of the good, bad, and the ugly. Mid-terms could either set a templates of a bright or precarious future depending on the decision of voters whose stance could either make the seat uneasy for the commander-in-chief or very relaxed as the case maybe.

The beauty of this year mid-term wasn't because of the obvious win on either side of the aisle, neither was it because more democrats got elected into the House of Representative. The real emphasis of this year mid term score card was the historic mileage attained, accommodating individuals from a vast background without an iota of segregation, hate, or nationalistic views. it was a clear endorsement of political liberalism and ethical philosophy of rights, liberty, and happiness across boards.

The election results apparently shows some degree of morality expressing oneness in diversity. From race to colour down to gender differences, the mid term election results gave a contrary perspectives of the hate and anti-Semitic chants which has been perceived in recent times. Indeed, it was a result which distinguishes Love from hate, Unity from bridges, nobility from bigotry, Patriotism from Nationalism among other positive nuances.

It is therefore a clarion warning to leaders who care to see beyond the picture of power, that authority when used in a wrong way can lead to a revolutionary change among the people not even an hurricane can prevent from happening. Subsequently, if a leader must win the heart of the majority, it administrative system must learn to support civil rights, democracy, secularism, gender equality, racial equality, internationalism, freedom of speech, press freedom, as well as freedom of religion.

A leader must learn to respect people not based on the color of their skin types, racial background, and gender preferences, but because it right to accord every persons the

rights and privileges they deserve first as a human being. No leader must promote hate or build bridges in a world where globalization has become the order of modern doctrines. The end product might be counter productive, as individuals will one day rise up against these ignoble practices as a way of standing up for what is right and just.

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**Link:** <https://youth-journal.org/mid-term-elections-a-win-for-political-liberalism>

## Myanmar: Ann San Suu Kyi and the silence of war crimes against the Rohingya's

DICKSON EYINMOSAN JNR.

*To summarise the situation in Myanmar as an obvious reality of ethnic cleansing is to say the least why individual like the respected Ann San Suu Kyi has remained silent on this issue of war crimes against humanity in the Rakhine state of Myanmar been perpetuated by a government she presides over.*



"History will judge societies, and government and their institutions not by how big they are or how well they have serve the rich and the powerful, but how effectively they respond to the needs of the poor and the helpless"- Cesar Chavez (American labor leader and civil rights activist).

In recent times, there have been series of very scary and gory reports of war crimes against humanity but at no time has these reports been acted upon or taken seriously by the institutional government of the Republic of the union of Myanmar. Indeed, it has become a state controlled belligerent act of absolute will and might against minorities perceived as outcast and stateless.

The government of Myanmar has continued to deliberately trampled on the rights, privileges, and esteem values of very small ethnic groups in the state of Myanmar with the assistance of allied military forces. They have successfully carried out flawless operations and assault against harmless minorities whose only crime was to live along the coastal region of present-day Rakhine State.

Bounded by India and the Bay of Bengal, Bangladesh to the west, Thailand and Laos to its east and China to its north and northeast, the south eastern Asian nation has since fallen short of absolute democratic concord ever since the attainment of independence in 1948. A fit which now spell doom for a nation known for her rich peculiarities in jade and gems, oil, natural gas and other mineral resources.

The sovereign state of Myanmar also known as Burma, for the majority of her independent years, has been seriously engaged in series of ethnic strife which has resulted

in wanton acts of killings and devastating attacks. A multi- ethnic state with over 135 ethnic groups subdivided into nine recognized races. This heavily populated Buddhist state have since been criticized continually for her ill and imperial treatments of minorities from time immemorial.

This sad and obvious reality can be attributed to the gruesome and unholy annihilation and onslaught dehumanization against on one of the world's most persecuted minorities- *The Rohingya's*

Described by the United Nations in 2013 as one of the world's least wanted persons on earth, this group of ethnicity from time immemorial has continued to suffer series of untold hardship and grossly uncereceremonious treatment in the hands of both the Burmese military, her government, and the nationalist Buddhist. A calculated attempt many has attributed to what is today known as "ethnic cleansing."

While some have termed the brutal attacks and deadly killings of the persecuted minority Muslim by a legitimate government structure as gravely Genocidal, others have labeled this crackdown as a terrible operation which is not just an act of Mephistopheles, but also a powered attempt geared in the direction of a possible expulsion and onward extinction of this harmless civil groups whose only crime was to be born in a settlement once called a home.

In 2015, the Simon-Skjodt Centre of the United States Holocaust Memorial Museum stated in a press statement that the Rohingyas are "at grave risk of additional mass atrocities and even genocide"

According to Yanghee Lee, a South Korean developmental psychologist and professor at Sungkyunkwan University and also a United Nations Special Rapporteur on the situation of human rights in Myanmar, indicates that the Burmese government may be trying to "expel the Rohingya population from the country altogether"

In a remark to the Human rights council in 2017, Lee stated thus; "I heard allegation after allegation of horrific events like these, slitting of throats, indiscriminate shootings, setting alight houses with people tied up inside and throwing very young children into the fire, as well as gang rapes and other sexual violence.

**"The situation in Rakhine state is very complicated in nature and thus requires complicated answers"**

Noble among leading figure who has criticized the injustices in Myanmar against Muslim minorities is South African statesman and Noble Laureate Desmond Tutu whose contribution to the May 2015 Oslo conference on the persecution of the Rohingya's suffice thus; "Human beings may look and behave differently to one another, but ultimately none of us can claim any kind of supremacy. We are all the same. There are no natural differences between Buddhists and Muslims. It is possible to transplant a Christian heart into a Hindu chest and for a citizen of Israel to donate a kidney to a



Palestinian”.

Despite been able to trace her historical mileage and fact file to the 8th century which corroborates academic and scholarly findings relating the presence of the Rohingya's in the Arakan region prior to the 15th century, the Burmese institutions has continued to deny this small minority of Muslim and Hindu ethnicity their legality and citizenship legitimacy.

Given the degrees of arbitrary arrest, extrajudicial killings, gang rapes, brutalities, and fatal death situations against civilians, it is glaringly enough to suffice the obvious as it relates the ignoble injustices and smear campaign against a particular group of ethnic origins.

Believed to have evolved from the settlements of Arab traders ages ago, the Rohingya's traces their historical links to indigenous western Myanmar with a heritage of over a millennium and influence from the Arabs, Mughals and Portuguese.

According to the government structure in Myanmar, these minorities are illegal immigrants from the Bay of Bangladesh and as such are not recognized ethnic group in the Northern Rakhine state. This seemingly conjectures heavily contradicts historical wigs of facts which saw Muslim minority attaining elective positions into the parliaments of Myanmar on until the late 20th century when the persecution heightened.

Burma's post colonial government elected in 1948 officially recognized the Rohingya as an indigenous community, as did its first military government that ruled from 1962 to 1974. Manipulation by the military of ethnic minorities in the west of the country dates back to the late 1950s.

According to a 1978 secret documents termed 'Repatriation Agreement' as published by the Princeton University in 2014, the Burmese government had acknowledged the identity of influx of migrants from Bangladesh who according to the documents will be considered legal residents of Myanmar.

According to the agreement duly authorized by and on behalf of the government of the socialist Republic of the union of Burma and the government of the People's Republic of Bangladesh following talks held in Decca between 7th-9th July, it reads thus;

The government of the socialist republic of the union of Burma agrees to the repatriation at the earliest of the lawful residence of Burma who are now sheltered in the camps in Bangladesh on the presentation of the Burmese National registration cards along with members of their families such as husband, wife, parents, parents in-law, children, foster children, grandchildren, son-in-law, daughters-in-law and widowed sisters.

This was duly signed by the Foreign Secretary and leader of the delegation of the People's Republic of Bangladesh Tubarak Husain alongside Deputy minister of foreign

affairs and leader of the delegation representing the government of the socialist republic of the union of Burma.

In a another document tagged "Joint Statement by the Foreign Ministers of Bangladesh and Myanmar issued at the conclusion of the official visit of the Myanmar foreign minister to Bangladesh from 23- 28 April 1992," a similar agreement was reached again between the leader of the Bangladesh delegation (A .S.M . Hostafizur Rahman ) alongside Minister for Foreign affairs of the Myanmar government and representative of her delegation bhn Gyaw.

#### **Parts of the documents as contained in paragraph 7(iv)**

The Government of the Union of Myanmar in a spirit of cooperation agreed to accept after scrutiny all those people who took shelter in Bangladesh and whose presence had been recorded through Refugee Registration Cards issued by the Government of Bangladesh at their point of entry into Bangladesh which inter-alia listed available evidence of their residence in Myanmar. On the basis of the scrutiny of the lists provided by the Government of Bangladesh, the Government of the Union of Myanmar agreed to repatriate in batches all persons inter-alia! carrying Myanmar Citizenship Identity Cards/ National Registration cards. Those able to present any other documents issued by relevant Myanmar authorities and; all those persons able to furnish evidence of their residence in Myanmar, such as addresses or any other relevant particulars. The Government of the Union Myanmar agreed that there would be no restriction on number of persons so long as they could establish bonafide evidence of their residence in Myanmar. They further assured that the lists provided by Bangladesh closely coincided with those persons verified by the Myanmar authorities.

Despite this seemingly hallowed facts, the government of Myanmar has since refused citizenship to this minority of Muslim groups in the state of the Republic of the union of Burma. Not even the 1982 Myanmar nationality law which recognizes three categories of citizens, namely; citizen, associate citizen, and naturalized citizen gives credence to the acceptance of the word "Rohingya" as a valid structure.

The analysis of the categorization meant that an individual will be allotted a color coded citizenship scrutiny card in consonance with her relevant citizenship badge which could either be pink, blue, and green depending on the status of category place-

ment.

An individual is branded citizen if such persons hold ties with either one of the recognized nine national or indigenous races viz; (Kachin, Kayah (Karenni), Karen, Chin, Burman, Mon, Rakhine, Shan, Kaman, or Zerbadee). Alternatively, a citizen status is also guaranteed when one is sure of having ancestral links who settled in the country prior to 1823.

Similarly, If a person cannot provide fact based evidence that his ancestors settled in Burma before 1823, such individuals can be identified as an associate citizen if one grandparent, or pre-1823 ancestor, was a citizen of another country. Those persons who qualified for citizenship under the 1948 law, but who would no longer qualify under this new law, are also considered associate citizens if they had applied for citizenship in 1948.

To become a naturalized citizen, a person must be able to provide "conclusive evidence" that he or his parents entered and resided in Burma prior to independence in 1948. Persons who have at least one parent who holds one of the three types of Burmese citizenship are also eligible. Beyond these two qualifications, Section 44 of the act stipulates that the person must be eighteen years old, be able to speak well one of the national languages (the Rohingya language, a dialect related to Chittagonian, is not one), be of good character, and be of sound mind

The 1982 law was promulgated not long after the mass return of Rohingya who fled in 1978.

According to a report by the Human Rights Watch as released in May of 2000 titled *Burmese refugees in Bangladesh: still no durable solution Vol 12., No. 3 (C)*, the onerous burden of proof has made it nearly impossible for all but a handful to secure citizenship. Rohingya who cannot provide "conclusive evidence" of their lineage or history of residence find themselves ineligible for any class of citizenship. And because of their formal legal status as resident foreigners, Rohingya are subject to restrictions on their freedom of movement, are denied access to higher education, and are restricted from holding public office.

In many regard, this nationality law clearly aggravated the Rohingya citizenship crisis which denies legitimacy to children born to those been considered as non-citizens. The law seldom give rise to freeborn who are descendant of this Muslim ethnicity in the Rakhine northern state.

In this respect, the citizenship law conflicts with the Burmese government's obligation under Article 7 of the U.N. Convention on the Rights of the Child, which states, "The child shall be registered immediately after birth and shall have the right to a name, the right to acquire a nationality...States Parties shall ensure implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise

be stateless.” The Burmese government ratified the convention in 1991 and is obliged to grant citizenship to children born in Burma who would otherwise be stateless.

The Burmese government restricts Rohingya from traveling within Arakan, to other parts of the country, and abroad. It is a well established principle of international law that any person who is lawfully in the territory of a state should enjoy the right to freedom of movement and residence within that state. This principle is enshrined in Article 13 of the Universal Declaration of Human Rights and Article 12 of the International Covenant on Civil and Political Rights.

### **Ann San Suu Kyi and the silence of war crimes against the Rohingya's**

Despite been a beneficiary the 8-8-88 Uprising in Myanmar, Burmese politician, diplomat, and author Ann San Suu Kyi has done very little or nothing in trying to curb this present day persecution of the Muslim minority in the Republic of the union of Burma. Indeed, it has been a glaring case of benefiting from a system and doing little or nothing to eradicating the-same struggle which led to her victory in 2010.

For the records, the 1988 uprising saw the projection of Ann San Suu Kyi not just as a key figure in Myanmar, also, she became an household name at the lips of international communities who during her incarceration for over 14 years gave due support to a cause she believed in on until her eventual release.

The 2015 elections saw her party taking 86% of the seats in the Assembly of the Union - This was more than the 67 percent majority needed to ensure that its preferred candidates were elected President and Second Vice President in the Presidential Electoral College. Though Suu Kyi wasn't allowed to assume the position of been president due to certain constitutional provisions, she was however made a State Councillor for the Republic of the union of Burma. A position befitting of a prime minister status.

Ann San Suu Kyi won the prestigious Noble peace prize in 1991 for her role in the actualization of sanity majorly in Myanmar.

From 1989 to 2010, she became the most international talked about political prisoner in recent times given the situation that led to her arrest and her vocal lashing directed towards the government structure in place.

She assumed her office as State Councilor of Myanmar 6 April 2016 to become the first in the country's history and political doctrines.

Ironically, during her watch as head of government of the Republic of the union of Burma, the country has witnessed series of wanton attacks and absolute crackdown of small ethnic minority by the military. With serious allegations of crimes against humanity and wanton destruction of lives properties, abuses of human rights, and violation of law and order, Suu Kyi has shockingly remain mute on this happenings.

Her incoherence in taking her stance had brought so much tension and reprieve in the land of Myanmar. Her silence in speaking for the Rohingya community in the northern Rakhine state of Myanmar has given rise to insistent brutality and violations of rights of these minorities now considered as stateless.

While so many has called on the reversal of her Nobel peace prize, the Canadian authority wasted no time in their recent action revoking her Honorary citizenship status as a sign of their displeasure in the recent heightened tension in Myanmar and the unholy crimes perpetuated against innocent Rohingya minority.

She has failed to call a spade what it truly is and will rather infer the reverse as a way of smoke screening the apparent situation on the ground. Prior to the heavily military crackdown of the Rohingya's in 2016-2017 and even before the 2015 refugee crisis, the population census was pegged around 1.0 to 1.3 million with a greater percentage of settlement in the northern Rakhine state. Ironically, same cannot be adduced currently as over 900,000 Rohingya's have fled the country of Myanmar to neighboring Bangladesh, passing through near death routes all in the name of escape to a safe heaven. More than 100,000 Rohingyas in Myanmar are confined in concentration camps for internally displaced persons under very harsh and dehumanizing conditions.

In August of 2017, the Burmese military launched a clearance operation. According U.N. Office of the High Commissioner for Human Rights, United Nations. 11 October 2017. "The 'clearance operations' started before 25 August 2017, and as early as the beginning of August. The apparently well-organised, coordinated and systematic nature of the attacks carried out by the Myanmar security forces against the entire Rohingya population across northern Rakhine State has led to a mass exodus of more than 500,000 people fleeing to Bangladesh. The testimonies gathered by OHCHR indicate that the attacks against Rohingya villages constitute serious human rights violations. As recalled by many victims, the security forces and the Rakhine Buddhist individuals incited hatred, violence and killings against the Rohingya population within northern Rakhine State through extremely derogatory abuse based on their religion, language and culture and ethnic identity".

The operation left over 3,000 dead, many more injured, tortured or raped, villages burnt. According to a United Nations High Commission issue based report originally released 24th August 2018, summarizing its findings from an investigation of the events of August - September 2017, it indicates a call to action against the state of Myanmar to be brought before the international Criminal Court for "crimes against humanity", including "ethnic cleansing" and "genocide".

According to part of the reports, "What happened on 25 August 2017 and the following days and weeks was the realization of a disaster long in the making. It was the result of the systemic oppression of the Rohingya, the violence of 2012, and the Government's actions and omissions since then. It caused the disintegration of a community."

To surmise the situation in Myanmar as an obvious reality of ethnic cleansing is to say the least why individual like the respected Ann San Suu Kyi has remained silent on this issue of war crimes against humanity in the Rahkine state of Myanmar been perpetuated by a government she presides over.

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**Link:** <https://youth-journal.org/myanmar-ann-san-suu-kyi-and-the-silence-of-war-crimes-again>

## Are Lawyers representing asylum seekers 'un-Australian'?

MAULLINE GRAGAU

*According to Minister for Home Affairs and immediate former Minister for Immigration, Citizenship and Multicultural Affairs Peter Dutton, Lawyers representing asylum seekers who want to stay in Australia are 'un-Australian'.*



The Minister's remark came amid former Prime Minister Turnbull's government's news to end financial support for up to 100 Australian-based asylum seekers on the grounds that the government was frustrated by its constitutional responsibilities to asylum seekers.

The actions of Turnbull's government and the Minister's remarks drew mixed reactions from various sectors of society with the most prominent one being from Opposition Leader Bill Shorten who termed it as '[immediate former] Prime Minister Malcolm Turnbull's weakest move yet.' The former Immigration minister is not the first person to level criticism against advocates representing asylum seekers and he certainly won't be the last in view of the growing fight against multiculturalism.

Multiculturalism and multilingualism are inevitable consequences that come with asylum migration. Although often seen as problematic, they are actually resources for society. They are resources for identity construction at the personal and group level, as well as resources for participating in society. The importance of the construction and perception of individual and group identities in contact is becoming increasingly salient, particularly as evidenced in current political discourse especially in Europe.

A common identity is often perceived as essential for providing social cohesion in society today, yet respect for diversity is at the core of the Australian, and more generally, European and American ideals. This is a challenge for a new understanding of identity, one that takes into account the diversity, hybridity, and change in identities in contact in Australia today.

In today's multilingual and plural cultural world, the notion of identity is central for understanding matters concerning the integration and socialization of migrants and asylum seekers. New knowledge of identity among multilinguals in a plural society is truly necessary for political and educational decision-making. It is no wonder that

Australia's newly appointed Minister for Immigration, Citizenship and Multicultural Affairs, David Coleman, has hailed multiculturalism and also acknowledged the contribution of migrants to the Australian society.

### **Refugee Legal Framework**

For years, States have been granting protection to individuals and groups fleeing persecution. The present refugee legal framework traces its origins in the aftermath of World War II as well as the refugee crises of the interwar years that preceded it. Article 14(1) of the 1948 Universal Declaration of Human Rights (UDHR) guarantees the right to seek and enjoy asylum in other countries. Subsequent regional human rights instruments have elaborated on this right, guaranteeing the 'right to seek and be granted asylum in a foreign territory, in accordance with the legislation of the state and international conventions.'

The two international laws governing the treatment of refugees are:

- a) 1951 Convention relating to the Status of Refugees (1951 Convention) and its;
- b) 1967 Optional Protocol relating to the Status of Refugees (1967 Optional Protocol).

Australia is a signatory to both of these conventions. Australia ratified the 1951 convention on 22 January 1954. The 1951 Convention establishes the definition of a refugee as well as the principle of non-refoulement (the obligation of States not to return, a refugee to 'the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion') and the rights afforded to those granted refugee status. Although the 1951 Convention definition remains the standard definition, regional human rights treaties have since modified the definition of a refugee in response to displacement crises not addressed by the 1951 Convention.

The 1951 Convention gives State parties the leeway to establish asylum proceedings and refugee status determinations. This in turn has led to disparities among different States as governments craft asylum laws based on their different resources, national security concerns, and histories with forced migration movements. Despite differences at the national and regional levels, the fundamental goal of the current refugee legal framework is to provide protection to individuals forced to flee their homes because their countries are unwilling or unable to protect them.

### **The Minister's Remark**

The former Immigration Minister's remark as ill-advised as it was brings to the fore the inherent conflicts in as far as implementation of laws is concerned. It is universally accepted that every person has the right to legal representation. It is a right that has been entrenched in International, regional and even national laws of nearly all countries. That said it is undoubtedly clear that every country's duty is to its citizens in terms of food security, national security among other obligations.



Many countries have faulted the current refugee legal framework on the grounds that it is so much outdated that it is no longer applicable to the realities of those requiring international protection. Although the 1951 Convention acknowledges the right to asylum, the fact that it does not refer to asylum seekers makes it incredibly difficult to implement especially in the modern times. Other than that, the 1951 Convention is still valid in a number of ways especially when it relates to protection of the rights of refugees.

The Minister's remark reveals a deep seated frustration occasioned by the influx of asylum seekers who flood into Australia owing to its standing as one of the few rich states that is also a signatory to the 1951 Convention in the Asia-Pacific region. It is inevitable that such numbers would put tremendous pressure on a country to not only meet the needs of its citizens but also of those who are escaping persecution from their own countries. The fact that Australia and many other countries are obligated to accept asylum seekers is what frustrates many governments and forces them to find creative ways of circumventing the international framework in a way that suits their situation.

It is clear that the present system is not sustainable given the changing dynamics in our society and countries will only find better and more sophisticated ways to flout the international framework but changing or revising the current framework is not presently feasible. Given that it took nearly half a century to craft one, there is no guarantee that revising or changing the current framework will take a lesser period of time let alone be done in our lifetime.

As I stated previously, there is some sort of conflict by governments when it comes to balancing national interests vis a vis international obligations. More often than not, governments tend to look inward. This is by no means excusing the Minister's remark. My interpretation of his remark is from the perspective of a frustrated government that is struggling to balance the needs of its people and its international obligations. Granted, the problem of asylum seeking is one that has and is still plaguing many countries in Europe.

### **Does representing asylum seekers make you 'un-Australian'?**

In many common law jurisdictions, lawyers are bound by the cab-rank rule which essentially places an obligation on them to provide legal services to ALL who are in need of those services.

The cab-rank rule precludes a lawyer from refusing a case/brief, whether to act as an advocate or to advise, unless in exceptional circumstances such as the lawyer is already professionally committed, has not been offered a proper fee, is professionally embarrassed by a prior conflict of interest or lacks sufficient experience or competence to handle the matter. Lawyers must therefore act on a first come, first served basis, just as a cab driver must drive the next person in line at the rank (hence the reference to the 'cab-rank rule'). The sanctity of this rule has been compared to that of the doctor's

## Hippocratic Oath.

The reasoning behind this rule is that if lawyers are permitted to cherry pick their clients, there is an almost certain danger that some people will be unable to obtain necessary legal representation.

Section 21 of the Barristers' Conduct Rules of the Bar Association of Queensland (made pursuant to the Legal Profession Act 2007) outlines cab-rank principle as follows:

*'Cab-rank principle*

*21. A barrister must accept a brief from a solicitor to appear before a court in a field in which the barrister practises or professes to practise if:*

*(a) the brief is within the barrister's capacity, skill and experience;*

*(b) the barrister would be available to work as a barrister when the brief would require the barrister to appear or to prepare, and the barrister is not already committed to other professional or personal engagements which may, as a real possibility, prevent the barrister from being able to advance a client's interests to the best of the barrister's skill and diligence;*

*(c) the fee offered on the brief is acceptable to the barrister; and*

*(d) the barrister is not obliged or permitted to refuse the brief under Rules 95, 97, 98 or 99.*

*22. A barrister must not set the level of an acceptance fee, for the purposes of Rule 21(c), higher than the barrister would otherwise set if the barrister were willing to accept the brief, with the intent that the solicitor may be deterred from continuing to offer the brief to the barrister.'*

With the foregoing in mind, the Minister's remark clearly undermines the rule of law. In fact, it would be 'un-Australian' and an affront to justice and the rule of law for the lawyers to refuse to represent the asylum seekers. A society and by extension a country is judged by the manner in which it treats its most vulnerable people.

I am of the opinion that there is nothing 'un-Australian' or unpatriotic about representing asylum seekers. If the government apparatus permits such remarks with respect to who lawyers can or cannot provide legal representation to, then the whole judicial system will disintegrate quite quickly. While I am able to appreciate the unenviable position that governments find themselves in as far as implementing the framework is concerned, nothing, absolutely nothing justifies actions or value judgments that have the effect of undermining the rule of law and demeaning a sector of the society.

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**Link:** <https://youth-journal.org/are-lawyers-representing-asylum-seekers-ldquoun-australian>

## Towards the improvement of science in Kenya

MAULLINE GRAGAU

*At the basic level, we all envisage a transformation from a backward, superstition-ridden to a progressive society using science and technology as instruments of social change. After 55 years, one expects tremendous physical growth in the scientific community in Kenya. However, in the spheres of social behaviour, scientific attitude is at a discount. In the case of national commitment to the development of science and technology, it is a paradoxical situation.*



Since Independence, Kenya has achieved a fairly stable social and political set up. Kenya has taken giant steps forward in industrialization, agriculture, science and education, but in almost every field she has achieved only a lopsided progress with the benefits of progress rarely even trickling down to the masses. A great majority of children remain illiterate and find no exposure to even the rudimentary benefits of science. Even more distressing is that those who benefit from 'progress' have little thought for the rest. There is a total lack of accountability among Kenyan Scientists in the present day set-up. The reasons are not difficult to discern.

Kenya has set for herself the standards of the West. There is a complete lack of nationalist feeling among her scientists. We do western science, contribute to western journals, travel to the west as often as we can, recognize western awards, we even make desperate attempts to settle and work in the west, lured by the better financial prospects and working conditions.

The result: while Kenya boasts of one of the largest bodies of scientific and technical manpower within the East African Region, there is nothing like Kenyan Science, Kenyan scientific journals languish; and the science we do has neither direction nor any consistent policy. Research that we do is more or less tying up the loose ends after a major part of the work has been done by the Western scientists.

We have not been able to establish proper infrastructure, and even basic scientific equipment has to be imported with our limited resources. Building an infrastructure requires a lot of developmental work - often requiring the re-discovery of known scientific data in Kenyan conditions. Such work is painstaking and fetches little in terms

of reward. We would rather import western and Chinese instruments and do faster work, publish papers in western journals and seek western awards.

Singapore had to start from scratch at about the same time as Kenya did. The Japanese and Russians, too, started no more than a couple of decades earlier. These three countries developed their own tradition in science through a systematic development of their scientific literature. Their advancement in infrastructural facilities has been so phenomenal that they publish scientific literature in local language journals. On the other hand, we have failed to bring out even college level text books in our local languages. Besides, Kenyan scientific publications are sometimes not even known to Kenyan scientists. They are neither read, contributed to, nor referred to by our own scientists to the same extent as the foreign journals are. A vast majority of Kenyan journals are of poor quality, because scientists contribute to our journals only such data as would often fail to see the light of day in foreign journals.

The policy makers in Kenya are as much to blame as the Individuals. While the former have made no effort to inculcate the nationalist feeling in the youth, the latter have been only too eager to ape the West not only in culture and lifestyle but also in the setting of academic standards in science! Immediate corrective action is necessary. We make an open appeal to both the policymakers and the individual scientists: Kenyan scientists should work in Kenya and work for Kenyan science - the science that is needed for rural development and for the masses. The accent must be on developmental work to pave the way for a durable infrastructure. All research funded from Kenyan resources should lead to publication in Kenyan journals. While our science policymakers must lay these restrictions on Kenyan scientists, the latter must take upon themselves the burden of this responsibility.

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**Link:** <https://youth-journal.org/towards-the-improvement-of-science-in-kenya>

## A look at Christopher Nolan's twenty Hollywood Years

MUHAMMAD FAROOQ RASHEED

*Actors and singers having a global fan-following is a norm but if a film-maker is popular in the public domain, there is something to ponder here. Well, it is true for the British-American Hollywood director/producer Christopher Nolan who is among the most acclaimed and influential filmmakers of the 21st century.*



This 30th July marked Christopher Nolan's 48th birthday. This year will also accomplish his twenty years as a remarkable Hollywood director. The kick start to his career was his 1998's self-budgeted and self-funded film 'Following'.

This black and white film was made unlike all the traditional methods of film-making. The cast which was Nolan's personal friends came every Saturday to shoot the scenes assigned to them and brought their own lunch with them. The film took over a year to accomplish and then was rejected by the Britain authorities to be premiered. Nolan had to turn towards the U.S where he got the license to release his film at a festival.

The next work that came out was 'Memento', a movie that was later copied by Bollywood(as usual) by the name 'Ghajni'. After that, it was a series of a masterpieces one followed by another.

The 'Insomnia' (2002) and 'Prestige' (2006), each one of them increased the audiences' expectations for Nolan's upcoming crafts.

Still, the huge chunk of comic book readers were missing from the list of fans Nolan's had.

Then came out 'The Dark Knight' (trilogy), which in some way vindicated his career. This superhero series somehow influenced every other comic book movie coming after it.

By the way, this year also marked the 10th anniversary of the afore mentioned Nolan's masterpiece 'The Dark Knight'. It is the only movie I can remember in which the man who was portrayed as a villain had an impact that was even greater than the hero of that movie. Heath Ledger who played the captivating role of the 'Joker', appeared in the film posthumously and that is also one of the reasons why his name reverberates

even today. The 'Joker' was a character introduced in the Hollywood by Nolan as an individual who was in severe love with chaos and anarchy.

Nonetheless, this was the best superhero trilogy ever produced in Hollywood. In 2010, Nolan came out with an idea in the form of a film called 'Inception'. Featuring Leonardo DiCaprio, this movie takes the audiences into a roller-coaster drive of the world of imaginations. A new genre must be introduced to categorize this movie as it does not fit in the predefined brackets. The simplest explanation to this film can be 'a dream within a dream'.

The next one in the row was 'Interstellar' released in 2014. This movie was truly a gift for the physics lovers. Apparently, it seems to be a science-fiction but if you look at its genre, it's not. Precisely because of the film's compatibility and adaptability with modern science and scientific concepts. The man who dealt with the scientific matters of the epic was 'Kip Thorne', who was awarded the Nobel prize in physics later in 2017. The screenplay was written by Nolan along with his brother and took over four years to complete. Despite being a box office success, the film was also praised by the scientific community for its depiction of worm holes and black holes.

The latest release by Nolan is 'Dunkirk' (2017). Although there were many attempts in the past to portray that typical war scene to the extent that a movie by the name 'Operation Dunkirk' was released in the same year and on the same plot as of Nolan's 'Dunkirk' but he knew how to do it differently. The movie was written, directed and co-produced by Nolan along with his wife Emma Thomas. It is the highest grossing WWII film of all time and is also praised for its historical accuracy.

As a stalwart follower of Christopher Nolan's work, I can only wish that the best of Nolan has yet to come. However, his career has been an enthralling one for our generation. This journey also strengthens our faith in the old entrepreneurial lesson, 'Think big, Start small'.

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**Link:** <https://youth-journal.org/a-look-at-christopher-nolanrsquos-twenty-hollywood-years>

# Mental Illness Among Kids and Teenagers in South Asia - A First Hand Perspective

MUHAMMAD TAHIR

*This article provides the author's point of view and observance of how mental illness grows in South Asian Society. It shares the background of mental illness and how it grows in South Asian society. Furthermore, the article suggests some solutions to fight mental illness in South Asia.*



## What is Mental Illness?

Mental illnesses are health conditions that lead to extreme changes in one's thinking, emotions, and behavior. Some of the most common reasons for mental illness include distress, family problem, workload or work problems, bullying, and other social problems. Serious mental illnesses can lead to self-harm or even suicide.

## Background of Mental Illness in South Asian Society

Mental illness does not become a reality overnight. It is a thing that develops in humans when they continuously face stress, bullying or any other problems that lead to depression. In South Asian countries –India, Pakistan, Bangladesh etc– mental illness is considered a 'myth.' It is not taken seriously which causes many people to fight depression, anxiety, and other types of mental illnesses for years. For example, if teenagers talk to their parents about mental illness, they are told that mental illness is a 'white people thing.' This article will share some of the most common things that lead to mental illness in desi society, how mental illness is seen by the society, and what should be done to improve mental health in the society.

## Reasons for Mental Illness in South Asian Society

It is not wrong to say that people accept to live with mental illness in South Asia. It is not wrong to say that judging others is almost a worship practiced in our society. And finally, it is not wrong to say that people in our society judge others from mother's lap to the grave.

Whenever a kid is born, his/her physical characteristics will be compared to his cousins

or siblings. All the guests who will come to congratulate the kid's parents will judge the kid's color, weight, and other physical characteristics. The kid's height, how fast the teeth come out, and how good or bad he/she is at speaking, all these things will be judged and told to the kid's parents as the kid is growing up.

As kids grow up and start going to school they will be told how their older cousins, when they were in kindergarten, always got the best grades. This automatically pressurizes a four or five years old and the kids are pushed by their parents to get good grades. With the girls specifically, they are also told to cover their heads and most of the times told that they cannot uncover their head in school no matter how warm it is. The culture of hitting kids in the school and at home makes their lives even worse. In most of the areas of South Asia, despite it is against the law, kids are beaten by both parents and teachers for various reasons.

It is the unrealistic concept in the minds of people that if you are strict to kids, beat them and teach them to live in fear they will grow up respecting everyone and will make their parents and teachers proud. In the religious schools, the conditions are even worse. Religious teachers use a gas pipe or a wood stick to beat the kids.

Kids enter teenage facing all these abuses and there is more to come. As kids enter teenage years, they are already supposed to act like adults. They cannot say no to their parents or uncles or teachers. And this concept is used the most when teenagers try to choose their areas of study in high school. In a typical household, a girl is supposed to choose Biology and a guy is supposed to choose either biology or computer science. From a very young age, they are told by their parents that they will be doctors, engineers or lawyers.

This isn't the hardest part. The life of kids in South Asian society becomes miserable when they get their ninth grade report card. A list of people will call the kid's parents and judge their scores. According to the National Crime Records Bureau, every one hour a student commits suicide in India. A report presented by Times of India claims that failure in exams or low scores in exams are the biggest reasons why students commit suicide in India. (Saha) Similar conditions are seen in neighboring countries Pakistan and Bangladesh.

Getting married in teenage years is still a big norm in South Asia. Many teenagers have to give up their education and other dreams for the sake of marriage. Many are forcibly engaged to someone they don't like and told to wait until it's their time to get married. Many teenagers commit suicide or live with mental illness because of all the relationship norms set by the people in South Asian society.

### **Society's Behavior Towards Mental Illness**

Mental illness is known as a 'white people thing' in South Asian society. The problem starts with how the culture tells us to raise kids. Most of the kids grow up hiding their problems from their parents, or at least from father, because of their strictness. Kids



prefer to hide their pain, stress, and anxiety than to tell anyone.

Many bring in religion to justify that there is no such thing called depression or anxiety. In this situation, it becomes even harder for the kids to talk about mental illness. If teenagers talk to their parents in such situation they are told that there is no such thing called mental illness and that they must focus on praying. Such mentality makes the situation even worse and those kids have to continue living with mental illness. Like many other cultures, the South Asian culture does not allow people to reveal their mental illness. In most parts of the region, it is also considered 'shameful' to go to psychiatrists. If one's visits to a psychiatrist have been revealed he will be shamed by the people and will be told that he is losing his trust in God.

### **Solutions**

*Proper Parenting* - The most dangerous thing about South Asian culture is the way kids are brought up. While growing up, kids constantly hear that it is better to hide your problems and keep them to yourself. In order to eliminate the mental illness, it is important that parents teach their kids to open up about the problems they are facing. It is important for the fathers to create a kind of relationship with the children where kids don't hesitate sharing their problems with father or mother.

*Awareness* - The fight against mental illness cannot be achieved until 'the shaming' culture is eliminated from South Asia. It is important to bring awareness about mental health issues in the region. Professions in the mental health field need to step up and bring awareness about issues related to mental health.

*Education* - Schools are there to make lives better but unfortunately in South Asian culture it is the opposite. In fact, most of the mental health issues among teenagers are related to school. The judgment of grades, strictness of parents, and physical abuse by teachers are the biggest causes of depression among teenagers. In this matter, it is important for parents to take a legal step if there is any verbal or physical abuse happening against their kids. It is important for parents to know that if their kids scored lower than other kids in class, it does not mean they have the right to bully your kids. Both parents and school managements need to take a legal step against the issues of bullying that are related to student's success. Furthermore, it is important to educate kids about mental illness in schools. Because only education can bring awareness in the society and can help fighting mental illness

*Religion*- Religion is there to help human beings. Faith supports humans to stay strong in difficult times and be patient. But in South Asian society faith is used to stop kids from talking about their mental illness. It is important for people to understand that if their kids are fighting mental illness or they have any problem that could lead to mental illness it is better to sit with them and talk about the issue. It is not appropriate to tell kids that there is no concept of mental illness in their religion.

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**Link:** <https://youth-journal.org/mental-illness-among-kids-and-teenagers-in-south-asia-a-fir>

## Disability is not inability

NASIR ALI KHAN

*In this world some people are born fit and fine where some people are born with disability. It is not in our hands that how to get birth without disability but it is surely in our hands to make our disability our strength rather to make it weakness. In this world, many disable persons have got success and many able persons are left behind.*



A person's determination, hope and belief of getting success should be strong enough to face the ups and downs of life because the life is not a constant line which always remain and go with the same pace and speed but it is full of hurdles.

In this world some people are born fit and fine where some people are born with disability. It is not in our hands that how to get birth without disability but it is surely in our hands to make our disability our strength rather to make it weakness. In this world, many disable persons have got success and many able persons are left behind. They have shown the world and proved wrong to those people who used to think that a disable person can't do anything. The world is full of those people whose physical disability couldn't stop them by reaching their destiny and completing their dreams.

Furthermore, we all have seen so many disable persons touching the sky where they left behind able persons. Sometimes, when a person faces failure in his life and he becomes sad and he goes in depression and gives up at his dreams. It doesn't mean that he doesn't want to fulfill his dreams but he starts complaining about system and fate instead of working again and trying harder than the previous attempts. There is a story of 1938, of a man named KAROLY TAKACS, who was a soldier in army and the best pistol shooter of his country. He was the winner of all the national championships of that country and people of that country was so sure that this man would win the Olympics of 1940's and he will bring the GOLD medal definitely. That man had worked so hard and trained himself for so many years by burning the midnight oil. Because he had only one dream that he wants to be the best shooter of not only a country but of the whole world.

In addition to this, in that days there started a training camp of army while training, his hand was severely injured and he lost his hand. And at that day his dreams

and hopes were dashed. At that time he became handicapped. Then he had only two ways either to give up or to get up again and train himself. So, he decided to train again. After one year in 1939 he came back fully loaded and trained and again won the national championships of that country but his dream was to win the Olympics. But the Olympics were postponed and became in 1948. Then in 1948 he went there, where there were the best shooters of the world who were complete fit and fine except him. Because he was handicapped but instead of this he won the Olympics of 1948 and he again participated in Olympics of 1952 and won again the Gold medal. He became the first person who won consequently two gold medals. He completed his dream. He reached his destiny just because he turned his weakness into the strength. And he became the man of 1948. Because he showed the world that instead of being disable person I can beat able persons.

They have become live examples for those who are disable but they want to do something for themselves and their family. It just depends upon the person's mind that how does he takes his disability. Either a person makes his disability his strength or weaknesses. Because strengths and weaknesses plays important role in one life. A person make his strengths and weaknesses by himself but then his strengths and weaknesses decides the future of that person.

Moreover, there are so many organizations all over the world which are working for disable and needy people. And there are also people who individually help them and to provide them facilities so that their life become easy. There are special homes and schools for disable persons as well. Disable persons who are interested in getting education they get the education completely free. And then they get a chance to make their life better and do something for themselves. Because education is a key to success and the third eye of man.

In this world, a person's determination, hope and belief of getting success should be strong enough to face the ups and downs of life because the life is not a constant line which always remain and go with the same pace and speed but it is full of hurdles. Most of the time disable persons give up at the very beginning because they think that the GOD has deprived them from his blessings and without that blessing we can't do anything but it is one of the truths that when the GOD takes one thing it give us something better than that thing. But hardly a few people understand this point and climb the mountains of hurdles and touch the sky because disability can be a physical limitation but nothing can limit a person's skills.

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**Link:** <https://youth-journal.org/disability-is-not-inability>

## Comprehending Sexual Violence in Armed Conflict

TOCHUKWU BENEDICT EZEIFEKWUABA

*Sexual violence has been firmly placed in the internal theme of the humanitarian community. Regardless of the commendable advances in both practice and policy, there is still a continuous gap between the reality in the field and what is recommended.*



In this Research Paper, It is emphasized that, despite the intense obstacles of working in a humanitarian emergencies, the deeper understanding of sexual violence in times of conflict is watered down to such a level that it hinders significant humanitarian Action.

Firstly, the humanitarians reductionists approach towards sexual violence not solely disregard survivors/victims other than the stereotypical but also prevents perpetrators from questioning and the international humanitarian community itself in which vast sexual violence depoliticisation has erased the connection between violence and gender inequality.

Secondly, the Humanitarian International Community has placed itself as the western, white, heroic safeguard of vulnerable girls (and not boys and men) and women - a narrative that solely increases power differences between the beneficiary and the humanitarian but also reproduces the subordination of women.

Thirdly, an expose or publication of silences in international discussions in respect to sexual violence in armed conflicts indicate the humanitarian community involvement in wrongdoing in reproducing systems of gender inequality that permits for sexual violence to take place and continuously remains un-emphasized by ignoring to transform the limiting political environment that majorly and negatively affects a favorable humanitarian Action.

This evaluation of Humanitarian sexual violence serious discussion entails a mismatch between the nature of the subject matter as well as the manner in which it is comprehended, resulting to ineffective initiatives on ground. Research involvement with feminism and humanitarian involvement with crucial research may recreate inner importance that is essential to our comprehension rather than impede it.

## Abbreviations

- DRC: Democratic Republic of Congo
- AU: African Union
- ICTY: International Criminal Tribunal for the former Yugoslavia
- ICTR: International Criminal Tribunal for Rwanda
- IDP: Internally Displaced Persons
- NGO: Non Governmental Organizations
- IS: Islamic State
- UN: United Nation
- US: United States
- RUF: Revolutionary United Front

Sexual violence is a serious violations of human rights that occurs in a place and involves perpetrators, violent acts, impacts, survivors and victims' varying from health to a wide array of social consequences. Sexual violence is also a strategy or tool of war that encompasses the conflict escalation, pre conflict and post conflict stages. It breaks tabors and therefore violating rules and regulations and crossing the starting point that society sets on demandable Conduct.

For Long ago, sexual violence has been known to happen during the period of war, yet only since the globe was exposed en masse to the crimes carried out during the genocide in Rwanda and the dissolution of Yugoslavian - most especially the war in Herzegovina and Bosnia has sexual violence in armed conflict began to receive rapt international attention. The year 1990 also saw a sudden expansion of the number of policies relating to Humanitarian and dealings with Gender and Sexual violence in conflict affected populations including the United Nations (UNs) Security Council Resolutions that acknowledged not solely gendered encounters of war but also the significance of addressing and tackling sexual violence in armed conflict.

Regardless of the advances in the Decision making process arena, a wider scale of sexual violence perpetration continues to escalate in contemporary conflicts. The scenarios of sexual violence in the protracted conflicts in the Democratic Republic of Congo (DRC) are well famous instances. Here, sexual violence is continually documented to the level of creating 'pornography of violence' where researchers and Medias alike are continually attempting to outdo one another with the most barbaric gang rape incident.

However, survivors/victims of sexual violence may view minimal change after sharing their encounters, the event more incessant and present media attention given to sexual violence carried out by the Islamic States (IS) in Iraq does entails that sexual violence in armed conflicts is now majorly centered on the consciousness of the public in most donor nations and on the international Agenda.

The International Humanitarian Community - comprising of Red Cross, United Nation agencies, Non Governmental Organizations (NGOs) and Red Crescent Societies

catering for urgent relief in protracted conflicts ( mostly armed conflict), loosely coordinated along functional and ideological views - is continually less capable to attain humanitarian assistance requirements despite its significant expansion over the last years.

In respect to sexual violence in conflict; these entails, for instance, that vital services for sexual violence survivors/victims are massively unavailable, inadequate and inaccessible. There is a wide gap between what is recommended and the reality in the field even though sexual violence has a serious social, psychological and physical repercussion for survivors/victims that extend to their communities and families - such as children born from rape.

Nevertheless, the various obstacles similar to working in conflict areas and also war period sexual violence most especially and regardless of the greatly praiseworthy made advances, some explanations for the disparity between the practice point and the policy to the international humanitarian system 'inherent structural insufficiency'; an instance of this is a serious concern to the cluster approach and the coordination mechanism that has been executed in various humanitarian emergencies since the 2005 Humanitarian reform.

Also, a great number of scholars have emphasized that response to and prevention of sexual violence during the period of conflict is frustrated through the way in which the action of the humanitarian is coordinated and organized; no single agency, United Nations (UNs) or otherwise is emphasizing any distinct leadership in tackling sexual violence.

This Research Paper emphasizes that the disparity between the promise of Justice by the Humanitarian and the actual reality of conflict disrupted populations and that of survivors/victims of sexual violence is partly as a result of the present (mis)understanding of sexual violence during armed conflict. Comprehending shapes practice, the way and manner in which humanitarian action is coordinated; no single agency, United Nations (UNs) or otherwise is showcasing any leadership in tackling sexual violence.

This Research Paper emphasizes that the gap between the Promise of justice by the humanitarian and the factual reality of conflict affected populations and that of survivors/victims of sexual violence is partly as a result of the present misunderstandings of sexual violence in armed conflict. Understanding shapes practice; the manner in which sexual violence is conceptualized will have an effect on the manner those participated in interventions for support or prevention of victims interact and behave, as this can in some situation be challenging.

Therefore; the research paper basically looks at the International humanitarian issues around sexual violence in armed conflicts and its understanding of survivors/victims. Next, the Research Paper analysis and evaluates how the international humanitarian community stances itself in respect to sexual violence survivors and victims' and also how it conceptualizes its function in tackling sexual violence during the time of conflict.

Thirdly, the research paper looks at the silences on the international sexual violence issues most especially in respect to the manner that obscured interests in ensuring that the status quo continually remains the same. Lastly, the significance of the results for humanitarian practices is emphasized and suggestions are made in respect to how to pave forward so as to arrive at a more attainable and realistic humanitarian Actions.

### **Understanding Sexual Violence in Armed Conflict: Depoliticisation, Medicalisation and Instrumentality**

The International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the Former Yugoslavia (ICTY) are majorly known as the events that put sexual violence in conflict on the international agenda. The particular case of the 1998 International Criminal Tribunal for Rwanda (ICTR) Akayesu Paul Jean has virtually been referred to as a historical attainment as it effectively prosecuted rape as genocide, regardless of the initial unwillingness to do so. This as well as other landmark scenarios nevertheless assisted in transforming sexual violence in conflict from an unfortunate but unavoidable by the actions of wars to a serious violation of human rights and as part of crimes against humanity and as war crime, genocide and torture to attain a weaponized Portfolio.

This conceptualization of sexual violence as a 'tool for war' has become pervasive in scholarly works on conflicts, media accounts applying description such as 'deliberate military strategy', 'terror tactic' and as a 'bio military strategy' by which equipped combatants symbolically cross the enemy lines. United Nation (UN) Security Council Resolution (UNSCR) of 1820 basically emphasizes that sexual violence is a 'tactic of war' in which the populations of the civilians are methodically aimed at as 'part of a systematic or a widespread attack'. Sexual violence is usually accepted by sophisticated armed groups instead of as an international planned action of war. And therefore; this term has served to emphasize the 'pervasive, systematic and orchestrated nature' of sexual violence during the period of armed conflict. Nevertheless; it is incomplete and narrow.

For instance, there are generalization of sexual violence as a 'tool for genocide' in Rwanda which renders invisible and unknown victims other than the Tutsi women, such as the men and women of Twa and Hutu ethnicities. Also in a similar vein, the instrument of war explanation evaluates sexual violence as a tool applied by equipped combatants, carrying out violence caused by the civilian such as the intimate partners to vanish. Also, Sexual Violence acts carried out by the African Union (AU) or United Nation (UN) peacemakers; deployed personnel of the United Nation (UN) activities, United Nation (UN) volunteers, specialists on mission, military observers, consultants, contractors and police units become excluded from major and serious injury - let alone sexual violence among various humanitarians.

While on the other hand, scholars cautions that the approach to sexual violence as an instrument of weapon could have opposite effect by maximizing its value as an

instruments to significantly and basically disentangle the fabric of the community, the major concentration of this Research Paper is that the concept of instrumentality hazards of designing the humanitarian initiatives that entails with the restricted comprehension of sexual violence is carried out by equipped combatants. An instance of this is whereby services for sexual violence survivors/victims in Northern Uganda selectively aimed those that have been committed by unanimous equipped combatants, even though violence from recognized perpetrators was much more frequent. However; the idea and impression of instrumentality is not the sole challenging manner in which sexual violence in conflict has been framed by the international community.

Actually, alongside the label 'tool of war; sexual violence has continually occurred from a (bio) medical standpoint, proof in the common idea and impression of rape pandemics or even rape epidemics. Medicalisation tends to minimize sexual violence to a harm done or an apolitical 'injury' that has majorly eliminate the power relations that inform and produce gender leaving in its place suffering bodies, without causes or perpetrators, each of which can be handled by the global 'humanitarian kit'. In such a way, the main emphasis is selectively on the survivor/victim: 'the batterer becomes invisible as well as the challenge'. The sexual violence survivor/victim becomes a 'patient viewed in isolation from various forms of injustices as well as exploitation'. Therefore, Medicalisation ensures for the decoupling of sexual violence from its economic, socio cultural and political contexts and also Interventions centered on Medicalisation hazard tackling 'the symptoms' of violence instead of the underlying 'illness'.

Humanitarian action results to the connections of suffering to innocence; as an innocent victim is more probably to generate the giving reflex instead of an image of an individual as oppressed rights bearers entailing an obligation from peoples and states across the globe. Also; Medicalisation depoliticises the female survivor/victim of sexual violence so as to render her, as a recipient of global aid, 'legitimate, palatable and even sympathetic' - not unconnected to the importance centered on Victorian perspectives about the loss of honor, sexual integrity and societal perspectives that criticizes victims for their own rape. Consequent depoliticisation and Medicalisation have not solely ensured survivors/victims of sexual violence to become the 'poster child for humanitarian assistance' but also links humanitarian activities on sexual violence to political neutrality, usually important for access of humanitarian stakeholders to and safety related in war zones.

Also, it is important to note that although depoliticisation and Medicalisation are essential to 'decontaminate' the (most especially) female survivor/victim of sexual violence in order to make her 'worthy' of humanitarian aid in the global south, this may be clearly distinct for western girls and women that are raped, particularly when the perpetrator is viewed as the 'the other'. presently, the varieties of sexual violence as an 'epidemic' regained current ground in media accounts of Europe's refugee conflict: an instance such as rape. Medicalisation tends to address the sensed level of the challenge, postulating it as a bio political plan of warfare applied by 'the enemy'. Here, sexual violence against western women tend to be politicized instead of been depoliticized by calling on politicians yet in a manner that has the occurrence of depoliticized



by calling on politicians yet in a manner that has the occurrence of western men asserting their dominance over 'their' women.

Also, Medicalisation draws attention away from the structural differences that are so closely connected to this violation of human rights for both women from the global south and western women. The basic 'truth' is that sexual violence during the times of conflict does not develop and occur in isolation from the society's pre existing culturally and socio economic shaped gender connections'

The Notion of Instrumentality, Depoliticisation (of other women) and Medicalisation prohibits the deep comprehension of sexual violence in armed conflict by failing to reflect and depict the vigorous and purposeful complexity of this violation of human rights. Centered on restricted understanding, humanitarian assistance centered on safeguarding of Internally Displaced Person (IDP) and refugee communities or the provision of reproductive and sexual health services for survivors/victims of sexual violence is bound to be inadequate and ineffective.

### **Positioning the International Humanitarian Community: Heroic Safeguard of Girls and Women**

Understanding the response of the international humanitarian community to sexual violence during the time of armed conflict necessitates an evaluation of how stakeholders within this community stance themselves in respect to the issue as well as to survivors/victims of sexual violence. The beginning conceptualization of humanitarianism as the 'philanthropic provisions of relief' is inherently racist: racism which still lingers from colonialism was usually comforted instead of being challenged by humanitarian reporting and marketing which took a patronizing philanthropic perspective. Various private acts of humanitarian giving were likely tainted by the perspectives of Asian and African inferiority that served to infantilize these societies as well as to dehumanize and degrade their individuals to an almost pornographic level.

Actually, the very act of giving might usually have served to attest such racism. However; the language of the international humanitarian community has previously migrated to a rights centered narrative assisted by the development of the International Humanitarian Law, it is not unimaginable that these notions still occur, particularly when it entails to sexual violence in conflict - where the suffering and pains of others become the source of western, white moral superiority.

United Nation (UN) discussion around women/girls in war and gender and sexual centered violence in conflict possesses an unmistakable importance on female vulnerability, reinforcing every common gender stereotypes. Subsequently, the vulnerability of women compensated with safeguarding the 'essence to safeguard women in war' is visibly proved in different Security Council resolutions such as Resolutions 1888 (2009); 1820 (2008); 2106 (2013) and 1960 (2010).

This repetitious and uninteresting of the vulnerable woman continuously equated with the 'girl child', successfully strips her of her agency while silencing simultane-

ously every discussion surrounding the male victims of sexual violence during armed conflict. Such discussions ignore war zones sexually exploited boys and also culturally advanced and refined men compelled to carry out acts of sexual violence.

In Northern Uganda, compelling men to rape family members and raping of men served to continuously oppress communities by negatively affecting family bonds. A major study discovered that more than one in five male refugees from the District Republic of Congo (DRC) had encountered sexual violence in their Lifetime.

Feminist Scholars have emphasized that the beginning terms from the 1990s such as the 'violence against women'; however stressing on its structural forming parts, has to create provision for the more objective and neutral term 'gender centered violence'. However; this supposed neutrality based on some; disavow the connection between women's subordination in societies - and violence and historically rooted gender inequality by insisting that violence and gender is an issue to please those who were of feminist terminology - with the repercussion of losing its critical and political capability. In practice, it has created room for the inclusion of male survivors/victims of sexual violence. Nevertheless, the male survivors/victims remain an elusive subject in the international sexual violence. Discussion, rendering the inclusion agreement is insincere.

Actually, much still requires to be carried out by the humanitarian community to tackle sexual violence against girls/women. Furthermore, it is actually sexual violence against women that emphasizes the essence of holding on to the connection between sexual violence and women's and girls' subordination. To rape a woman or to sexually violate a woman or a girl is to ensure lesbianism and sexually afflict victim. Now she is considered a raped woman or girl and this affects her negatively and she is now not solely subordinate to other women but she is also subordinate to other men or women precisely because she is seen as a weak woman. By applying the word sexual including gender based violence and gender loses its close connection with historically rooted inequality and the insubordination of women's is therefore reproduced by the International Humanitarian community.

Also; the concentration on the vulnerability of women renders invisible female accomplices or perpetrators in sexual violence such as the sexual torture of hostages carried out by Female United States (US) military personnel at Ghraib Abu prison in Baghdad, Iraq. Sierra Leone's female fighters Revolutionary United Front (RUF) majorly involved in gang raping. Also; Sexual violence survivors/victims that fall outside the dichotomy of socially constructed gender portfolios are disregarded, even though transgender, bisexual or lesbian individuals may be at a particular hazard of sexual violence in the scenarios of political instability and armed conflict.

Further moving away from the male perpetrators/female victim dichotomy in the international sexual violence discussion, the victim-perpetrator binary basically ignores how individuals may both be agents and subjects of violence in respect to child soldiers who are the primary survivors/victims of (sexual) violence and later participate

in its perpetration. A number of studies look at sexual violence perpetration as a tool for maximizing social cohesion among equipped groups. This explains again that the complexity contexts within which sexual violence transpires are not wholly comprehended.

Nevertheless; the simplistic perspective of the girl child and vulnerable women requiring protection serves as a 'backbone pillar of the Humanitarian sentiment'. As the extremely susceptible of the 'other' (non western) woman comes at the expense of her agency and power, it seems that the perspectives underlying the more present rights-inspired rhetoric of 'safeguard' are only a continuation of the under presences of paternalism, racism, patriarchal hegemonies of the west and colonialism.

In the present day, the narrative of the protectionist action of the humanitarian, majorly referred to as the heroic narrative, the (white, male) west is the backer of the progressive values such as freedom, security and peace as well as the heroic savior, who brings 'human rights and peace to the local communities that requires saving'. The former remains a passive, powerless, symbol of poverty, helplessness, violence, oppressed by non-western/non-white oppressors.

The nature of these narratives permits us to evaluate the self representation and self positioning of the international humanitarian community in the light of grandiosity; entailing an 'attempts to give yourself, your organization (occupational group or probably the society in which you dwell, a positive; if somewhat well polished, superficial and status improving Image.

The International humanitarian community has polished its self image (its image) not solely through the heroic narrative centered on female vulnerability but as well as through the 'inflation of job titles'. Although, there is an improvement from 'executives' to 'managers' and 'vice presidents' within the humanitarian community, it entails of High Commissioners, special envoys, special representatives of the secretary general on sexual violence in conflict as well as the secretary general.

However, these designations may effectively improve the image of the humanitarian community and of influential persons within that community. Nevertheless; it propels a naming game that increases the distance in respect to power between a 'rape victim' and a 'high commissioner'. Whereas 'the bestowment' of humanitarian aid upon 'beneficiaries' already significantly disempowers the recipients, humanitarian titles aid in the reproduction of this asymmetric Connection.

The angle in which the International Humanitarian Community places itself in respect to survivors/victims of sexual violence during the period of armed conflict adds up to a restricted understanding of sexual violence. It also obscures the complicity of humanitarians not solely directly as a result of their absence or presence in warzones but also due to the indirectly west involvement in the creation of these conflicts.

### **Complicity and Elephant in the Room: Supra Personal Perpetrators**

In June 2014, the first Global summit towards ending sexual violence in conflict amalgamated together delegates from more than 150 nations and more than a thousand religious leaders, professionals, international organizations and representatives of civil society to tackle warzone sexual violence. 'Special envoy for the United Nation (UN) High Commissioner on Refugee and Hollywood actress Angelina Jolie co-chaired the summit with the United Kingdom (UK) Foreign Secretary; Hague William worked together in their zeal to handle sexual violence in conflict.

The contribution of Jolie's to the field, the Global Summit was a sterling instance of how the international humanitarian's community majorly involves with celebrities in what is referred to as celebrity humanitarianism or celebrity diplomacy. This is not wholly dangerous considering that stakeholders usually present these issues stripped of their basic complicated nature. Also; celebrities recreate the developing globe and the individuals who dwell in developing nations (as well as sexual violence survivors/victims), to put them in their necessary place in the Neoliberal international system through a per-formative perpetuation embedded historically subjective. Also in the same vein, the rising integration of social media into humanitarian campaigns in what is referred to as 'click, forget and donate campaigns' has not solely reframed 'assisting others' in respect to 'narcissistic self work and entrepreneurial' but also depoliticized humanitarianisms by privileging 'personalized action instead of grand political and ethical changes that intends to break down the worldwide structures of injustices'.

Also; in other words, humanitarian involvement with social media and celebrities may not come from a desire to 'stand shoulder to shoulder with every victims as well as those affected by sexual violence during conflict' but rather serves to continually strip sexual violence of its complexity and present it in a manner that makes it seems 'solvable'. This raises the question of whether the 'popularization of human rights' serves as suggested by humanitarian organizations themselves, to create visibility on to create support.

Undeniably, the Global Summit drew necessary and substantial rapt attention towards the theme of sexual violence during conflict. So much so, BanguraHawa Zainab, 'United Nation (UN) Secretary General's Special representative for sexual violence in conflict'. With various Humanitarian Power wielded Governments, United Nation (UN) agencies, donors available in one place to discuss about a subject, there could have been considerable potential to tackle some issues that negatively affect the effective emphasize of sexual violence. Yet this did not occur.

'Why,[...] with all these health activists and global leaders gathered to handle the case of sexual violence in conflicts was no one discussing about one of the major threats to the welfare of women raped in conflicts?. The panel, which involved the delegates of the United Kingdom (UK) and the United States (US) governments, the International Committee of the Red Cross and the International Committee stated that it could not emphasize on the target of [...] inquiry: The Helms Amendment of 1973 of the United

State (US) Foreign assistance Act. Her question revealed the hypocrisy at the heart of international commitments to support survivors of sexual violence in conflict.

Under the Helms Amendment, the United State (US) statutory law restricts the United States (US) Agency for international department (USAID) finance to pay for the performance of safe abortion services. Even though the Global Gag or the 'Mexico city policy' in 2009 (which obligated organizations to declare non involvement in the provisions of any services connected to abortion, even if these services were funded by other finances), the Helmes Amendment remains in place, with the repercussion that programming 'has been restricted by its resistance to buying life saving tools such as manual vacuum aspiration rates for treating uncompleted abortions.

The excess interpretation of the Helmes Amendment has also kept the United States (US) Agency for international Development (USAID) from creating or allowing abortion services in scenarios that are excluded under the restriction- that is, abortions to save the life of a woman in the scenario of incest or rape. The United States (US) regulations thereby directly interferes with the provision of life saving services for sexual violence survivors/victims, even though in the absence of necessary rapt attention, numerous (raped) women will continue suffering from unsafe 'backstreet' abortions or dwell with usually deliberating repercussions - Donor prohibitions on financing can solely be effectively challenged when the International humanitarian community unites in its resistance. Looking at the fierce competitiveness among humanitarian organizations, this is highly likely

Whereas discursive non-action or silences is unmistakable in the above mentioned instance, in other scenarios; silences are less straight forward. Despite the present acknowledgement of women's and men's differential demands, information from peace activities fieldwork is usually not gender-disaggregated.

The Disaggregation of data in respect to Gender would probably result to the recognition of the inequalities in humanitarian aid, Also, obligating organizations to discover ways to fill these vacuums with all its political and financial consequences; not challenging the status quo makes decision makers lives considerably easier. By showcasing inequalities, the processes that create them are probably to become exposed and a situation whereby the International humanitarian community is implicated in reproducing or creating these inequalities, there is considerable motivation to not disaggregate data on the essence of gender.

Another instance of the way in which the (dis)organization of the international humanitarian community contributes to the ineffective emphasis of sexual violence during the period of armed conflict is how in major scenarios; intergovernmental organizations and Non Governmental Organizations (NGOs) are investigated by professionals who are compensated by their financiers and that they sometimes select. The lack of accountability by humanitarian agencies to their beneficiaries or as well as independent, external institution takes away evaluation as a privilege to enhance their prac-

tices.

There may be different incentives for such unhelpful attitude. Looking at the damaging capability of pessimistic analyses; relief agencies demands for an optimistic analysis for the continuation of their finding, existence and recipient nations desires positive analyses for the validation of their projectors and analysts requires a positive analyses because their future employment may center on it; even in-house evaluators such as those who work in the institutionally insulated analysis department of the global bank are aware that the way to forge ahead is not to keep so many reports that their agency's projects have derailed.

In the world of the humanitarians where everyone is aware of themselves, stakeholders within the system are frightened to lose their jobs of speaking out; stakeholders outside the system are frightened that condemning Non Governmental Organizations (NGOs) may result to the discontinuation of programmes to the detriment of their beneficiaries. This paradox is sustained through a challenge of self reflexivity that 'removes the conditions of power in which specific knowledge's become centralized, viewed as self evident reality and/or others are exempted, registering as incomprehensible or irrational (impenetrable, impractical). The way hegemony is naturalized and legitimized therefore goes unidentified and is continuously reinforced'

Sometimes, the complicity of the international community in sexual violence is direct, for instance, a situation whereby sexual violence is carried out by Non Governmental Organization (NGO) peacekeepers or personnel. In other scenarios; humanitarian's complicity is less direct, not solely through fallacious discourses but as well as through silences

The Action of the Humanitarian can solely be as effective if its political society allows it to be; 'when the political context is not appropriate, studies are ignored, evaluations are forgotten, research is bypassed and aid itself can be reduced. Wheels are reinvented that, in various scenarios, it never actually worked in the initial place'. Against the backdrop, raped women upon departing Internally Displaced (IDP)/Refugee camp to collect firewood cannot be blamed on the continuous repeated 'absence of coordination and funds'. These instances emphasizes how the organization of the international humanitarian system tends to be aimed at allowing its survival instead of to attain its promises to those disrupted violence.

### **A Case of Complexity**

This Research paper critically looks how humanitarian discourses about sexual violence during armed conflict basically simplify Sexual violence as well as strip it of its inherent complexities embedded within political, economical and socio-cultural realities that inform the major differential sexual violence. The way in which the international humanitarian community places itself with respect to sexual violence and its survivors/victims serves to reinforce and support a simplified version of sexual violence that can basically be sold to the public.

Hypocrisy and silence embedded in the way in which the international humanitarian system is coordinated further ensures the status quo. This analysis of silences and discourses combined with the interests that play a significant role in the international humanitarian arena (particularly in the larger organizations and institutions) indicates how favorable intentions are unlikely to be attained. Sexual Violence in conflict most especially indicates the international humanitarian system as its Limits.

There is a mismatch between the nature of the issue and the way it is comprehended resulting to the development of initiatives on the ground that it is out of touch with the complex nature of the challenges these initiatives intends to tackle. Actually; the shortcomings of staff and policies in the field are not to be blame, but rather how major concepts around sexual violence in armed conflicts have been disseminated and framed within the international humanitarian community.

The question is whether the mismatch between the nature and extent of sexual violence is armed conflict, the way in which the International humanitarian community really comprehends it and the way in which it is subsequently emphasized (or not emphasized) in the field is either part of the inherent hypocrisy or unintentional of the international system. The answer of the question is unlikely to be straightforward. Simplicity, that is reductionist philosophy, underlines much of the global, summing up to 'a system where simplicity is consistently repeated and damagingly selected over appropriateness and relevance'.

The consequence of this approach is that the issue cannot be effectively tackled illustrated by 'gender being handled as a portable tool of improvement and analysis that can be carried around in the back pockets of both development staff and international humanitarian' rather than a concept that should inform major understanding. Simplicity ensures humanitarian stakeholders not solely relief from the obligation to investigate structural contexts that ensures the prevalence of sexual violence during the time of conflict but as well as exclusion from scrutiny in situations whereby stakeholders are complicit in (re)producing these structural inequalities.

This results to a paradigm shift from conventional simplicity reasoning to complexity reasoning - a way of viewing at global challenges where dynamics, inter connectivity's and complexities are identified rather than prohibited and therefore towards a more realistic deeper comprehension of the issue. If humanitarian can be able to apply complexity reasoning, the appropriate questions would be queried rather than the provided appropriate solutions and organizational learning would be tireless and fearless, attributed by learning and co-evolving with 'beneficiaries' instead of for them: International humanitarian systems would be 'as open to adjust on the inside as it was yearning for change outside'.

This entails (re)connecting not solely significant research to humanitarian theory but also theory to practice. This entails that researchers have to be capable to fearlessly involve with feminist reasoning band by giving 'gender' back it practical and political potential by (re)visualizing sexuality and the significant dimensions of sexual vio-

lence during armed conflict. Actually, 'a depoliticized, disembodied gender discourse hardly holds out the hope for women's empowerment and transformation. Also, creating a trending humanitarian globe entails a maximized consciousness of the antiquated assumptions that underlie the present significant discourses. Agency or power is in fact determined and characterized through the 'accumulation, production, functioning and circulation of a discourse' which entails that the international humanitarian community can (re)creates meaning as well as put it into practice.

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**Link:** <https://youth-journal.org/comprehending-sexual-violence-in-armed-conflict>



## Examining the Environmental Laws in Africa: Nigeria as a Case Study

TOCHUKWU BENEDICT EZEIFEKWUABA

*Environmental Degradation has consistently resulted to undesired obstacles for economic and health development in Nigeria. Some of these challenges entail pollution, deforestation, improper pesticides and Global Warming. Despite the Environmental laws aimed at minimizing these challenges, the condition in Nigeria tends to degenerate as a result of the fact that these laws are not enforced effectively.*



The purpose of a good and conducive environment cannot be given too much attention and importance. Environmental Laws occurs so as to reduce the threatening environmental challenges which occur from human exercises in the search for economic development and growth. The essence for environmental laws and regulations emanates from the fact that it brings about enhanced health and ensures favorable living conditions.

Although, the significant environmental challenges in Nigeria which entail deforestation, oil spillage, ozone layer depletion, associated soil zones, acid deposition, desertification, pollution, global warming among others occurs as a result of the poor enforcement of environmental laws. This unyielding desired results or incompetence is as result of some obstacles of enforcement which varies from conflicts role in corruption, environmental mismanagement and bad government common in the Nation due to lack of enforcement facilities.

It is on this emphasis that this paper tends to evaluate the nature of the environment, environmental laws, the obstacles faced by the enforcement agencies in executing these laws, the enforcement of environmental laws, the challenges of the environmental laws and the various reforms towards an effective enforcement of the environmental laws in the country.

### Some Federal Environmental Legislations

- Niger Delta Development Commission (NDDC) Act: This Act is majorly concerned with applying allocated finance to tackle ecological challenges occurring from the discovery of oil minerals in the Niger Delta Region. This Act ensures that the commission executes and plan for projects towards the sustainable development of Delta in the

area of housing and urban development, fisheries, agriculture, health, transportation, etc.

- Petroleum Act of 1969: This is a major legislation on oil and gas and oil activities in the country. It ensures environmental safeguard and public safety.
- Petroleum Refining Regulations: This entails that the manager of a refinery take measures in order to prohibit and reduce pollution of the environment
- Production Drilling and Production Regulations: This places Prohibitions from making use of land within fifty yards of any buildings, restricting the falling down of trees in forest reserves and establishing the appropriate measures that must be carried out to prohibit water production and to terminate it if it happens
- Oil Pipelines Act of 1956: This Act provides a civil liberty on an individual who is in control of an oil pipeline.
- Harmful Waste (Special Criminal Provisions) Act of 1988: This act restricts without legal authority the dumping, carrying or depositing of dangerous wastes in the waters, land or air of Nigeria.
- Environmental Impact Assessment Act of 1992: This Act evaluates the major negative implications in which private or public projects are probably to have on the environment.
- National Environmental Standards and Regulations Enforcement (NESREA): This Act substituted the Federal Environmental Protection Agency Act (FEPA) of 1988. It is also administered by the Federal Ministry of Environment (FME) in order to promote and safeguard the sustainable development of the Environment and its Natural Resources.
- Federal Hazardous and Solid Waste Management Regulations (1991): This act compels industries to recognize solid dangerous wastes that are harmful to the health of the Public and to the environment and to research into the probability of recycling them
- National Environmental Protection (1991): It prohibits the expel of dangerous substances into the environment such as water, land or air of Nigeria beyond recommended limits set by the Agency

### **Some States Environmental legislations**

Some of the Thirty Six states of the Country as well as the Federal Capital Territory of Abuja have laws entailing environmental safety and protection. We shall focus on Kwara State and Lagos State.

- Kwara State Environmental Protection Agency Law: This Agency carries out development and research activity for environmental protection and also tutors the general public on the various forms of disposal methods by the State Government for Industrial and Domestic waste among others
- Environmental Pollution Control of Lagos State: This law makes it an offence or a crime to permit or cause a discharge of untreated raw human waste into any public drain or into any water or land or water discourse. The Kwara State Government so as to ensure environmental awareness in the state created the Kwara State Environmental Protection Agency Law
- Environmental Sanitation Law of Lagos State: This is a Lagos State Enactment on En-

vironmental Protection and Sanitation. It prohibits improper disposal of wastes, street obstruction, and failure to clean sidewalks as well as refusal to cover refuse bins

### **Environmental Mechanisms**

The Environmental Protection legislations at the State and Federal Levels in the Country create excellent arrays of enforcement mechanisms. These entails license, permit, certificate, search, inspection, seizure, sealing, arrest, notice of revocation of permit, notice of violations, recourse to courts for civil penalties for violation, revocation order, criminal sanctions for violations, injunctive relief to require compliance citizens suits to enforce the statutes in absence of effective government enforcement.

- Civil Penalties: These entail the payment of costs or damages due to the violation of any of the Nigeria Environmental Protection Laws.
- Arrest: This is the most famous of all the enforcement approaches. It is provided for all in the local and state Governments that has to do with environmental protection. The obligated Government Agent is vested with the power to arrest and track any individual who he has purpose or believed to have perpetrated a crime under the stated law
- Criminal Prosecution: This is a worthwhile or practicable technique for enforcing environmental legislations. Environmental Laws perpetrators are sentence to court if discovered guilty and convicted to court.
- Certificate, License and permit: This serve as the most effective initiatives of enforcement of environmental laws. Environmental regulations and Statues provides for issuing certificates, licenses and permits upon satisfaction and applications of the stated and provided conditions prior to the issue. The certificates, licenses and permits are used by Government as a monitoring instrument in other to control the activities which are the major causes of environmental pollution.
- Searches and Inspections: The major essence is to ensure that the laws applicable to companies, industries and individuals are complied. This is the major essence of enforcement technologies; it also assists to be aware of anyone who has violated the environmental laws so as to be able to apply lawful actions against such an individual. Licensed officers are empowered to examine and request for any necessary and compulsory certificates, licenses and permits or other necessary document as well as any device, appliance or other items applied in respect to environmental safeguard
- Sealing and Seizure: This Methodology entails sealing up or closing of any site or area which will be, has been or been indirectly or directly used for the essence of dumping or depositing of any hazardous wastes.

### **Functions of the Environmental Law Enforcement Agencies in Nigeria**

There are numerous Environmental Law Enforcement Agencies that helps in the execution of environmental legislations in Nigeria. Some of these are emphasized below:

- National Emergency Management Agency (NEMA): This partner's works with the National Orientation Agency (NOA) and the National Environmental Standards and Regulations Enforcement Agency (NESREA) in managing flood and disasters in Nige-

ria

- Nigeria Maritime Administration and Safety Agency (NIMASA): This Agency is duly responsible for controlling Marine Pollution and prevention Control, search and rescue, training, sabotage enforcement as well as certification and training of seafarers.
- National Water Resources Institute (NWRI): This Institutes monitors and checks water pollution as well as enforce drinking water treatment
- National Oil Spill Detection and Response Agency (NOSDRA): The Federal Government created this agency as an institutional context and system in other to execute the National Oil Spill Contingency plan which is a manual blueprint for checking and monitoring of oil spill through recovery, containment, restoration and remediation.
- The Nigerian Police: The Nigerian Police officers are vested with the authority to enforce, monitor and ensure laws on Nigeria Environmental activities most especially in respect to the Harmful Waste Act.
- National Orientation Agency (NOA): The National Orientation Agency (NOA) assists in ensuring that the Federal Government Environmental policies and programmes are effectively understood by the Nigerian Citizens.
- National Agency for Food and Drug Administration and Control (NAFDAC): The National Agency for Food and Drug Administration and Control (NAFDAC) is under the umbrella of the Federal Ministry of Health and it also issues permits and licenses for firms and industries for importation of chemicals, cosmetic and food.
- Local Government Environmental Protection Agency/State Government Environmental Protection Agency: They play major function in the environmental laws enforcement. It is the highest reference administrative body in Nigeria environmental matters
- National Environmental Standards and Regulations Enforcement Agency (NESREA): This is a significant enforcement agency in the country. The Agency is demanded by law to be in charge of the development and protection of the environmental technology as well as initiating of policy in respect to environmental technology and research majorly to advice the Federal Government concerning environmental priorities and policies as well on the technological and scientific activities disrupting the environment.
- The Court: Under the Legal System of Nigeria. The law is being interpreted by the judiciary therefore the Judiciary exhumes life into the law to ensure for its full compliance. Class Actions by a community or a group embarking on environmental claims can be carried out in the Law Court. The actions are popular in the Oil and Gas Industries where the industries pollute the air, water or land of a specific community and they seek for redress in court. Courts in Nigeria have bestowed general and special damages in actions for damages occurring from environmental pollutions.

### **The Challenges and Deficiencies of Environmental Enforcement**

There are functional inadequate policies in Nigeria for monitoring and coordinating the relationship between Sustainable Development and Environmental Management. For example, the mechanism for management and collection of environmental statistics of services and facilities providers and waste vendors, waste transporters, companies effluent emission data, landfills areas, sewage treatment plants, carbon footprints

and other recycling agencies are neither implemented or developed.

The Target and Focus of Environmental Laws enforcement is also a challenge. Finance is also a setback. Also they are understaffed. They could neither attain the demands of different responsibilities nor meet the sophisticated costly Equipment. Threats from influential groups and individuals negatively affect effective law enforcement on the environment. Bad Governance and Corruption which is common in the Nation also affects environmental laws enforcement. Another serious obstacle of Environmental Laws Enforcement is the absence of current day's technology. Minimal level of Constitutional Provision for Environmental protection is a challenge. The National Environmental Standards and Regulations Enforcement agency (NESREA), a significant agency of environmental law enforcement do not possess the necessary enforcement powers over the oil and gas sectors. This negatively affects environmental justice.

There are also conflicts of role in environmental management; this results to conflicts of roles between them. The relationship discordance among the arms of government restricts the effectiveness in carrying out their environmental enforcement, monitoring and protection. Another major challenge is the undue adherence to legalism by the courts; it is a major challenge of Nigeria Environmental Laws. Individuals do not have environmental freedom to attain their related environmental challenges in the law court so as to claim the infringement of a specific environmental law or right. Restricted number of professionals in the field of environment to provide evidence also frustrates environmental litigation in the Country.

The absence of compulsory disclosure of information by operators of facilities and industries whose activities are probably to result to pollution is another challenge on the environment laws enforcement. There is no lawful framework for the industries, binding them to obey all the requirements for conformity in respect to pollution prohibition and reduction Standards. The Industries select or conceal the interpretation of qualitative or quantitative necessary information concerning compliance monitoring of facilities and industries. A Maximized General System of Categorization of Industries ignores some industries in the categorization. This poses challenges in applying Environmental Impact Assessment (EIA) rules and regulations to those industries that have not been captured.

Poor communication is among the Internal Departments of the Federal Ministry of Environment (FEM) to the level that the department may not be aware of what other departments are doing; there is Lack of knowledge of the general legislation covering the environment and the State and Federal Environmental regulations. The search power of the officers of the National Environmental Standards and Regulations Enforcement agency (NESREA) is deficient in catering provisions for a court order before a thorough search can be carried out on any premises or vessels.

### **Suggested Reforms for the Environment Enforcement**

The obstacles of Enforcement Law are universal. Environmental law in China provide Local Government the duty of ensuring environmental quality and also desig-

nate awards to individuals and units that have made remarkable achievements in safeguarding the environment; this could be applied as a model for Nigeria Local Governments. Other recommended environmental enforcement reforms entails:

- Establishments of Environmental Courts: Just as there are National Industrial Courts in the Nation, environmental Courts that would handle environmental issues should be created for appropriate enforcement of environmental laws in the Nation. This would allow for a swift response to the demands of the environment, aid enforcement of various laws and popularize environmental laws.

- Swift Response to Environmental Emergencies: There should be a swift reaction to environment emergencies in the Nation so as to prohibit the occurrence of unpleasant and unfavorable scenarios.

- Job Opportunities: employment opportunities should be provided for the citizens of the Nation so as to eradicate poverty rate in the Nation. Most of the environmental challenges occur as a result of the absence of infrastructure, high rate of poverty, and absence of optional source of energy to individuals who partake in cutting down economic trees for sustenance, involving in excessive fishing exercises, hunting wild animal's therefore causing severe harm to the environment

- Effective access to Justice: Legal Aid Scheme must be catered or those victims that are unable to afford the increase cost of litigation. The citizens must have effective and equal access to justice

- Private Litigation: This is an effective tool for environmental laws enforcement to give the environment its necessary priority in the consciousness of the citizenry. The Nigerian citizens must have a proprietary interest in the human environment such that he feels a personal obligation to defend and safeguard that interest

- Submission of Periodic Reports: The State Government must ensure the preparation of periodic reports on the affairs of the environment in each community or state or submission to the Ministry of Environment. This will promote the new strategies and enforcement methodologies are proposed for successful management and monitoring of the environment.

- Training: The Government must try much of its possible best to equip its environmental agencies on how to ensure the proper enforcement of the existing environmental laws. Officers of the agencies must be tutored for proper enforcement.

- Environmental Law Awareness: Awareness must be made all around the Nation in every local and state Government areas about the potent and the positive implications on the development of the Nigeria State.

Also; Advertising must be carried out through the use of Media to inform individuals all over the Nation on the Environmental Challenges consistent in the country and

the methods of mitigating majority of these challenges.

- Severe punishments of Environmental Offences: The liabilities of those who go against the environmental laws and the attitude and behavior of the court are also essential in the environmental laws enforcement. The attitudes and behaviors of courts in their respective judgments towards justice to the environment must be effective.

- Funds: More finance should be distributed by the Government at every level to promote the implementation of projects aimed towards the enhancement of the environment.

It is trite to state that majority of the environmental challenges in Nigeria are due to the Non-Chalant concern of government towards environmental laws enforcement. There are absence of mechanisms for management and collection of environmental statistics; companies, emission data and other anti pollution equipment including waste transporters. The significant concern of the Government was the sanitation of the environment and the eradication of desertification, environmental pollution, use of pesticides, deforestation and major environmental challenges.

The Enforcement agencies, the court, the police, the local and state governments lack the proper and adequate enforcement strategies for the execution of the laws.

The agencies are not financially viable to attain their obligations as well as carry out their functions properly. Nigeria lacks standard equipment and present day technology for monitoring the environment to prohibit pollution. Corruption has deeply eaten in the environment to the level that most genuine officers threaten and harass perpetrators of environmental laws with the objective of collecting funds from them and also the allocated funds for the execution of environmental laws are distributed between officers of the agencies for their private purpose

The punishment for going against the law is also too lenient. It is suggested that the Local, State and Federal Government should all re-insist on a tougher enforcement of Environmental legislation in the Country with the purpose of adequately punishing all defaulting organizations.

The National Environmental Standards and Regulations Enforcement agency (NES-REA); A major environmental law enforcement agency in the country should be properly restructured by bestowing on it more authority on all efforts on environmental law enforcement as well as the environmental monitoring and permitting of all existing and new projects and also the approval of strategic environmental impact assessment.

All Local and State Governments should own their independent monitoring and supervisory bodies that will be in charge of the enforcement of environmental laws. The Environmental laws of Nigeria should provide the Local Government the responsibility of environmental quality as well as providing awards to individuals and units that has made significant achievements in safeguarding the environment. All present environmental legislations should be reviewed in other to fill in the existing loopholes and

gap which companies, industries and firms have taken advantage of Funds for the purchase of equipments, creation of awareness as well as other basic necessities should be channeled and disbursed to the necessary quarters as they will be required for an effective environmental management as well as the enforcement of laws.

Finally, environmental courts must be set up in other to handle environmental issues as this will ensure a swift response to the demands of the environment, ensure rapid awareness of the demands of the environmental laws and also assist in the implementation of these laws.

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**Link:** <https://youth-journal.org/examining-the-environmental-laws-in-africa-nigeria-as-a-cas>



## Globalization - Negative or Positive

TOCHUKWU BENEDICT EZEIFEKWUABA

*What is Globalization? Globalization has become an overused expression. However; users of the term disagree violently at times of its repercussions. Many believed that it can potentially lift and that it has lifted a lot of individuals out of poverty completely.*



Does it entail the integration of cultural, political and economic systems around the globe? Does it entail that individual nations will not be capable to trade decisions or carry out business on their own but will have to consult other nations? Does globalization entail being able to discover same restaurants and stores in every part of the globe? If these are the realities of globalization, what forms of effects will it have on the manner we live? Indeed; the broad principle of globalization intensifies more controversial issues and various questions.

Some argue that globalization is negative such that it compels poorer nations of the globe to carry out whatever the big developed nations tell them to do. Other says that globalization is a positive development such that it will provide more jobs and give rise to new industries in the developing nations. Another point of view is that; developed nations as well as Canada are the ones who may lose because they are involve in subcontracting a whole lot of the manufacturing jobs that used to be carried out by their own citizens. Subcontracting here entails obtaining goods through contract from external sources. That is the utmost reason why you may discover many of the cloth labels from developing nations such as Philippines, China and Malaysia, where they are manufactured at a reduced or at a minimal cost. Critics as well as reviewers of subcontracting emphasizes that no one wins with this act and practice. Workers in the developing nations as well as in Canada may lose their jobs while carrying out their work in poorer nations as they will be paid much less while working in harsh and unstable conditions.

What can actually be done about these realities? Global trade provides Canadians access to various products such as fruits that cannot be manufactured. Global Trade entails that produce such as mangoes, kiwifruit, bananas, and oranges are easy to be

seen in the grocery stores; this entails that farmers in developing nations have the benefit to manufacture and sell more products and make a better living. Some people in developing nations, however; feel that the wealthiest nations buying the products are also the ones who make the trade and production rules that they must follow thereby minimizing their opportunity at fair competition at the global market place. Also, this compels developing nations to manufacture export foods demanded by the wealthiest developed nations rather than manufacturing local foods to serve their own populations. The development of plantations and Orchards by Multinational Organizations in the poorer nations of the globe usually entails reduced land available for the output of local supplies. What can actually be done about these issues? Will more significance on 'free trade' make any difference?

Related Factors to globalization can also result to workers migration from their homeland in poorer nations to a more developed nation to seek for work. The migrant laborers may depart from their families and temporarily dwell in another nation. Therefore disrupting family as well as the social fabric of the home and host communities and also; majority of them may be sent home; minimizing the privileges their employment could have in the nation where they are provided job. Usually foreign workers enters into another nation and because they dwell in other countries continue to follow their customs, religions and also follow their own traditions and principles, they are usually charged for not being capable to accept and adapt their new nations. While on the other hand, these new comers usually complain that they are not properly treated and cannot live the way they would like in the developed nations they have moved to. This breeds questions to the specific functions of the human rights in respect to globalization. Should we reflect on the rights and responsibilities of new immigrants in our shopping acts and practices? Should we consider the rights and responsibilities of workers? Does it actually matter?

Many Developing Nations requires modern industries as well as the jobs these large scale productions bring to enhance their economies through globalization but they do not actually want to lose their own identity and culture in the process. Many developing nations are anxious that maximized globalization may result to loss of dominance or control over political and economic decisions and may also threaten their culture, language and tradition. With the economic and political influence around the globe as well as the predominance of American pop Culture and Tradition, many developing nations view globalization as a form of 'Americanization' that is weakening and eroding the fabric of traditional communities. It is also important to note that many developing nations do not have rigorous or severe rules in respect to environmental protection, therefore; industries do not require costly pollution control equipment, resulting in a severe water, air and soil pollution that would not be acceptable in Canada. Are the environmental and social effects of globalization things to be worried about?

There are various arguments for and against globalization. As consumers and citizens in a developed nation; should we be conscious of the potential effect of the purchase of clothing, food and other items which are necessary for people in developing nations? Are we knowledgeable with the working and living conditions of the laborers

in poorer nations that manufactures these items, should we be querying ourselves why numerous items manufactured in developing nations are so much cheaper than goods manufactured in Canada? Are we familiar with the environmental impact of manufacturing in developing nations? Are we aware of how much they get paid for their labor? Should we support those stores and companies that encourage fair trade even if it may entail slightly maximized prices? What are the potential effects of our customer preferences? What is our responsibility?

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**Link:** <https://youth-journal.org/globalization-ndash-negative-or-positive>

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