

Whitewashing the Question of Who Belongs:

American Cold War Policies of Deterrence, the Criminalization of Refugees,
and the Rise of the Detention/Deportation Carceral Apparatus in the United States

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On November 25, 2018, the United States military launched tear gas at Central American asylum seekers at the Tijuana border. This militarized act of deterrence sparked wild international debates regarding the ethics of using weapons on migrants, and a fierce social backlash on the home front. Pictures of the horrible atrocity filtered through news feeds, circled through major news outlets, and littered social media accounts. Everyone seemed to have an opinion on whether this action by the U.S. military was warranted and how the United States government could possibly stoop so low. They were furious at photographs of the armed riot police leering at exhausted, terrified mothers and children in tattered second-hand clothing. “This is not the America I know and love,” they said, implying that there was some sudden and sweeping policy shift that ripped their freedom-pursuing nation and its founding principles of equality for all out from beneath them. What sentiments like this fail to recognize, however, is that the American debate over “who belongs” is as old as the Declaration of Independence itself. And the answer, not only of who fits the desired quota, but also of how the government sets about enforcing that desire, in large part, gets erased from public memory.

This essay will evaluate the rise of the United States detention and deportation prison system and argue that the monolith that perpetuates human rights abuses daily finds its roots in institutionalized racism. In addition, through careful review of three groundbreaking additions to the study of migration, refugees, detention, and criminalization, it will provide substantial evidence that the United States of America crafts its migrant and refugee policies, ultimately answering the question of “who belongs,” through an anti-Black lens. The authors of these texts collectively enhance the argument that the enforcement policies of the United States’ modern immigration laws and subsequent detention/deportation apparatus rose from a historical legacy of anti-Blackness and Cold War policies of inhumane containment. Each scholar further

develops strands of this thread by weaving in various additional elements, such as historical migration patterns and trends, dictators, economic policies and trade legislation, legal cases and examples, geography, the increasing strength of the American carceral state, the proliferation of militarized international crime control measures, and ultimately, the merging of the American criminal justice system with its immigration policies and enforcement at all points of entry into the United States.

In her illuminative work *Seeking Refugee: Central American Migration to Mexico, the United States, and Canada*, historian Maria Cristina Garcia provides a thoroughly-researched account of the Central American civil wars during the last three decades of the 20th Century, during which time over one million people were internally displaced, and over two million were involuntarily forced out of their home countries (Garcia, 1). Garcia specializes in refugees, migration studies, and immigration issues in the post-Cold War and post-9/11 eras. In her work, the author concisely lays out the events of and those leading up to the conflicts themselves and proceeds to provide in-depth explanations of the responses each North American nation had to the resulting Central American refugee crisis. Garcia thoroughly explains the domestic and foreign policy interests of the United States, Canada, and Mexico during this time period, and how those interests intermingled and impacted each nation's individual and collective response to the refugees fleeing each country. The author draws parallels between the three conflicts, and connects the ideological and cultural similarities between them, but also calls special attention to the areas in which the conflicts differed - especially regarding U.S. Cold War political ideologies. She highlights the North American response to the refugee crisis by calling attention to both economic and policy decisions, and sheds light on the vital importance of the non-governmental transnational advocacy networks that developed as a result. Garcia highlights the

role journalists, lobbyists, non-profit organizations and other advocacy groups, religious clergy, and ordinary people had in increasing humanitarian pathways in each North American nation's policy development. Through narration of the broad humanitarian impact made by many specific groups and people, Garcia organizes her work into a comparative look at both policy and government action, interwoven with the response of the public.

By laying out first the historical events, and then providing explanations behind the policy decisions and subsequent actions of the United States, Canada, and Mexico, Garcia provides a transnational picture of the refugee and human rights crisis North America now faces in the early 21st Century. Her central argument emphasizes that this transnational crisis requires a transnational response, which is something the three neighbors have yet to establish. She calls for the three nations to collectively share the burden of accommodating and integrating the refugees from Central America and warns that shifting the burden of care to smaller, less financially developed nations in the area will only cause further economic and infrastructural problems in the future (Garcia, 2). Garcia explains Mexico's role as the country of first asylum, as geography typically dictates for groups migrating north. She explains that many of Mexico's immigration and deportation policies responded to the pressures put upon them by the United States, specifically the U.S. call for Mexico to strengthen its southern border with Guatemala and to crackdown on apprehensions and expulsions of migrants. Garcia emphasizes this display of cross-national migration policy-making by noting, "...In the NAFTA era, Mexico was willing to comply. Once again, Central Americans became the pawns of foreign policy decisions" (Garcia, 10).

The author then analyzes the United States' integral role as accessory in each Central American conflict, and the proceeding failure of the superpower to claim responsibility for that

role, ultimately resulting in a crisis of accountability in American policy-making discussions. Finally, the author tells the story of Canada's attempts to be historically humanitarian and provides examples of how and why this strategy created mixed results. Mexico and Canada typically tried to draft policies "independent in tone" from the United States, which specifically in Canada, generally resulted in more humanitarian responses. As a result of the U.S. 1968 Immigration Reform and Control Act, which imposed sanctions to curb the entry of undocumented workers into the United States, an influx of rerouted refugees fled to Canada, further exemplifying that this crisis was transnational in both scope and remedy (Garcia, 11).

By first describing in graphic detail the violent impact the wars had in their respective countries, and the pivotal role that U.S. Cold War policies of containment played in furthering the loss of human life and political instability in the region, Garcia argues that the United States has a moral authority to aid the refugees produced by these conflicts. The author places an emphasis on the role non-governmental actors played in shaping the national discussion of the refugee crisis in the United States. In a post-Vietnam world, a vocal contingent of anti-militarization activists linked the issues of militarization and immigration policy with human rights rhetoric in the increasingly globalized debate of how to handle refugees displaced through acts of neocolonial, post-Cold War containment and neoliberal economic policies. A major piece of Garcia's argument in the book connects this sentiment with the cross-national responsibility the three North American nations have to respond to this increasingly globalized humanitarian crisis.

Using the specific cases of the Central American civil wars and ensuing refugee emergency, Garcia argues that in the late 20th Century, the United States shaped both its foreign policy and its immigration legislation around the Cold War political strategy of containment. As

a result, a “culture of protest” rose up surrounding the inhumane handling of the crisis and the Sanctuary Movement resulted, which played a major part in shaping the domestic discussion of how to handle the refugees, forcing the corruption of the U.S. government’s actions in Central America into the public view (Garcia, 7). This vocal segment of human rights activists called for the U.S. government to accept culpability and shape subsequent policies in light of that acceptance. They worked through “protest and civil obedience, lobbying, and the shaping of public opinion, and ultimately through the courts” (Garcia, 86). Despite a fervent call for humane treatment of the refugees, because many of them chose to come to the United States instead of other countries in the region, the American government pressed their distinction as economic migrants rather than political refugees. This allowed the U.S. government to shift the blame to Central American economic trends, rather than their own involvement in the insidious political activity in the region. According to Garcia,

“The Reagan and Bush administrations denied that the ‘feet people’ were refugees, because to acknowledge this would have implied that the governments they supported with billions of dollars each year were terrorizing their own citizens – an action that would both alienate the United States’ Central American allies and sabotage continued congressional aid for these regimes” (Garcia, 10).

In addition to these policy responses rooted in Cold War containment, Garcia describes the American people as having “compassion fatigue,” given the large amount of refugees and asylum seekers journeying to the country for a better life (Garcia, 86). In addition to an increasing coolness towards the idea of accepting tattered new countrymen (with the notable exception of the activists and members of the Sanctuary Movement), the American people generally supported the idea of punishing communist leaders. According to Garcia, by 1990 “over 90 percent of the refugee admissions from abroad came from communist or communist-dominated countries” (Garcia, 88). In discussions of extending provisional temporary status and

opportunities for extended voluntary departure, the Reagan administration resisted helpful policies “on the grounds that the violence in El Salvador, Nicaragua, and Guatemala was not sufficiently intense or widespread to warrant such an action...Of course, for the Reagan administration to admit otherwise was to acknowledge that the governments it supported with millions of tax dollars were despotic regimes that violated human rights” (Garcia, 89-90). In this way, Garcia argues that U.S. immigration policies and the modern American detention/deportation apparatus was born from inhumane Cold War policies of deterrence, containment, and U.S. refusal to accept responsibility for supporting abusive regimes in the name of spreading democracy. In the final sections of her work, the author adds that in a post-9/11 world, the focus of North American policy-making, driven in large part by the interests of the United States, revolves around “the elusive goal of national security” (Garcia, 168). This emphasis on containment, deterrence, and increased homeland security measures through border control and deportation laid the foundation for the modern detention/deportation apparatus that has unequivocally merged American immigration policy with its criminal justice system.

Geographers Jenna Loyd and Alison Mountz substantiate Garcia’s argument in their work *Boats, Borders, and Bases: Race, the Cold War, and the Rise of Migration Detention in the United States*. Bringing an informed, unique perspective to the discussion, these two scholars provide fascinating evidence for their central argument that often *ad hoc* Cold War policies of containment and deterrence drove the production of the migration detention apparatus in the modern United States. In addition to supporting Garcia’s claim, the authors add the argument that anti-Black racism also worked in tandem with Cold War geopolitics to shape the formation of America’s modern carceral state. Loyd and Mountz use geography, history, and legal studies to argue “racialized asylum policies created the conditions for detention and border deterrence as

interrelated practices” (Loyd, 4). Using a detailed analysis of geographic ‘remoteness’ fabrication, a critical look at the use of repurposed military bases in the Caribbean as migration detention centers, and recognition that the erasure of these actions through the proliferation of the myth that America’s main “border” is the one it shares with Mexico, Loyd and Mountz effectively argue that the United States’ militarized and carceral detention/deportation regime is inherently rooted in transnational anti-Blackness.

Using the specific cases of Afro-Cubans and Haitians fleeing corruption, abuse, and communism, the authors provide evidence for their argument that much of the decision-making at the time found its roots in anti-Blackness. Loyd and Mountz explain that the Mariel arrivals from Cuba disrupted the “neatly drawn and geopoliticized categories of refugees into which U.S. immigration and refugee policies sorted populations”. Despite fleeing a known communist government with a long history of human rights abuses and animosity towards the United States, the authors explain that these predominantly poor Afro-Cubans “were quickly cast as unruly, racialized, unexpected, and undesirable migrants whose arrivals resulted in costly expenditures of resources and political will” (Loyd, 58).

During its first year, the Reagan administration implemented a program that involved two basic steps for dealing with Haitian and Cuban cases. The first measure involved interception at sea, and the second required subsequent mandatory detention at repurposed American military bases in the Caribbean. A major tenet of the argument proposed in this work centers around the idea of using detention as a deterrent for undesired groups fleeing to the United States. The resulting practice and classification of “Cuban-Haitian entrants (status pending)” blurred the line between migrants desiring a designated legal status and refugees fleeing violence in their home islands. In this way, the administration prevented these detained people from receiving access to

the services of either the INS or the department of Health and Human Services. According to Loyd and Mountz, “The designation also blurred the legal geography of status and access to rights; although people were physically on sovereign territory, their legal destination as not yet having ‘entered’ sovereign territory mediates access to asylum” (Loyd, 62). In this way, the mandatory detention of racialized asylum seekers fleeing oppressive Caribbean regimes sowed the roots of the carceral immigration apparatus and subliminal criminalization of immigration in the 21st Century.

Loyd and Mountz establish their argument through description of U.S. detention facilities throughout the United States, their utilization, and the policies that arose as a result of their existence. By controlling border narratives and centering national focus on the U.S.-Mexico border, the authors argue, the American government effectively erased the racialized origins of the migration detention apparatus. By forcing groups of predominantly Afro-Caribbean migrants into isolated facilities previously used for military organization beyond the United States’ formal geographical mainland, the American government proliferated the concept of cementing provisional solutions driven by racism into immigration law and policy-making. While originally arguing that these spaces were singular in their remoteness, the authors eventually make the claim that “the ‘exceptionality’ of these spaces is not so exceptional, as they become the norm” (Loyd, 217). Within these detention facilities, refugees risking their lives for better living conditions met prison bunkers, barbed wire, poor food rations, and sweltering conditions. Eventually, these inhumane conditions resulted in organization and violent outbreaks, which further stigmatized these groups in the eyes of American lawmakers. As these desperate and off-handed solutions became entrenched, they necessitated transportation and a rapid influx of tax dollars and private funds for the propagation of the growing detention system. As Cold War

contingency planning became fortified policy, subcontracting and privatized arrangements for transforming prisons and military bases to immigrant holding centers became the norm (Loyd, 200).

In addition to the thoroughly researched and unique perspective the authors bring to the discussion, the greatest strength of this work lies in its ability to project the arguments of the authors globally and connect them to transnational trends in order to strengthen their claims. Like Garcia in her evaluation of the development of U.S. policies regarding Central American refugees, Loyd and Mountz emphasize the profoundly transformative impact the 2001 terrorist attacks had on the entire transnational policing system. While it is commonly understood that the 9/11 attacks played a large part in consolidating the American carceral regime, it is not generally recognized that this process began long before that devastating day. This work argues that there is a direct correlation between increased militarization of enforcement methods and heightened criminalization of migrants, trends that clearly rose up first from Cold War policies of racialized detainment as deterrence. These policies then strengthened and became institutionalized in the post-9/11 era of intensified transnational policing and racially-profiled crime fighting.

On March 1, 2003, the Department of Homeland Security (DHS) was operationalized, which integrated twenty-two federal departments and agencies. The Immigration and Naturalization Service (INS) became integrated within DHS, and the role of the INS was split between three departments: Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS). The U.S. Coast Guard was also enveloped into DHS, providing further evidence to the argument presented by Loyd and Mountz that interception and detention at sea became an institutionalized piece of immigration policing prior to September 11, 2001. According to Loyd and Mountz,

“The folding of most function of immigration policy and border enforcement into one of the largest federal departments named with the mandate of securing the homeland is a signal of the extent of criminalization that took place after 9/11 through the elision of ‘terrorist’ and ‘criminal alien’”(Loyd, 206).

This phenomenon and its subsequent policy transformations resulted in what criminologists and legal scholars have titled “crimmigration”. Loyd and Mountz argue that the production of this term and its implications are rooted in “policies that were tested on and disproportionately borne by Haitian migrants” (Loyd, 200). The authors note, however, that over the course of the 21st Century thus far, these crimmigration policies have evolved to a “one-size-fits-all policy answer” for U.S. immigration issues.

Supporting Loyd and Mountz and providing ample evidence to corroborate the claim that American immigration policy has consolidated into the American criminal justice system is sociologist Patricia Macias-Rojas. A well-known scholar of “crimmigration”, ethnography, and migration studies, Macias-Rojas authored the 2016 contribution to New York University Press’s Latina/o Sociology series entitled *From Deportation to Prison: The Politics of Immigration Enforcement in Post-Civil Rights America*. This work traces the legacy of the Criminal Alien Program, which Macias-Rojas argues, “quietly set off a punitive turn in immigration enforcement that has fundamentally altered detention, deportation, and criminal prosecutions for immigration violations” (Macias-Rojas, 1). Through a ten year process of interviewing over 150 elected and law enforcement officials, border community members, NGO operators, public defenders, judges, and detained migrants in Arizona and Sonora, Macias-Rojas collected “multi-cited” data and testimonies to support her argument that the Criminal Alien Program developed from the prison-bed crisis that originated in the late 20th Century U.S. crackdown on crime (Macias-Rojas, 6). She also substantiates Loyd and Mountz by unequivocally asserting, “That crackdown particularly targeted African Americans through disparate sentencing and...fueled a

need to pull noncitizens out of regular prisons in order to create space for newly criminalized people of color” (Macias-Rojas, 3). She further supports all the scholars in this essay by observing that the “rhetorical conflation of immigration with terrorism and national security” effectively transformed U.S. immigration policy-making and enforcement procedures into “little more than domestic crime control extended to an immigration context” (Macias-Rojas, 8).

Adding to the foundation established by Garcia, Loyd, Mountz, Macias-Rojas extends this argument further by arguing the importance of the “post-civil rights era” development of America’s racialized, carceral crimmigration state. A major tenet of her argument rests in the idea that prison-overcrowding as a result of the late-80’s early 90’s crackdown on crime resulted in a disproportionately racialized and overcrowded prison system, fueled by the migration detention regime developed offshore as a result of provisional Cold War detention and deterrence policies. These overly crowded facilities, largely funded and operated by private companies, needed a post-civil rights, politically correct solution. Indeed, Macias-Rojas provides thorough evidence that the modern immigration detention apparatus “operates within post-civil rights ‘antidiscrimination’ constitutional frameworks” (Macias-Rojas, 11). The author argues that rather than simply being connected to the struggle for civil rights in the late 20th Century, the modern mass incarceration apparatus in the United States and the Civil Rights Movement are “not...antithetical or directly opposed, but are integrally linked and complimentary” (Macias-Rojas, 24). This work describes the punitive turn in U.S. immigration enforcement as a result of the government’s attempts to be race-neutral and follow constitutional demands within the context of an institutionally anti-Black society. Macias-Rojas argues that in fact, the criminalization of the American detention/deportation apparatus “has never been race blind,” and like Loyd and Mountz, argues that the proliferation of this system has allowed the promotion of

anti-Black subjugation through the use of privatized and remote immigration detention centers (Macias-Rojas, 22). This overtly “race-blind” approach to criminal immigration enforcement “never abandoned a constitutional framework,” which ultimately, makes it harder not only to highlight, but to fight its unmitigated expansion (Macias-Rojas, 62).

By transitioning from the use of “illegal” to the classification of “criminal,” the modern American detention/deportation regime has created a climate in which people of color are disproportionately denied rights within a constitutional framework. Distanced from insufficient numbers of public defenders in remote migrant detention centers, these groups of people become branded with a “criminal” category that strips them of the ability to defend their rights, rather than an “illegal” category that could be shed through the acquisition of citizenship, which ultimately results in their deportation. This insidious process of branding migrants with criminal status further complicates the increasingly privatized American prison system and its’ over 34,000 annual bed quota (Macias-Rojas, 74). In her work, Macias-Rojas argues that a branding of criminal status ultimately transcends birthplace and rights to citizenship, and is therefore, a “race-neutral” and “constitutional” means of controlling the ethnographic makeup of the United States (Macias-Rojas, 168).

In *Boats, Borders, and Bases*, Loyd and Mountz reference Macias-Rojas’ ethnographic work, using it to bolster their argument that detention-space shortage created by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 resulted in increased detentions and deportations, and further equated “criminality, confinement, and Blackness” (Loyd, 212). Furthering support for each other’s work, Loyd and Mountz add to Macias-Rojas by emphasizing that the “roots” of the criminalization she describes was the racialized, arbitrary and aggressive detention of Haitian migrants during the Cold War. Criminal prosecution of migrants illicitly

entering the United States dominates the U.S. immigration enforcement system, and has deep historical roots in global anti-Blackness, detention as deterrence policies in the Cold War Caribbean and beyond, and the increasingly privatized American criminal justice system, born from Reagan-era crackdowns on crime and transnational promotion of neoliberal economic cutbacks.

Modern debates regarding migrant and refugee and policy implementation dominate the American political theater. These abstract and theoretical discussions very often lack a clear recognition of the racially-rooted immigration history of the United States. As the authors of these three texts clearly illuminate, recognition of the systemically racist and rapidly strengthening American carceral state is essential when crafting policy propositions that involve the human rights of refugees. The United States' modern criminalized immigration detention and deportation system strips the rights of people of color by designating them not as illegal, which is a status that can be transformed, but as criminal, which requires immediate removal from the state. In post-civil rights America, policy makers, activists, and public defenders working to defend the rights of people of color in detention centers and change this overwhelmingly powerful system now find themselves not only fighting private corporations and corrupt politicians, but sometimes even the United States Constitution itself. Proponents of immigration reform and refugee policies have a long, uphill battle to ensure universal rights for migrants and refugees trying to find safety in America. These advocates must understand that educating the masses about the system's unapologetically racialized roots is essential for reform.

This task will not be easy, because the United States of America does an outstanding job of whitewashing its history, even if the history in question is not that far behind it. The authors in this analysis provide ample evidence of this fact. Through the late 20th Century detention of

Haitian migrants, the modern imprisonment and deportation of thousands of migrants every year, and the rise of the massive carceral state that has enveloped immigration enforcement and policy-making in a post 9/11 world, the authors convincingly argue that poor migrants and refugees of color do not, and have never, openly belonged in the national ethnographic makeup of the United States of America. And the substantiating proof of this militarized, institutionalized enforcement regime can be seen today in images of police in riot gear, throwing poisonous gas at poor people of color in Tijuana, who journeyed weeks in the hot desert from Central America to seek refuge in a nation determined to deter them.

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Confronting the Unsustainable and Often Unethical Effects of Economic Globalization

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MA Critical and Creative Thinking Program

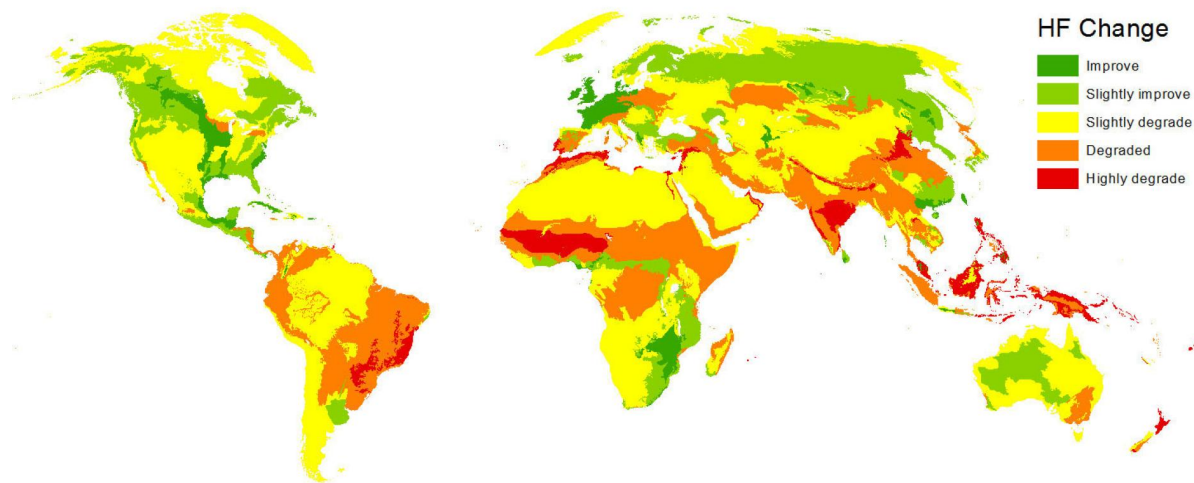
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Introduction

The global economy has major impact on environment with the majority of its effects hugely altering the ecological balance and future of our planet. Across the world, pollution levels continue to rise, and those not in control of resources become the increasingly marginalized. Land degradation is at an all-time high with agricultural pursuits, deforestation, mining, and the deposition of waste. There is a high correlation between the wealthy and environmental fitness as opposed to those who come from poverty being exposed to the worst environmental fallout consequences due to corporate waste zones, industrial pollution, and the pervasive 'not in my backyard' attitude from those who control resources. Despite many efforts to change environmental conditions, very few changes have actually been made. It is imperative that all major actors in the global economy work judiciously to alter the current trajectory of the earth's ability to sustain humankind, because current efforts are not enough and at the detriment to underserved populations.

Without an awareness of the issues facing these under-represented communities, environmental racism will continue to plague the global community. Most realistically, I contend that the means by which to combat environmental racism lies in making people aware of how the mistreatment of the underserved will, in turn, affect those who benefit from the products created by the corporations exacerbating pollution in areas that do not have the representation to advocate for themselves. While the idea of NIMBY (not in my backyard) is convenient for ignoring the state of global pollution, showing people that the negative effects of production do harm everyone forces those controlling resources to acknowledge that environmental racism is not sustainable. The results may not be seen immediately but will be profoundly obvious when clean water and air become scarce, nutrients in the soil are depleted, and diseases spread from

minority areas to those who control economic supply and demand. Making the consequences of environmental racism relative to the entire population so that there is an impetus to reform corporate mishandling of waste treatment and overseeing conservation initiatives in order to manage and restore an ecological balance is of the utmost importance of the future of society.



This map shows where humans' impact on the environment increased or decreased from 1993 to 2009. With some exception, the most impact has been felt on peripheral and semi-peripheral regions (Venter 2016).

Background

From the dawn of civilization, the allocation of resources has dominated politics at the local, regional, and global levels. This play for ownership has evolved over time and continues to be an area that raises questions about morality, sustainability, efficiency, and capacity for increased profit. Researchers and critics, alike, disagree as to how resources should be dispersed based on the aforementioned issues with some arguing for capitalistic gain at the expense of the masses and others taking a more environmental or humanistic approach. Realistically, these conversations need to come to some sort of affable consensus sooner rather than later because

there is a tangible reality that humans are consuming resources at a rate more pronounced than they are recovered, and entire communities are being destroyed in the name of profit.

The history of allocation of resources must be understood to decide how to address the issue of global access to supplies of any nature. From the beginning, having the means to survive dictated success. Today that still holds true for a large portion of the global community, but there are others who wish to hold more capital for the intention of wealth.

Pre-historic Quest for Resources

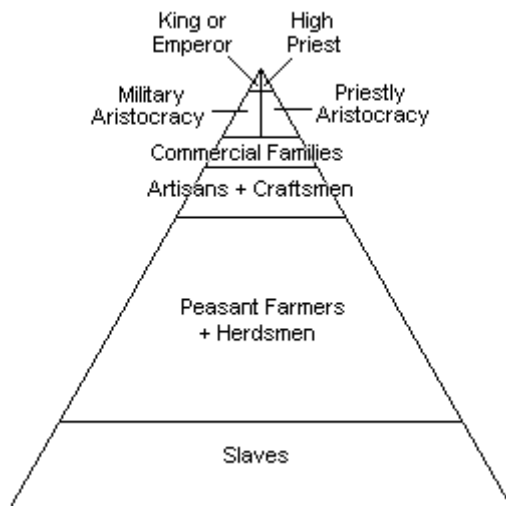
In pre-ancient times, the challenge in the days of the hunter-gatherer was to have enough food to survive. When sustenance disappeared, humans moved to another area until those resources also became scarce, repeating the pattern until agrarian abilities formed (Hakim 2005). Once humans were able to find ways to preserve food to consume in times of want, their explorations could be fulfilled on less of a primal level. “In the paleolithic period men were already aware that at certain times of the year animals and plants are less prolific than at others, and seasonal ritual observances to maintain an adequate supply of them were therefore deemed necessary” (Whitrow 2004). Even during this early time in history, supply was of utmost importance.

Emergence of Civilizations and Hierarchy

As humans migrated, so did their cultures, languages, and religions. They developed unique identities that have influenced their regions throughout time. As anthropologists continue to study the remains and artifacts of those who predated the current population, it is commonly agreed that the cradle of civilization is in the Middle East and Northern Africa, with Ethiopia also having a distinct early culture (Haviland 2013). As independent civilizations gathered the knowledge and resources to create agrarian societies with more complex governments and the opportunity for caloric energy to be expended on recreation, social hierarchies developed. The

result was a miniscule ruling or upper class, a very limited scholarly or merchant class middle class, and the rest being the working class which supported the entire civilization.

The upper classes had the luxury of time and wealth, while the lower classes toiled on land they did not own, for profits they could not claim. Their needs were barely being met while those in positions of power lived comfortably (Postgate 1994). As time progressed, the labor of the lower classes and the prowess of the merchant and ruling classes created trade routes spanning various continents. These routes brought with them the opportunity for economic growth through trade, the profits of war, and the acquisition of land for various civilizations. Inevitably, there was an unbalance in resources on all levels. In fact, some of the very resources being distributed were the very lowest classes: slaves. The idea of man as a commodity was an idea well-established throughout the continents based on the emerging idea of conquer to claim for political growth (Brace 2004). Unfortunately, the practice of slavery- in whatever form- developed as a reality wherever the acquisition of resources takes place.



Unique social and economic dimensions developed in imperial societies in Afro-Eurasia and the Americas (Peter Stearns et al 2005).

Age of Exploration

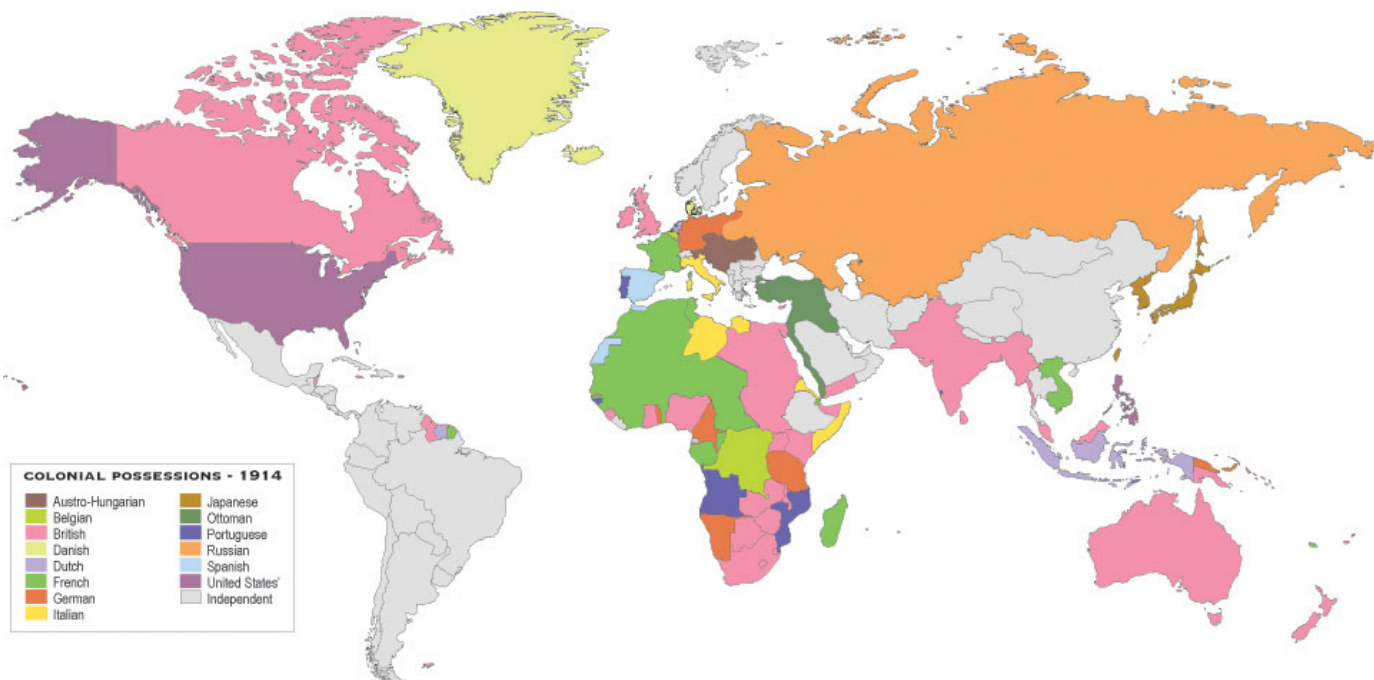
By the Age of Exploration, the dominant political and expeditionary forces, except for the various dynasties of eastern Asia, existed in Europe. The focus of established political entities was threefold: gold, God, and glory. Monarchs sought to gain capital by finding gold and other lucrative assets, converting as many foreign civilizations to Christianity, and enjoying the glory of owning more of the Earth's crust through imperialism. Throughout this period, which is generally acknowledged as starting at the beginning of the 15th century and ending toward the end of the 17th century, the high seas became the area of focus, instead of the land routes that had been well established by that point. The Atlantic, Pacific, Indian, and with them a wide variety of seas were now filled with trade route claims for shipping companies acting under the authority of various kingdoms and countries (Mancall 2006). Once again, the resources were allocated to the few- those wealthy enough to dictate exploration- and mined, cultivated, or manufactured by the masses.

While the native population was dying in droves, *encomenderos* 'not only took countless lives through forced labor, but also indirectly destroyed the collective farming system.... On the Pacific coast the Spaniards destroyed or let die out the enormous plantations of corn, yucca, kidney and white beans, peanuts, and sweet potato; the desert quickly devoured great tracts of land which the Inca irrigation network had made abundant" (Galeano 1997). At this point in history, agriculture was not nearly as valued as the precious minerals being mined to sustain the desire for riches of the elite in Europe.

With the demise of natives in colonial expanses, merchants quickly latched on to the market of slaves coming out of the Middle East and Africa, loading human cargo in ships and setting sail for, first, South America, but quickly on its heels, North America, as well. Once the

Colombian Exchange was created and agriculture unique to the Americas falling in favor, the Triangular Trade soon followed suit with its own economic cycle. Ships filled with slaves and gold from Africa and the Mediterranean were traded for sugar and molasses in the West Indies where it was turned into rum, and other raw materials from the American Colonies were sent to Europe to be manufactured so they could be sold so that the entire process would begin again (Galeano, 1997). Because of the reliance on water routes, countries also hired privateers to act on their behalf essentially as pirates to pull as many commodities from foreign nations of opposite allegiance as possible. While privateers were considered perfectly legal, their illegal counterparts formed in protest to the unfair economic and political practices of the day, being romanticized with Virginia governor Alexander Spotswood commenting, "People are easily led to favor this Pests of Mankind when they have hopes of sharing in their ill-gotten wealth" (Woodard 2007).

While so much attention has been paid to European imperialism, the Ottoman Empire (Turks) dominated the Middle East while Asia was a confluence of the major players in Europe as well as Japan and, eventually the United States between colonial times right on up to the inception of World War I. Prior to that period, it had seen several large imperial forces ravage the area. At the very root of colonialism, regardless of location, were resources.



Colonial Possessions as of 1914, depicting the wide variety of countries involved in imperialism though most originate in core area (Chappel-Sokol 2015).

Industrial Revolution Through World War I

As colonies in the Americas and Asia fought to gain independence, the Industrial Revolution prepared to become the impetus for even more scrambling for European nations to find means to obtain the raw materials to produce finished products. Known as the Scramble for Africa, Europeans ravaged the African continent, claiming land masses filled with potential income and rivers for transportation at a rapid pace. In 1870, ten percent of Africa was controlled by European entities, but by the onset of World War I, ninety percent had been claimed (Easterly 2009). The fruits of the African continent were being taken at an incredibly high cost to the African people. Despite the atrocities occurring, many wealthy investors ignored the horror of African imperialism.

The beginning of the twentieth century ushered in great transformations, both politically and economically. The emergence of a solid middle class brought about new ideas and

challenges to the traditional modes of government. The assassination of Archduke Ferdinand became the excuse needed to embark on a deadly war which cultivated a war machine fueled by corporate greed on both sides. Then, the post-war period was difficult on multiple levels.

“Industrial production, which had been geared to the war effort, had to be changed over to peaceful uses” (F. Gilbert 1979). This time-consuming process led to unemployment as soldiers from all fronts returned home to find there were few jobs to be filled. Combining this with the Great Stock Market Crash of 1929, the world was struggling to recover.

This time the fascist regimes came forward with economic promises of vast improvement at the expense of freedom and progress and eventually led to World War II where no continent was left unscathed, whether by being directly involved in battle or through commitment of manpower and resources. Corporations showed their disregard for moral principles by choosing to work with enemy governments while providing products for Allied countries. Some of their technological advancements even led to the death of both Allied troops as well as the victims of wide-spread genocide (Mark Achbar 2003). To date, corporations involved with this duplicitousness deny direct involvement, taking an amoral approach that they have no control over the use of their product once sold to entities (Achbar, 2003).

Post-World War II

Once World War II concluded, it seemed the world was split between communist ideologies and capitalism. Oil, which came to the forefront during the First World War, dominated economic decisions globally. Europe and Asia were in ravages, while the United States held the upper hand economically on a global level. It seemed that the tables had turned on the former economic and political powers while former colonies exerted their fledgling power in protest of long held oppression (F. Gilbert 1979). Smaller, previously ignored countries such

as Viet Nam and Korea came to the forefront in the fight between capitalism and communism, while the people of those countries were more interested in exercising their independence. Time and again, countries would vie for true freedom from outside influences only to find that they were inherently sewn into the web of globalism. Since Central and South America now had more business ties with the United States than Europe and, as already noted, corporations have a long history with tyrannical governments, this geographic region, like Asia followed by Africa, would find itself in political upheavals at the whim of wealthier governments or connected corporations (Galeano 1997). Even today, the corporate impact over government is undeniable. Corporations such as Monsanto are deeply embedded in the political decisions made in both developed and developing nations (Robin 2008). Essentially, those corporations, the International Monetary Fund, World Bank, and World Trade Organization are the equivalent of the ancient Mesopotamian priests, making decisions that affect the lives of many while directly benefitting the few.



Though the Cold War is considered over, many alliances still convey (Cold War Alliances 2000).

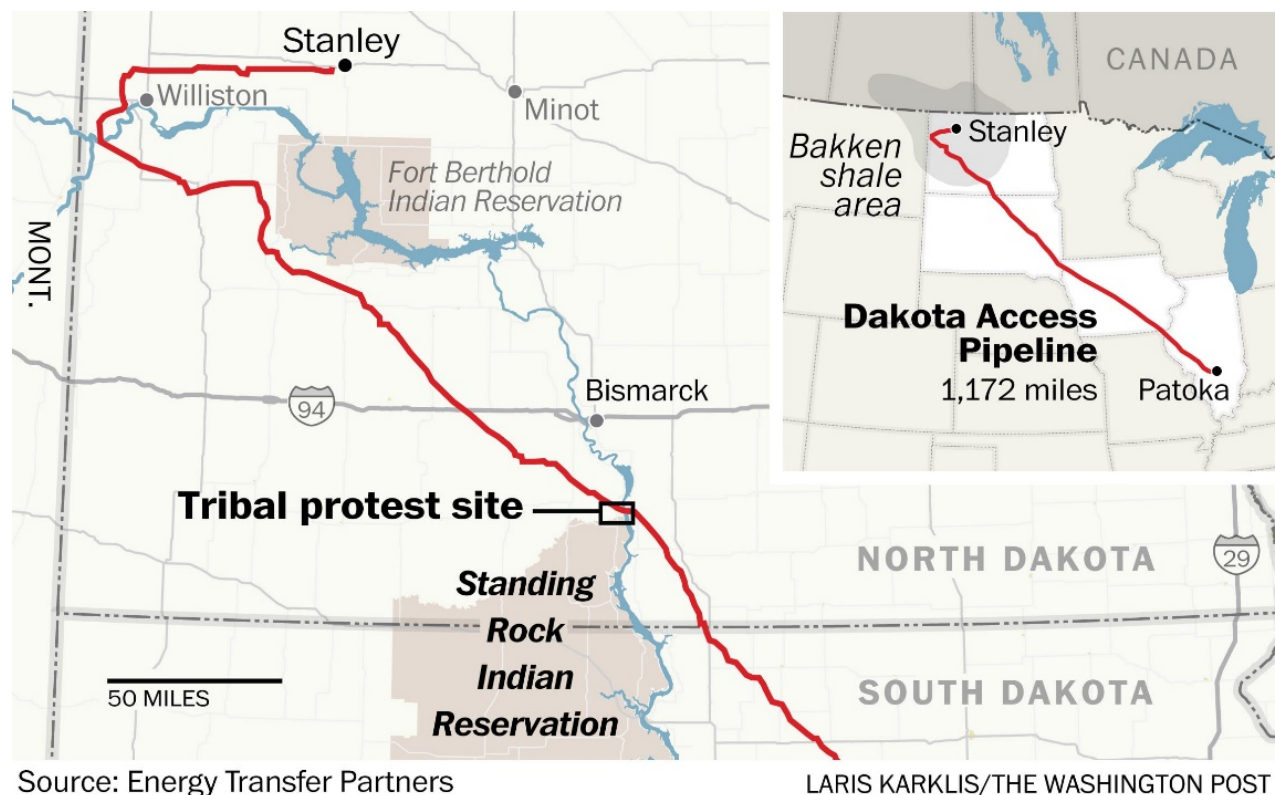
Environmental Racism

Environmental racism is a concept that evokes considerable controversy but must be addressed in order to protect the future of our planet. The term takes on different meaning depending on the geographic area depicted, but the basic premise is that the ethnic and racial minorities of a region are underserved in terms of adequate access to basic environmental protections and rights. While those currently benefitting from this marginalization continue to refuse to acknowledge the profound damage being done to, not only the minority groups directly involved, but the entire planet, our world is rapidly decaying and reaching a point of irrevocable damage. Unless honest conversations are had, and constructive solutions are implemented for the well-being of both the environment and humans tangled in this web of pollution, everyone on Earth will pay the ultimate price.

The United States

In the United States, environmental racism is typically identified in areas of lower income, dense population, and primarily minority residents, referring “to any policy, practice or directive that differentially affects or disadvantages (whether intended or unintended) individuals, groups or communities based on race or colour (sic)” (R. Bullard 2008). These types of communities are found all over the country, in both urban and rural areas, and involving a multitude of races and ethnicities. Ironically, one of the most affected groups of peoples in the United States of environmental racism are the Native American tribes, particularly on reservations. “The legacy of institutional racism has left many sovereign Indian nations without an economic infrastructure to address poverty, unemployment, inadequate education and health care, and a host of other social problems” (R. Bullard 2008). Despite well-known and accepted histories of cultural interest in the earth and its relationship to humans, Native Americans are

routinely found advocating to protect their land and resources from mostly economic entities determined to find profit at the expense of the environment (Werdel 2006). Most recently, the Dakota Access Pipeline controversy brought to light the conflict between corporate entities and tribal affiliations with the protests over the possibility of contaminating water and infringing on sacred burial grounds at the Standing Rock Indian Reservation (Liu 2016). The sheer apathy of the pipeline’s corporate response caught the American people, as well as global followers, off guard and brought to light the inequalities feeding into institutional environmental racism.



Map depicting Dakota Access Pipeline and its infringement on Standing Rock Indian Reservation (Karklis 2016).

Corporate indifference to industrial pollution is not unique to the Native American community in the United States:

“Two influential studies exploring this relationship—one by the U.S. General Accounting Office (USGAO) and the other by the United Church of Christ

(UCC)—found that African-Americans and other people of color were more likely to live close to hazardous waste sites and facilities than whites.” (Taylor 2011)

Both studies were conducted in the 1980s and revealed inequities on several levels. The UCC research was able to link race specifically to augmented opportunities for exposure to contaminated materials (United Church of Christ 1987). Most importantly, these studies brought awareness to the fact that minority communities were more prone to environmental racism.

Whether natural or man-made, environmental disasters continue to dominate in areas where poverty and minority communities exist. In 2005, Hurricane Katrina ravaged the Gulf Coast region, specifically New Orleans. The result was chaos and destruction which impacted all strata of society, but has been felt since at a particularly base level for the black community. The authors of *Institutional Discrimination, Individual Racism, and Hurricane Katrina* explore the reasons for this inequity in their research, explaining that previous poverty and lack of resources prior to the hurricane made escaping its wrath more difficult while recovery efforts were statistically stunted by governmental sources as compared to predominantly white areas (Henkel, Dovidio and Gaertner 2006). Over a decade later, the area is still being rebuilt, with a focus on the corporate infrastructure dominating the horizon while some families are still living in FEMA provided trailers (Robertson and Fausset 2015). Nature may have created the storm, but society has allowed its destruction to linger in underserved areas.

Other parts of the United States that have experienced environmental racism have been affected purely from a corporate vantage point. Detroit, Michigan has been historically known as the car manufacturing center of the United States, while its factories sit empty and pollutants continue to corrode the environment surrounding the city and its outlying regions. In 2014, it

was revealed that lead levels in the water of Flint, Michigan could be legally defined as toxic waste by the Environmental Protection Agency (Craven and Tynes 2016). As a major contributor to Detroit's automotive industry, toxins were being released into the air, water, and soil for generations leading to this crisis and affecting a predominantly minority and underserved population. "Flint's water crisis fits into a historical trend of environmental racism in the U.S., which for decades has allowed polluters to prey on communities of color, in part because of weak environmental regulations" (Craven and Tynes 2016). The industrialized North was certainly not alone in its contributions to environmental racism.

In the South, racism continues to be a force of oppression, particularly through corporate impacts on the environment. The USGAO's study, "Siting of Hazardous Waste Landfills and Their Correlation with the Racial and Socio-Economic Status of Surrounding Communities," sites lenient regulations and handouts for corporations, with little legislation to protect land, water, and air resources (United States General Accounting Office 1983). This information came as a result of the public outcry to the Warren County, North Carolina Polychlorinated Biphenyls (PCB) dump sites created by Ward Transformers Company beginning in 1973 (McGurty 2009). While Warren County received support from an outraged populace, other areas of the South were found to be just as contaminated, with a predisposition to place factories, dump waste, and otherwise fuel environmental racism based on the fact that these communities did not have the same representation in political places of power and, in predominantly Latino communities, language barriers added an extra level of under-communication of the dangers of industrial pollution (R. D. Bullard 2000). Across the United States, economic growth has been set as a priority while underserved communities continue to suffer from the effects of pollution and environmental degradation.

Europe

Sadly, the same can be said for the rest of the world, as well. Europe has a vast history of discrimination against minority groups, which led to the mistreatment of indigenous groups around the globe. On its own continent, Europe continues to struggle with its treatment of Romani and native tribes of the continent (Harper, Steger and Filčák 2009). Comparable conditions face the Romani to those of minorities in the United States, as they are relegated to poorer urban areas, with contaminated living situations (European Racism and Xenophobia Information Network 2009). The European Roma Rights Centre indicates that “Forced evictions of Roma on environmental grounds are on the rise” (Gökçen 2012) while mining and deforestation efforts are threatening the well-being of ethnic groups in the northern regions of Europe (Tauli-Corpuz 2015). Sami, Koni, Yemets, and other indigenous groups of continental Europe find themselves in similar positions as the Native Americans, with their food and water supply contaminated by corporate efforts to expand and increase profit (Steger 2007). The environmental threat to these marginalized people is very real and seldom recognized at a global level.

With such indifference toward the well-being of the indigenous groups of the region, it is no wonder that the refugee situation in Europe has been cause for discontent and inevitable environmental racism. Vast amounts of those fleeing political unrest in Africa and the Middle East have converged on the European continent and are often used for undesirable labor that exposes them to dangerous chemicals and extreme weather conditions to work for wages that do not meet the European standards (Serpis 2015). Further north, refugees routinely jostle with French riot police in Calais as they attempt to access the United Kingdom, living in deplorable conditions that are veritable environmental hazards (News France 2017). The European quest to

imperialize has extended this sort of behavior to a global level that remains problematic to this day.

Latin America and the Caribbean

As one of the first conquered areas, South America and the Caribbean is rife with examples of environmental racism. The identity of this geographical location has been molded by fierce colonialism and exploitation of the land and its indigenous people. Despite centuries of pillage and annihilation of the native population due to war over resources, slavery, and the spread of disease, the people still take an active role in fighting environmental racism.

“Campesino identity and farmworker identity have long been pillars of political participation in rural Latin America, particularly where peasants’ demands for justice figure in national histories of revolutionary violence. Now despoiled landscapes, poisoned watersheds, agricultural chemicals, and other rural environmental problems share the platform with such traditional peasant issues as land, credit, and commodity prices.” (Carruthers 2008)

The destruction of the environment is largely due to foreign interests either using the raw materials native to South America and the Caribbean or creating industrial settings in these areas to save money on labor, production, and the disposal of toxic waste (Terry 1998). Much the same as the other cases examined in this writing, ethnicity, race, and poverty are driving forces which determine where these corporate outposts are located and the damage done is typically to the underserved community while those with adequate resources are distant from the damage incurred.

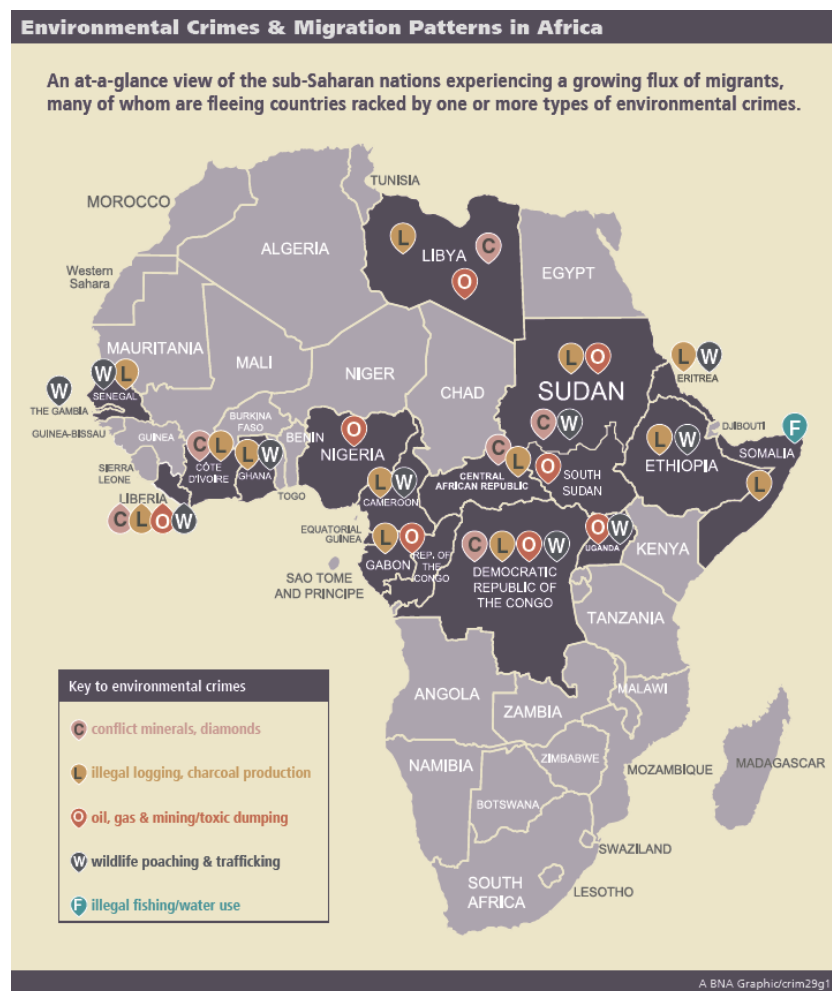


Effects of the global economy, resource acquisition, and industrialization on Latin America (Rowntree, et al. 2011).

Africa

The same can be said for those living on the pillaged continent of Africa. Well documented activity of first world national corporations sending toxic waste to Africa, stripping the continent of its natural resources without regard to ecological balance, and exploiting labor is pervasive throughout colonial history (Grossman 2006). Environmental racism is a volatile issue in Africa, with political unrest being only a portion of the violence as impoverished communities continue to be affected by contamination, disease, and lethal living conditions (Terry 1998). “South Africa is in a state of ecological collapse moving towards ecological catastrophe,” with “[m]ost black South Africans continu[ing] to live on the most damaged land, in the most polluted neighbourhoods near coal fired power stations, steel mills, incinerators and waste sites” (Cock

2015). Sadly, the experience of black South Africans is far from an abnormal representation of the conditions suffered by the indigenous people of Africa. The Ogoni people were victims of environmental racism when Shell Oil began drilling on their tribal lands, leading to toxic environmental levels in what was previously nutrient rich soil (Spitulnik 2011). After a massive outcry from the people and very public protests, the Nigerian government arrested and executed nine protestors to quell the situation, ultimately siding with Shell Oil and continuing to allow large scale pollution (Spitulnik 2011). Ultimately, the same sort of patterns of environmental racism present themselves in Africa as has been seen elsewhere, with the underserved populations and minorities being exposed to dangerous levels of pollutants and contamination.



Other instances of environmental racism and corruption in Africa (Kigotho 2015).

Asia

Asia, in some ways, has a unique relationship with environmental racism. Geographically, Asia is an interesting area because it is filled with island countries as well as being home to major industrial nations including Korea, Japan, and China. It constitutes an enormous amount of the planet and includes a wide range of ecosystems, governments, ethnicities, and industries. It also is home to the largest ocean on the planet which, as Haunani-Kay Trask attests, “The vast Pacific is a dumping ground for toxic and hazardous wastes” (Trask 1993). Aside from the tremendous amount of environmental contaminants released during World War II, the area remains rife with industrial activity that releases pollutants at the expense of indigenous people of the region.

Even on the continental mainland, environmental racism has been prevalent throughout the area. In 1983, Texas owned Union Carbide Corporation experienced an industrial catastrophe when its plant mixed methyl isocyanate, a chemical fertilizer, with water causing a noxious gas to loom over the town of Bhopal in India, exposing 520,000 people in the area (LaBarr 1991). Within three days, approximately 8,000 native residents were dead and thousands more would be diagnosed with lung fibrosis, blindness, tuberculosis, neurological issues, severe body pains, while the death toll continued to mount (Das Gupta, Aruna and Ananda Das Gupta 2008). The sheer number of those affected is staggering in comparison to many of the other regions of the world, which makes sense considering that Asia homes 59.63% of the world’s population (United Nations 2011). Another common denominator making this particular disaster similar to others of its kind in Asia is that the incident occurred with an outsourced subsidiary of a Western corporation. Paradoxically, Asian corporations lead in global statistics when it comes to outsourcing, with the majority of their companies moving to South

America for cheap production and obtaining resources (IAOP 2009). The combination of geographic size, massive diverse populations, varied resources and ecosystems, and economic competition make Asia ripe for opportunities to extort people indigenous to the continent.

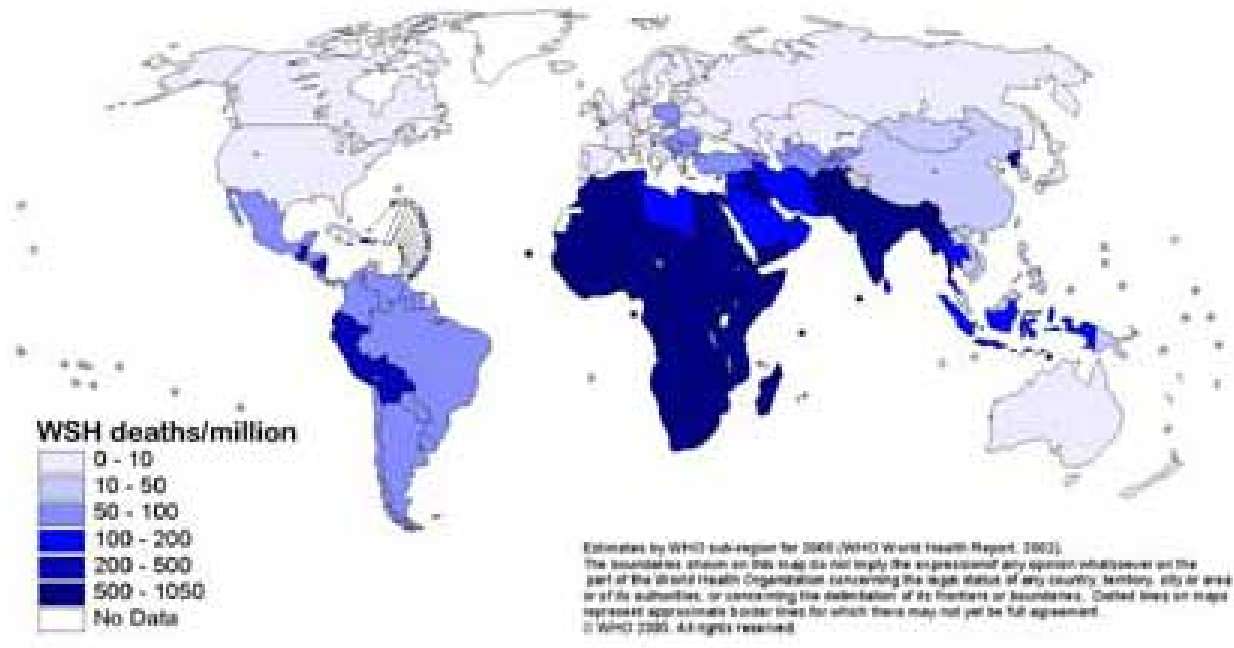
Not In My Backyard- NIMBY

Throughout the globe, a common theme that keeps arising is the idea of NIMBY, an acronym for Not In My Backyard (Maiorino 2011). In short, those who pollute are sure to place the waste or damage in an area that will not directly impact or inconvenience their lifestyles (Maiorino 2011). Reviewing the evidence researched, it is fair to argue that environmental racism impacts those who are underserved and under-represented. The predominant cause of the issue is a desire to save money at the expense of the environment, thus affecting large segments of the population who do not have the resources by which to fight large corporations.

Without an awareness of the issues facing these under-represented communities, environmental racism will continue to plague the global community. Most realistically, I contend that the means by which to combat environmental racism lies in making people aware of how the mistreatment of the underserved will, in turn, affect those who benefit from the products created by the corporations exacerbating pollution in areas that do not have the representation to advocate for themselves. While the idea of NIMBY is convenient for ignoring the state of global pollution, showing people that the negative effects of production, in fact, do harm everyone forces those controlling resources to acknowledge that environmental racism is not sustainable. The results may not be seen immediately but will be profoundly obvious when clean water and air become scarce, nutrients in the soil are depleted, and diseases spread from minority areas to those who control economic supply and demand. Making the consequences of environmental racism relative to the entire population so that there is an impetus to reform corporate

mishandling of waste treatment and overseeing conservation initiatives in order to manage and restore an ecological balance is of the utmost importance of the future of society.

Deaths from unsafe water, sanitation and hygiene



A global view of deaths attributed to unsafe water, sanitation and hygiene indicates a proclivity for peripheral areas to take the brunt of pollution (World Health Organization 2005).

Theories of Application

The reality is that very little has changed since history has been recorded: Those who have power wield it over those who do not, monopolizing access to resources and strategically withholding it from those who need support the most. The question lies in how to adequately deal with the unequal distribution of resources globally. While theorists debate the merits and best practices of economic development, it is imperative to remember that the past is the key to the present. Humans repeatedly choose to ignore the iniquities of that which has occurred, continuing to make the same mistakes. Classical liberal economists argue for a more traditional view of economic development, ignoring the fact that viewing developing nations with a

primitive lens that is often condescending. Walt Whitman Rostow, after all, strongly supported efforts by the United States in Viet Nam which led, not only to failure and a highly corrupt government, but to environmental and human destruction with the introduction of Agent Orange by corporate influence of Monsanto as well as the overall destructiveness of war (Milne 2008). This approach to economic development has been proven, time and again, to be opportunist and elitist, not to mention unsustainable. Still, a neoclassical movement evolved to advocate for free markets and accountability through private investment and market efficiency. Although this is the predominant theory in practice to date, inherently it is problematic because the investors logically are those who have the means to pay into the system in order to make an influence. Arguably, it is the same issue that exists between the *Unholy Trinity* Richard Peet describes between the International Monetary Fund, World Bank, and World Trade Organization (Peet 2010). Those who have the resources control the resources.

Unlike the previous two theories, the social theory of development holds the most promise for the global community. Within this philosophy is the desire to view commodities within the framework of sustainability and cultural milieu. As Ernst Friedrich Schumacher advocated in *Small is Beautiful: A Study of Economics as if People Mattered* (1999), individuals need meaningful work for proper human development and “production from local resources for local needs is the most rational way of economic life” (Schumacher 1999). Instead of solely relying on economic growth as the key measure of success, social economic theorists contend that addressing systemic issues such as poverty, inequality, population migration, premature death rates and other social problems with positive outcomes is just as important. Localization and decentralization leads to more access for all parties involved to have a say in the allocation of resources. I contend that this does not infer that globalization is a bad thing or that the

interconnectedness of global production networks is a blight on the future of the planet. Rather, I suggest that taking the time to assess local and regional assets and have them managed by the locality is beneficial for everyone because it adds a layer of personal interest to what is often a distance transaction. As Peter Dicken so aptly explains, “The real effects of globalizing processes are felt not at the global or the national level but at the local scale: the communities within which people struggle to meet the needs of their daily lives” (Dicken 2015). Affording these people the ability to make choices that are to their benefit, and applying this mode of management universally, ensures a better chance of a checks and balances system that requires localities to work with one another to solve issues. Clearly not a panacea, utilizing local interest is an effective means by which to improve circumstances. The result may not be the cheapest, fastest, nor the most technologically advanced, but there is a better chance of sustainability of mankind.

Conclusion

Since humans were able to control resources, there has been an effort to exert dominance over the lesser endowed. As the economy became ever more globalized, the machinations were put into place to exert control by the few over the many. The effects have been devastating, ethically questionable, and nonsustainable. In order to move forward, the global population needs to recognize that NIMBY has been utilized as a means for passing the negative aspects of economic growth on to those with more difficulty exacting change. While it is highly unlikely that the global cities of the world will their pervasiveness, it is certainly possible to create more centers for trade and commerce in order to enable diversity in influence. This is certainly the case as cities in Central and Southeast Asia climb to prominence. Furthermore, progress has been made in identifying environmental racism and its characteristics. Due diligence in battling

policies and procedures that allow this discriminatory behavior must be applied. Currently, such organizations as the United Nations, Transparency International, and the O'Neill Institute are working vigorously to bring incongruities to light. It is far too easy to look at the state of ethics and sustainability in regard to global economics and consider it a lost cause. However, an attitude of resignation will not improve the current situation being faced by mankind. Only through involvement, awareness, and proactivity can change be sought.

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What are the rights needs and concerns of Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex and Asexual clients and students? How can counselors effectively work with this population? How do youth needs differ from those of the elderly? Why is the suicide rate for youth GLBTQ populations so high? These are pertinent questions that mental health professionals need to answer in order to serve the GLBTQIA population. This minority population has endured oppression and prejudice extending into every facet of their lives. These individuals face violence, threats, stress, family tension, abandonment, lack of healthcare, discrimination in the workplace, a homelessness epidemic and aging issues. DiPlacido states “minority stress can be experienced in the form of ongoing daily hassles (such as hearing anti-gay jokes) and more serious negative events (such as loss of employment, housing, custody of children, and physical and sexual assault)” (DiPlacido, 1998). For some GLBTQIA individuals these stressors are daily battles. This paper will examine the concerns of the GLBTQIA population, what legal rights are involved, and what needs mental healthcare providers can accommodate.¹

According to the American Psychological Association, social stressors affecting lesbian, gay, and bisexual youth, such as verbal and physical abuse, have been associated with academic problems, running away, prostitution, substance abuse, and suicide (D’Augelli, Pilkington, & Hershberger, 2002; Espelage, Aragon, Birkett, & Koenig, 2008; Savin-Williams, 1994, 1998). Research also shows that fear of discrimination and stigma cause many GLBT individuals to postpone or even decline seeking medical care. This indicates there is a population in need that is unwilling or scared to seek help. Counselors need to be aware that this population may be timid and that making services accessible as possible is key to reaching out.

¹ For the sake of the paper, and to accommodate the research, I will use GLBT to refer to this population.

In the therapeutic relationship GLBT individuals have the right to non-discrimination on the basis of sexual orientation or gender identity. Policies written for mental health organizations should specifically include the family of clients, and mental health professionals should be aware that in the GLBT community family is an extremely broad term. In this sense “family” is not restricted to blood and/or legal relationships. In the event of an incident or infraction, the client also has the right to be able to file complaints against an agency. The agency should ensure that the procedure to file a complaint is accessible and easy to submit. In a mental health setting policies should be translated into languages spoken by all employees and clients. Also, the agency needs to emphasize confidentiality of client information including sexual orientation and gender identity issues. All clients should be informed of when such information might be disclosed and how and by whom information may be used (<http://www.glbthealth.org/CommunityStandardsofPractice.htm>, 2011).

According to the American Civil Liberties Union, public schools must establish anti-harassment policies and give students the opportunity to create a Gay-Straight Alliance (GSA). The Equal Access Act passed in 2008 grants student the right to a GSA if the school allows for other extra-curricular groups. Schools must also be willing to run an anti-harassment training if the employees ask for it. No one has the right to out a student or client without his or her permission. This can have tragic repercussions as seen in a 1997 Pennsylvania case when police officers told a teenager that they were going to tell his family he was gay and he committed suicide. In a court case won by his family a federal appeals court decided that threatening to disclose private information of this nature is a violation of privacy protected by the constitution. Students also have the right to bring same-sex dates to school dances. The 1980 court decision from *Aaron Fricke v. Richard B. Lynch* states that taking a date is free expression protected

under the First Amendment (American Civil Liberties Union, 2010). In public employment some states like Iowa prohibit discrimination based on sexual orientation and gender identity. Nebraska public employers only prohibit discrimination based on sexual orientation (National Gay and Lesbian Task Force, 2011).

While it is necessary to clarify the rights of GLBT individuals, the concerns of this population are what counselors should focus on. Some of the concerns of the GLBT population include coming out, feeling accepted, loneliness, housing, suicide, discrimination, safety, healthcare, aging, hate crimes and compounding GLBT identity with minority identification. GLBT individuals face all of these issues in a world where intolerance of sexual minorities is sometimes the norm. According to a probability sample study, antigay victimization has been experienced by approximately 1 in 8 lesbian and bisexual individuals and by about 4 in 10 gay men in the United States. Also according to this study, enacted stigma, violence, and discrimination can lead to “felt stigma,” an on-going subjective sense of personal threat to one’s safety and well-being (Herek, 2009). The American Psychological Association states that “anti-gay harassment is one of the most pervasive, frightening, and potentially damaging threats GLBT students face in our public schools” (APA, 2011). Sue and Sue concur that schools can be volatile places for GLBT students. They state that in a study of Massachusetts high school students, 32.7% of GLBT students were confronted with a weapon at school compared with 7.1% of students not-identifying as GLBT. Sue and Sue also state that 25.1% of GLBT individuals did not attend school because of a safety concern in comparison to just 5.1% of students not identified as GLBT (Sue and Sue, 2008). A specific study on transgender individuals found that those who expressed a transgender identity or gender non-conformity while in grades K-12 reported alarming rates of harassment (78%), physical assault (35%) and

sexual violence (12%), and that harassment was so severe that it led 15% to leave a school at some point in their education (Grant, et al., 2011).

Along with the oppression GLBT individuals experience at school and work, they suffer intolerance from their families. According to the National Runway Switchboard, family conflict is the number one reason for homelessness among GLBT individuals, and family conflict often arises out of the parent's religious beliefs contradicting a GLBT individual's beliefs (Vines, 2010). When GLBT individuals are forced out onto the streets because of family tension and disapproval, they have a bigger hole to dig out of than heterosexual homeless individuals. In a 2011 survey issued by the National Gay and Lesbian Task Force, 19% of transgender or gender non-conforming individuals reported experiencing homelessness at some point in their lives. Fifty-five percent of these individuals reported being harassed by homeless shelter staff or residents and 22% reported some kind of sexual assault. Twenty-nine percent of surveyed individuals were turned away altogether. Considering all of these levels of discrimination, it is no surprise then that the suicide rate of GLBT individuals is 41% compared with 1.7% of the general population (Grant et al., 2011). Sue and Sue note that the high rate of suicide is not due to sexual orientation, but due to the stressors brought on by school, home, work, and social environments (2008). In the elderly GLBT population, stress can arise from figuring out transitioning into assisted living where accommodations for non-gender conforming persons are ignored. Also, non-heterosexual persons might not have a say in the healthcare issues of their partners (Sue and Sue, 2008).

Of the 5,000 suicides committed among 15 to 24 year olds each year, 30% of these are among the GLBT population. In men, five out of six committed suicide before age 20. While these statistics are alarming, Kulkin et al. note that studying suicide among this population can

be tough because of the myriad of definitions and terms, sampling the population, and biases in the literature. Also, many youth may not want to identify as GLBT because of the social stigma that goes along with it. The authors also admit biases in the literature for this topic: studying suicide in this population is difficult because researchers can not obtain random samples and the population who is willing to participate in research is usually already involved in some type of counseling or prevention program. They also state that most of the research focuses on predicting risk factors and not on statistics. In the research for this paper, much of the literature focused on White homosexual men. There seems to be a lack of information on lesbian women, minorities and their rates of suicide. Minority status can affect the oppression GLBT individuals face, and Grant et al. state African American men fare far worse than White transgender or non-conforming gender males. Kulkin et al. consistently found that family acceptance and high self-esteem are correlated to a lower suicide risk while family intolerance and poor self-esteem are significant risk factors. These studies also show that seeking help can be tough for minors who need their parent's permission to participate in therapy or GLBT support groups because it involves disclosing their sexual orientation and vulnerability (Grant et al., 2011, Kulkin et al., 2000).

The literature surrounding this topic suggests that there are many needs in the GLBT community. The American Psychological Association states that mental health professionals should increase safety and reduce stress levels of the client, help to resolve trauma, empower the individual with personal and social resources and support the client in confronting the social stigma he or she faces, when appropriate. The APA asserts that for clients who are more comfortable with their GLBT identity it "may be appropriate to refer them to a support group or social service, but for clients who are less comfortable with their non-heterosexual orientation,

online resources may prove helpful.” Above all, the APA affirms that a GLBT identity is absolutely not a mental illness. In school settings, mental health professionals help students protect their right to free expression, to establish gay-straight alliance clubs, and to be promote an environment respectful of sexual orientation and gender identity (APA, 2008). Sue and Sue suggest moving from a sickness model to a wellness model when approaching mental health issues of GLBT individuals. They argue that historically GLBT issues have been looked at as a medical condition, and there is a need for counselors to use positive regard and wellness in practice (Sue et al., 2008).

Job placement is imperative with this population because GLBT individuals have double the employment rate of the general population and GLBT individuals of color are at four times the national rate. Transgender individuals are nearly four times as likely to have an income \$10,000 less annually than the general population. This is disturbing because those who are “currently unemployed experience debilitating negative outcomes, including nearly double the rate of working in the underground economy (such as doing sex work or selling drugs), twice the homelessness, 85% more incarceration, and more negative health outcomes, such as more than double the HIV infection rate and nearly double the rate of current drinking or drug misuse to cope with mistreatment, compared to those who were employed” (Grant et al., 2011). Counselors need to be aware that a lack of jobs contributes to substance abuse and homelessness.

Another need of the transgender population is help obtaining and/or changing identification records. Among the Transgender population 21% have been able to update their identification records with their preferred gender. Forty-one percent of transgender individuals live without identification that matches their preferred identity, and this is a problem because upon presenting identification they do not prefer, 40% experienced harassment, 3% were

attacked and 15% were asked to leave the premises (Grant et al., 2011). The issue of identification is especially important on intake forms at mental health and healthcare facilities. Leaving the “gender” space open with a blank for the client to fill in is a non-biased way for the client to feel that he or she can express a true identity. Forcing a client to check a “male” or “female” box can make a client feel uneasy at the very beginning of treatment. Sue and Sue suggest making workshops available and offering trainings in the use of nondiscriminatory intake forms. Issues that Sue and Sue suggest may be common among the GLBT population are: hate crimes, depression, anger, Post Traumatic Stress Disorder, and self-blame. The authors assert that GLBT individuals who are attacked may believe that the assault was deserved and exhibit a low sense of mastery over the situation. The authors also want counselors to be aware of internalized homophobia, the coming out process, the lack of peer, social, school and community supports, the high rate of assault, suicidal ideation or attempts and substance abuse (Sue et al., 2008).

The needs of the elderly GLBT population revolve around healthcare. It is unclear about whether or not people involved in GLBT relationships will be able to make healthcare decisions for their partner, and this can cause stress and anxiety. There may also be a negative perception in nursing homes or hospitals about GLBT relationships. “It is estimated that up to 3 million GLBT individuals in the United States are over the age of 65” (King, 2001). If these individuals have not come out, then they may be hesitant to share it with government or social services organizations, and to apply for services they may need. Counselors can offer coping skills to this population and to refer them to support groups for elderly GLBT individuals. Advocating for services and obtaining resources will also be helpful (Sue et al., 2008).

In agencies and at schools offering “trans-inclusive” services and facilities can help to make the Trans client feel welcome and non-discriminated against. Making something trans-inclusive means to focus on raising awareness of transgender issues and provide trans-related information, and implementing long-term policy changes. In the fall of 2011 25 universities covered transition-related identification needs on student health plans. These included hormones, surgeries and counseling. Because the chance of murder for Trans individuals is one in twelve, compared to the general population of one in 18,000, giving clients resources and counseling is imperative to creation of equality and safety. In health care settings Transgender students should be asked about their health care experiences and how services can be improved. Staff should attend trans health concerns trainings and should ask clients their preferred name. Both schools and health care facilities should “offer gender-neutral bathrooms and private changing rooms for patient use.” Having an activity that commemorates the annual Transgender Day of Remembrance (November 20th) can help students and clients grieve losses and let them know that there are counselors and teachers aware of trans issues (Beemyn et al., 2005). A survey states that “it is part of social and legal convention in the United States to discriminate against, ridicule, and abuse transgender and gender non-conforming people within foundational institutions such as the family, schools, the workplace and health care settings, every day” (Grant et al., 2011). If this is true it is the responsibility of mental health professionals to advocate for GLBT individuals on individual, programming, and training levels, and to work to make documentation, records, restrooms, health care, and housing trans-inclusive.

The rights, needs and concerns of the GLBTQIA population revolve around safety, emotional support, advocacy and social services. Both the suicide and homelessness rates are epic indicating that this population is in need of programs, therapy, and shelters that are

inclusive, accessible, and non-discriminatory. This population deals with stressors like coming out to their intolerant families, oppression in the workplace, not knowing where a safe restroom is, feeling like an outsider, anxiety and conflict, assault, lack of healthcare, and aging. It is important to recognize that an GLBT identity may not be the reason an individual is presenting for therapy, but that it is a part of who a person is. Having staff that are trained in GLBT issues and using appropriate language and intake forms are small ways that can have a big impact on this population. Working with the client to establish an identity that he or she is comfortable with and using the support of groups can be therapeutic. Treating GLBT clients using a wellness model and not treating sexual orientation as an illness that can be cured are necessary to treatment. Mental health providers have a responsibility to know the legal issues GLBT clients face and to treat every client with dignity and respect.

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<http://www.adl.org/>

<http://community.pflag.org/Page.aspx?pid=194&srcid=-2>

http://www.gaychurch.org/Find_a_Church/united_states/us_nebraska.htm

The Gay and Lesbian Psychotherapy Treatment Planner, Arthur E. Jongsma-Series Editor

<http://safespace.glsen.org/index.cfm>

<http://www.hrc.org/>

<http://www.glaad.org/>

Human Rights Essay Contest

Gay Rights and LGBTQ Activism in Morocco: A Case Study

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According to the 2016 Global Prosperity Index, an index ranking 149 of the world's nations, Morocco ranked number ninety-seven based on select criteria including economic equality, governance, education, etc. Morocco is one of the most prosperous country in North Africa, and undeniably Morocco has a bright economic future indicated by positive trends in the tourism sector ("Rankings," 2016). Despite these positive trends, present-day Morocco struggles to find a balance between modernizing the country and adhering to its deeply ingrained islamic roots. As a result, today there exists a strong secularist and modernization movement in a country that is governed by Islamic law. One such movement is the LGBTQ social movement and the respective tolerance of the constitutional monarchy against the prohibition of homosexuality in accordance with Sharia Law. In this essay, I will be examining the right to sexuality, and the status of LGBTQ individuals in Morocco under Sharia Law.

As a gay individual myself who comes from a preconceived "Western" country, it is easy to take for granted the rights I have back home compared to Morocco. As of June 2017, there is no census data on the size of the LGBTQ population in Morocco. PhD student Bella Pori from Harvard University, after putting together surveys and compiling other forms of data, predicts that the number of gay individuals in Morocco is around 3-4%. However, even if 1% of the population was gay, 330,000 (mostly closeted) homosexuals are at risk of societal rejection (Morocco: Sexual Orientation and Gender Identity, 2017). The issue in Moroco, as explained in the article, "Islam and the Spread of Individual Freedoms: The Case of Morocco" is maintaining public order through upholding Muslim values while simultaneously respecting standards of international human rights issues. According to a November 2014 poll conducted by the market research institute TNS, out of the 1,000 individuals 18 and older surveyed, 800 of these people rejected the "homosexual agenda" (Rugeon, 2014). This statistic signals the societal change that

must occur in order for a true and absolute acceptance of homosexuality, not just legislative articles in favor of gay rights. The gay rights issue and freedoms of sexuality in Morocco have been defined by the last several decades, specifically the transition of power from Hassan II to his son Mohammed VI in 1999, who is notoriously more liberal-learning than his father. Under Hassan II's rule and continuing with his son, sexual culture in the past thirty has evolved in a more secularized direction, regardless of the fact that conservative values are still the dominant religious discourse in a country that is 99% Muslim. As evidence of this more secularized direction, In October of 2015 Morocco's Minister of Tourism Taroudante-Lahcen called for the decriminalization of homosexuality. However, this support of gay rights has mostly been applied towards tourists in certain resort and areas, namely cities such as Tangiers, Marrakech, and Agadir. In these areas, there is a degree of tolerance as these cities attract a gay following, even though they don't necessarily have a "gay scene" of their own. These cities have grown accustomed to these types of visitors despite not adopting this same view (Brown, 2015). Nevertheless, the issue of gay travelers intersects with traditional Islamic morality and gender roles, where homosexual relations are seen as immoral.

A gradual acceptance towards LGBTQ individuals in Morocco has manifested itself in different ways. From a position of higher authority, King Mohammed VI allowed British singer Elton John to headline the country's largest music festival, the Mawazine World Rhythms Festival, in 2010 despite vigorous opposition by the Islamist PJD political party and social outcries (Michaels, 2010). Furthermore, the king has permitted the release of books by international writer and filmmaker Abdellah Taia, the first Moroccan writer to have assumed his sexuality publicly. One of his films, titled "Salvation Army" screened at the National Film Festival in Tangier, illustrates his sexual awakening growing up in Morocco and his complex and

verbally abusive relationship with his mother and sister (Alami, 2017). Shockingly, although not confirmed and has widely been under attacked by the parliament, a rumor suggests that King Mohammed VI himself is gay, after a Dutch Television Station reported that Mohammed VI used to frequent gay night clubs when he was a student in Brussels (Ettinger, 2018).

Perhaps more well-known and masking the progressive values of LGBTQ rights in Morocco are the social exclusion and violence faced by LGBTQ individuals in the country today. The legislative basis for discrimination and prohibiting the right to sexuality for homosexual individuals is enshrined in Article 489 of the Moroccan Penal Code of 1962, which specifies “any person who commits a lewd and unnatural act with an individual of the same sex may be sentenced to six months to three years of imprisonment and fined 100-200 Moroccan dirhams.” Under the law, homosexual acts are seen as a greater offense than sexual acts between two unmarried persons (Article 490, one month – one years in prison) and acts of adultery (Article 491, one years – two years in prison). Because of this penal code, the state’s capacity to protect is minimal and it is rare for homosexual individuals to seek protection from the police (The Danish Immigration Service, 2017).

LGBTQ individuals are confronted by not just societal exclusion and marginalization, but also through physical and societal violence. Physical violence against these individuals has been seen through home invasions of assumed gay couples, physical humiliation of being stripped naked, and for those held in prisons, they are at risk of sexual assault by their fellow inmates. The former was illustrated on the night of March 9th, 2016, when a group of youth broke into the home of a suspected gay couple, and were beaten and dragged naked into the street before being sent to prison (Human Rights Watch, 2016). O.A., as he was preferred to be called, faced years of abuse by his mothers in order to behave like the other boys in his neighborhood, and recalled

being beaten with stones in the street. O.A. later moved to Slovakia, unable to go to the police about his abuses as there were no laws to protect him from his family (Morocco World News, 2018). In terms of societal violence, repercussions include evictions from the family home, confinement within the home, and forced marriages, among others (Human Rights Watch, 2016).

LGBTQ activism, especially since the Arab Spring of 2011, has taken place in Morocco in an informal rather than a formal and organized setting. For these activists, there is a lot to fight for outside legalizing intercourse between the same-sex, including enacting anti-discrimination laws in employment, same-sex marriage and the recognition of these couples under the law, joint adoption by same-sex couples, being able to serve openly in the military, and the right to change one's legal gender. The need for activism is exemplified by the fact that there are very few places in the public sphere where an LGBTQ person can be themselves. In the capital Rabat there are no restaurants or clubs with an explicit 'gay identity.' For this reason, the Internet has become known as an unregulated and 'space of freedom' for gay individuals. The online LGBT magazine "Akaliyat" is an example of LGBTQ outreach on the internet, as well as the online magazine, "Aswat Magazine," which since 2013 has been used as a forum of communication within the LGBTQ community (Melby, 2017). Lastly, gay hookup apps such as "Scruff" and "Grindr", although risky, have been used beyond their superficial purposes to mobilize gay individuals who may feel isolated from society (Nunez, 2017).

The extent of LGBTQ activism in Morocco is through the limited and informally organized Nongovernmental Organizations (NGOs) that work to advance the causes of LGBTQ individuals. The first LGBT organization in Morocco "Kif Kif" was founded in 2005 and initiated Morocco's first gay magazine "Mithly," but has since moved its operations to Spain to avoid persecution from the Moroccan government. This particular organization hosts sessions to

help LGBTQ youth cope with the negative repercussions that arise from coming out to family and friends. “Kif Kif” also has a center in Casablanca to house youth that are kicked out of their homes. The organization “Akaliyat” operates on a smaller scale and does not have NGO status, but publishes a magazine and seeks to educate people about LGBTQ issues. Another organization, “Aswat” has operated on an ad hoc basis since 2012 with the goal to promote reform of the law and the abolish Article 489. This organization primarily operates on social media and through WhatsApp to communicate with LGBTQ individuals, and is also not officially registered as an NGO nor does it have a formal office, for fear of prosecution by authorities. Lastly, the organization MALI (Alternative Movement for Individual Freedoms) focuses on individual cases of discrimination and utilizes social media platforms to campaign for LGBTQ rights. In 2016, MALI used facebook and twitter to circulate petitions to release two men convicted of homosexual acts in Beni Mellal. The same year, MALI attempted to organize a Moroccan gay pride parade, although the parade never came to being (Hirsch, 2016).

As Morocco heads towards a more secular direction under the leadership and guidance of King Mohammed VI, there are reasons to be optimistic for the future of LGBTQ individuals. However, LGBTQ activists in Morocco must also work towards a societal change in respect to more accepting views of the homosexual populace, rather than solely focusing on changing laws. Nongovernmental organizations and activists must take advantage of liberal loopholes within their governments, find new ways to interpret the Quran in favor of human rights, integrate activists into common organizations, and continue to use social media platforms to educate the general population about LGBTQ issues. At the same time, it is necessary for the Moroccan government to recognize these efforts and continuously reaffirm their commitment to human rights, and more specifically gay rights. On my last day in Morocco, my host mom was shocked

to find out that being gay in Morocco was illegal, and professed that homosexual tendencies were natural, even under Islam. I hope that in the near future, these attitudes will have traversed the rest of the population, in order to ensure a buoyant future for homosexual individuals in Morocco.

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Sha Paw

Human Rights Essay Contest

The Controversial Article 18 of the UDHR in Myanmar

Article 18 of the Universal Declaration of Human Rights (UDHR) was adopted by the United Nations in 1948, which states that “everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.” This article 18 guarantees everyone, whether male or female and are minority or majority to have the freedom of thought, conscience and religion. However, the article *The Politics of Article 18: Religious Liberty in the Universal Declaration of Human Rights* states that “article 18 never addresses the difficult questions of how the relation between states and religious institution should be regulated; it leaves terms like “teaching,” “practice,” “worship,” and “observance” undefined; and it never clarifies under which circumstances religious liberty can and cannot be curtailed” (Lindkvist, 429). Lindkvist also claims in his article that those actors who formed the Article 18 were “subtly but importantly transformed the way religious liberty was framed in international affairs.” In the article *The right to freedom of religion or belief and its intersection with other rights*, it states that “none of the international instruments guaranteeing the freedom of religion and belief provides a definition of these terms” (Donald, Howard, 2). The word “religion” itself has a variety of meaning because different people understand religion differently. Even the terms like “teaching,” “practice,” “worship,” and “observance” can be understood differently. Leaving out the real meaning of those terms can lead to misconception and misinterpretation of the Article

18. Since religion and belief were not clearly defined in the Article 18, the Human Rights Committee (HRC) gave a statement that “this article protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief; that the terms ‘religion’ and ‘belief’ are to be broadly construed; and, that Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions” (Donald, Howard, 2). This statement would say that any belief and practices such as rituals, cultural, and traditions are to be protected by Article 18. Article 18 was a big topic when it was formed into the Universal Declaration of Human Rights. Although it was a big issue for world leaders and religious scholars to work together and come up with a meaningful solution to what religious freedom means. Nonetheless, the article 18 of the UDHR was formed, but the problems to defining religious liberty and belief still remain today.

Article 18 of the UDHR may play a different role in different parts of the world. In terms of what some Asian leaders think about human rights ideas of the UDHR in the book *Religion and Human Rights*, “in the early 1990s, a number of non-Buddhist Asia political leaders... ignited the “Asian values” debate with their claim that human rights are a part of Western culture and therefore excessively individualistic; human rights, they claimed, did not suit Asian culture, which was inherently communitarian” (King, 103). King brought up an interesting point by mentioning the differences of culture, values, and beliefs between Asians and Westerners. This idea may be true to most of the Asian countries. Arguably, the Asian values are totally different from the Western values. This can be seen in families, schools, and characteristics of the people between Asian and the West. Some people even accused that the Universal Declaration of Human Rights was mainly formed by the Westerners and were from the Western values. Not

only were the terms “teaching,” “practice,” “worship,” and “observance” were left undefined in the article 18, but the Article also brought up issues for other countries who do not share common values and beliefs as the West. The differences in beliefs and values between Asians and the West may even be a greater challenge to understanding Article 18 in a general term.

In the United Nations standpoint, Article 18 of the UDHR is being violated throughout the world. The article *An Article of Faith: Protecting Religious Freedom* states that, “across Asia, Article 18 faces serious threats” (Alton, 268). One of the Asian countries that constantly violated human rights and Article 18 is Myanmar. Myanmar, formerly known as Burma, is one of the Asian countries who does not fully align with the idea of human rights. This may be due to the fact that Myanmar is ruled by the military regime. Some facts about Myanmar is that the majority of the people in Myanmar are Buddhists and the majority of their people are very traditionalists. Buddhism in Myanmar is estimated to be 89% of the population, while 4% is Islam, 4% is Christianity, and 3% is other religions. Some historical facts about Myanmar after the Burmese got their independent from the British is that, the country was ruled by the Burmese military dictators. The Burmese took the independence for their own without considering for other groups of peoples who are living in Myanmar. Many ethnic groups have lived in Myanmar for thousands of years, while some other ethnic groups have settled there only for hundreds of years. Among the settlements are the Rohingya people who are estimated to be 1.3 million population today in Myanmar. The Burmese military today and throughout the past decades have ruled the country very brutally. The regime today does not align with the international law, neither want to accept the democratic ideology. However, some groups in Myanmar such as the National League for Democracy (NLD) have constantly fighting for democracy. Many Buddhist monks have also protested against the regime for human rights and freedom. In the book

Religion and Human Rights, King includes that, “this movement [NLD] is led by Aung San Suu Kyi, students, and Buddhist monastics. In 1988, during the first popular uprising against the ruling junta, the Burmese people (who are almost all Buddhists) filled the streets, singing, ‘I am not among the rice-eating robots.... Everyone but everyone should be entitled to human rights.’ In 2007, during the so-called ‘Saffron Revolution,’ the streets of Burma were again filled with Buddhist monks and nuns, calling upon the government to respect human rights or step down” (King, 103). The NLD movement today continues to fight for democracy and human rights. The Human Rights Watch also documented various accounts of Myanmar violating human rights and the international law. The violation of human rights in Myanmar includes ethnic cleansing, rape, torture, religious discrimination, and brutal execution towards ethnic groups and peoples.

One of the cases relating to religious and human rights violation in Myanmar is the Rohingya crisis. The Council on Foreign Relations states that “Discriminatory policies of Myanmar’s government since the late 1970s have compelled hundreds of thousands of Muslim Rohingya to flee their homes in the predominantly Buddhist country. Most have crossed by land into Bangladesh, while others have taken to the sea to reach Indonesia, Malaysia, and Thailand.” The ongoing persecution and discrimination against the Rohingya are not just ethnic issues but the Islamic religion as well. There is a conflict between the Muslims and Buddhists, which led to more violence toward the Rohingya people. The U.S. Commission on International Religious Freedom states that “Muslims in Burma have faced periodically targeted oppression, such as during the regime of the military junta. Yet in recent years, there have been increased expressions of anti-Muslim sentiment and increased targeted violence.” Many news had also reported that the Rohingya people are facing persecution, discrimination, and torture by the Burmese military. From the last couple of years, the Rohingya crisis has been on the top news.

The Rohingya crisis for some people claims that the Burmese military had violated the international law and human rights. The United Nations even referred this as a “textbook example of ethnic cleansing.” However, some Burmese people and the military denied that the claim was false and that there is no human rights violation in Myanmar. The Burmese military even accused the Rohingya Muslim of raping their women, killing their soldiers, and taking over their land. In response, the military acted aggressively toward the Rohingya people. Both claims were sometimes difficult to tell from what the news portrayed. In the historical account, the Rohingya are an ethnic people who claimed to have settled in Myanmar for more than a hundred years. The majority of them are Muslims and are rooted to Bangladesh. Although the Burmese government does not consider them as one of the official ethnic groups in Myanmar. They considered them as illegal immigrants and denied them from having citizenship, job, and equal opportunity.

In continuation to the Rohingya crisis, violence against the Rohingya people is not just from the Burmese military. Even among the Buddhist monks who teach about peace and try to live up to the eightfold path oppress the Rohingya Muslims. Some Buddhists do not even consider the Rohingya crisis to be a genocide. CNN even titled its news, “Rohingya crisis: ‘It’s not genocide,’ say Myanmar’s hardlines monks.” Islamophobia and nationalism may have played a huge role in the Rohingya crisis. There were some Buddhists who feared that Islam is a threat to the country and that the Muslims are going to take over the Burmese land. They had responded aggressively toward the Rohingya and the Muslims in the past years, which they thought they were standing up for their rights as Buddhists and as citizens of Myanmar.

One of the Myanmar Buddhist movements that strongly opposes the Rohingya people and the Muslims is the 969 movement. Some people claim that the 969 movement is an extremist

movement, while others claim that the movement is a peaceful movement. The 969 movement according to the *969 Movement* website, is “a social movement to preserve the cultural traditions of Buddhism in Buddhist countries. It started in 1999 in Myanmar by U Kyaw Lwin and later on by venerable Wirathu.” According to Benjamin Schonthal and Matthew Walton on *The (New) Buddhist Nationalisms? Symmetries and Specificities in Sri Lanka and Myanmar*, “[the 969 movement] was founded in June 2013, although its rapid growth began with the founding of an Upper Myanmar branch in January 2014” (84). The website *969 Movement* seems to favor the 969 movement when saying that it is about “preserving and protecting the religion,” while other people see it as “The Buddhist extremist movement.” The goal for the 969 movement was to promote and protect Buddhism, which for some people thought was good, but other people thought it was bad because of its extremism.

The 969 movement does not have a clear origin. But according to Andrew Marshall on *Myanmar's official embrace of extreme Buddhism*, “a Reuters examination traces 969's origins to an official in the dictatorship that once ran Myanmar, and which is the direct predecessor of today's reformist government.” Myanmar former president Thein Sein have also supported the 969 movement when he was in office. The movement today is also supported by some the government senior officials. The movement for some Buddhist people were to oppose the Muslims and the Islamic religion. For other Buddhists were to promote peace and protect the Buddhist religion. According to Benjamin Schonthal and Matthew Walton, “[the 969 Movement was] mobilizing in 2012 and gradually gained prominence and notoriety throughout the first half of 2013” (84). The people who mobilized the movement were monks and lay Buddhists who were very nationalists. The 969 movement also had a logo, and that logo had the number 969, a chakra wheel, and four Asiatic lions. Schonthal and Walton state in the article that, “969 is a

long-standing numerological shorthand for Myanmar's Buddhists, referring to lists in the Pali scriptures of the 9 great qualities of the Buddha, the 6 great qualities of the *dhamma* (his teachings), and the 9 great qualities of the *sangha* (the monastic community)" (84). Many Buddhists had the logos and stickers of the 969. They put them on their doors, in their cars, and calendars. The 969 Movement first started by boycotting the Muslim shops. They also opposed any Burmese who shopped at the Muslim store. It was a way to stop supporting the Muslims.

Ashin Wirathu was a Buddhist monk and a leader of the 969 Movement. He was once jailed for twenty-five years by the former military junta for speaking out against the Muslims and calling himself the "Burmese bin Laden." However, he was released nine years early in 2012. He continued his preaching against the Muslims. He gave many speeches that stirred up more conflicts among the Burmese and the Rohingya Muslims. His speeches were about nationalism. In one of the speeches, he stated that, "Whatever you do, do it as a nationalist." He strongly spoke out about his nationality and religion. He thought the Muslims were taking over the land, and that they grew very rapidly to dominate the Burmese people. He also organized Buddhist monks in the communities to speak out against the Muslims. He claimed himself to be a peaceful preacher, but some people considered his speech to be a hate speech towards the Rohingya Muslims. Even some Buddhists said he was not a real Buddhist. Wirathu had also made himself on the TIME cover magazine, which he was portrayed as "The Face of Buddhist Terror." Although Wirathu still continues to speak out against the Rohingya Muslims and the 969 movement continues to grow through his leadership.

What does Article 18 of the UDHR mean for the Buddhists in Myanmar, and how effective is Article 18 for the Rohingya Muslims? Going back to the Asians argument on the Article 18, which they argued that human rights are just a part of Western culture and that they

do not suit the Asian values. The human rights ideas are not just controversial between Asian and the West, but even among individuals of Western people. Buddhists people in Myanmar have a different understanding of religious rights than the people in the West. Unless Article 18 is clearly defined, and the terms like “teaching,” “practice,” “worship,” and “observance” are well understood in the same context among every person in the world, then the Article might become very effective to the world. As for now, Article 18 of the UDHR may mean differently for Buddhists in Myanmar. In 1988 when the first popular uprising against the ruling junta, most of the people that protested against the government were Buddhists. They were demanding for human rights. And again in 2007, Buddhist monks and nuns demanded the government to respect human rights. The human rights Buddhists demanded from their government were not clarified, but based from the assumption, it could be the right to have jobs, education, health, and property. Or simply because they wanted the government to stop persecuting their own people. Many citizens felt their rights are being taken away, which some those rights can be understood universally. This demand for human rights from the government would mean that Buddhists in Myanmar in 21th Century accept the ideas of human rights including the Article 18. However, they may have a different context of human rights toward the non-Buddhist people.

Article 18 may not be very effective for the Rohingya Muslims in Myanmar. The reason is that the Rohingya Muslims are a minority, and when they grew stronger, the Buddhists thought their rights might be taken away from them. When Rohingya Muslims practice Islam and when they grew in numbers, those rights became a threat to the Buddhist people. The fear of rights being taken away becomes an act of violence toward the Rohingya Muslims. However, Buddhists should have understood the context of Article 18, such that everyone should have the right to freedom of thought, conscience, and religion. Somehow, these rights are not well played

out in Myanmar in terms of the United Nations standpoint. In the past, Buddhists demanded human rights from their government, but today, the right to “manifest his religion or belief in teaching, practice, worship and observance” seem to only matter to the Buddhists and not toward the Muslims or other minority groups.

There are many factors that contributed to the opposition to the Article 18 in Myanmar. One of them is the rise of nationalism among the Burmese Buddhists. Wirathu preaches to the Buddhist people that, “Whatever you do, do it as a nationalist. If you look at anything with your eyes, see it in nationalist point of view. If you listen to anything with your ears, listen to it in a nationalist way. Anything you do, do it in a nationalist way.” This ideology and nationalist point of view are opposing other people who do not have the same race and religion as them. When a country is very nationalist, that country is strongly siding on its own people, cultures, values, and belief, while other people, culture, values, and belief who infiltrated in that country are seen as threats. Wirathu preaches peace among his people, but he preaches hate against other people who do not share the same values as him. He sees them as threats and strongly opposes them. Wirathu also speaks out about the role that Buddhists have in politics. He states that “the role of the monks is inseparable from Myanmar’s politics. Monks will be working for the people in Myanmar’s politics without expecting any returns.” Buddhism in Myanmar does not only play a role in religion, but also in politic. Since Myanmar is predominantly a Buddhist country and Buddhism play a huge role in both religion and politics, Article 18 may not be completely accepted in the country. Article 18 has no power for other people who are not Burmese, such as Rohingya Muslim. However, the Article is effective only to the Burmese people in Myanmar.

In conclusion, Article 18 was created to protect the people of faith and non-faith. It meant to give people the freedom to believe in anything or not to believe in anything. The Article was

controversial, and the terms were left undefined. It also raises various problems from different countries and different people. Particularly in Myanmar, Article 18 is being violated according to United Nations point of view. Many countries, especially the West, accused the Burmese military and Buddhists such as the 969 Movement of violating human rights. Although, the Burmese military claim that they do not commit human rights violation. The Buddhists claim that the 969 Movement is to protect Buddhism and oppose other ideology such as Islam. It is nationalism, religious ideology, and political reasons that Article 18 cannot be fully implemented in Myanmar.

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WHY CHILDREN SHOULD NOT BE PUT IN CAGES

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Human Rights Essay Contest

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In December 2018, U.S. immigration authorities faced major scrutiny for the deaths of Jakelin Caal Maquín and Felipe Alonzo Gómez, two Guatemalan children who died in the custody of Customs and Border Protection, according to CNN reports on the two children. Questions emerged over government procedure in handling children at the border, particularly those claiming credible fear of returning to their country of origin. Broadly speaking, the stories of Jakelin and Felipe reignited the public conversation about why the government was detaining children at all, because Jakelin and Felipe were not the only ones. Reporting by *The New York Times* on December 18, 2018, estimated that roughly 15,000 migrant children are currently in U.S. government custody, many of them without their parents. In this essay, I argue that the ongoing detention and separation of children from their parents at the U.S.-Mexico border violates some of the most basic foundations of human rights. Protecting human rights in any government action is a standard mechanism of any moral government *a priori*. When analyzing policy from a deontological framework, the deduction is that if a policy violates human rights, it outweighs the supposed benefits of that policy. Thus, by understanding the harm to the child, family, and rule of law, the detention and separation of children along the southern border proves to be ethically problematic.

The policy of child detention and separation did not just set off alarm bells in activist and legal circles, but also in the medical community. As Amy Cohen, a trauma expert and child psychiatrist, told *The New York Times*, “Studies have shown that the institutionalization of children in general, and away from their families, has serious deleterious affects [sic] on their psychological and physical health, as well as their growth and development.” As a result, the U.S.’s policy of child detention and separation deprives those children of their ability to be healthy. The narratives

surrounding child detention and separation vary in their graphic and cruel nature, but follow a pattern of pain. In my research the only positive coverage of the policy came from government sources. An in-depth 2018 analysis by Amnesty International concluded that the government's policy directly violated children's rights to family unity under international law, as well as the government's responsibility to properly care for children in their custody. Simply put: newly-arrived migrant children are used as political ploys, and in the process, are subjected to intentional cruelty by the government- or as Amnesty International calls it, "torture."

Years ago, leadership under President Obama struggled to adequately process the number of unaccompanied minors at the border. In that process, the administration received backlash from conservatives who argued that the government incentivized border crossings via lax immigration rhetoric. To counter this, President Trump explicitly argued for the use of child detention and separation as a deterrent. The aforementioned Amnesty International report furthers, "As President Donald Trump and his cabinet have repeatedly complained, the illegality of detaining young children had prevented the indefinite detention of asylum-seeking families, so the administration used family separations to detain the parents individually." However, the use of such a devastating policy as deterrence rhetoric has dramatic implications on families. A July 10, 2018, article from *The New York Times* highlights the story of Milka Pablo and her three-year-old daughter Darly, who were both separated upon U.S. entry. When Health and Human Services tried to reunite the two, Darly did not recognize her mother. Instead, Darly cried for "Miss," referring to the caretaking social worker. Their story is unique, but separating thousands of children from their parents is bound to endanger family structures. Families at the border seek to argue legitimate asylum claims, but are subjected to trauma when they approach immigration officials in the U.S. In that sense, the

government will not even allow families to suffer together. The disturbing reality is a double-harm to powerless individuals.

Beyond echoing a message of contempt against immigrants, U.S. policy also communicates the structural problems of the administration. The deterioration of migrants' human rights is indicative of institutionalized abuse. Jacqueline Bhabha, Professor of the Practice of Health and Human Rights at Harvard University explains it frankly in a July 6, 2018, interview with Katie Gibson, "Usually you see countries resort to these sorts of things in wartime, but in peacetime, it's unprecedented... That's a violation of human rights, and that's something that none of our peer countries do." Public accountability and political efficacy both call for ethical governments to safeguard their constituents' human rights, especially its most vulnerable, youngest population. The problem arises when governments do not view certain demographics as constituents, but instead as political tools for demagoguery. Consequently, the effects of the child detention and separation policy has caught the attention of the international community and watchdogs like the Human Rights Watch. On December 24, 2018, the United Nations Office of the High Commissioner for Human Rights called for a full investigation into Jakelin's death, and even went as far as arguing for the end of child detention at the border. In a world where the U.S. consistently hails itself as an arbiter of human rights, it is shameful that it sponsors a mass detention of children who suffered both abroad and in government custody, but need their parents to speak for them.

Investigations of Jakelin and Felipe's deaths are still ongoing, primarily from third-party agencies. Homeland Security, Health and Human Services, and Customs and Border Protection stand firm in their denial of any liability. To prevent deaths, government bodies seem to focus more on blaming the families for undertaking the dangerous journey. Yet it is in the most powerful nation

in the world that migrant children are denied human rights via detention and family separation.

This degradation of human rights is evident in the effects on children, families, and political institutions that carry out the policies. Watchdog organizations have made their recommendations for ethical change. Ultimately, it will be up to the current administration to make such changes. I fear that the administration will likely refuse, and that high possibility calls for us to be the agents for change.

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