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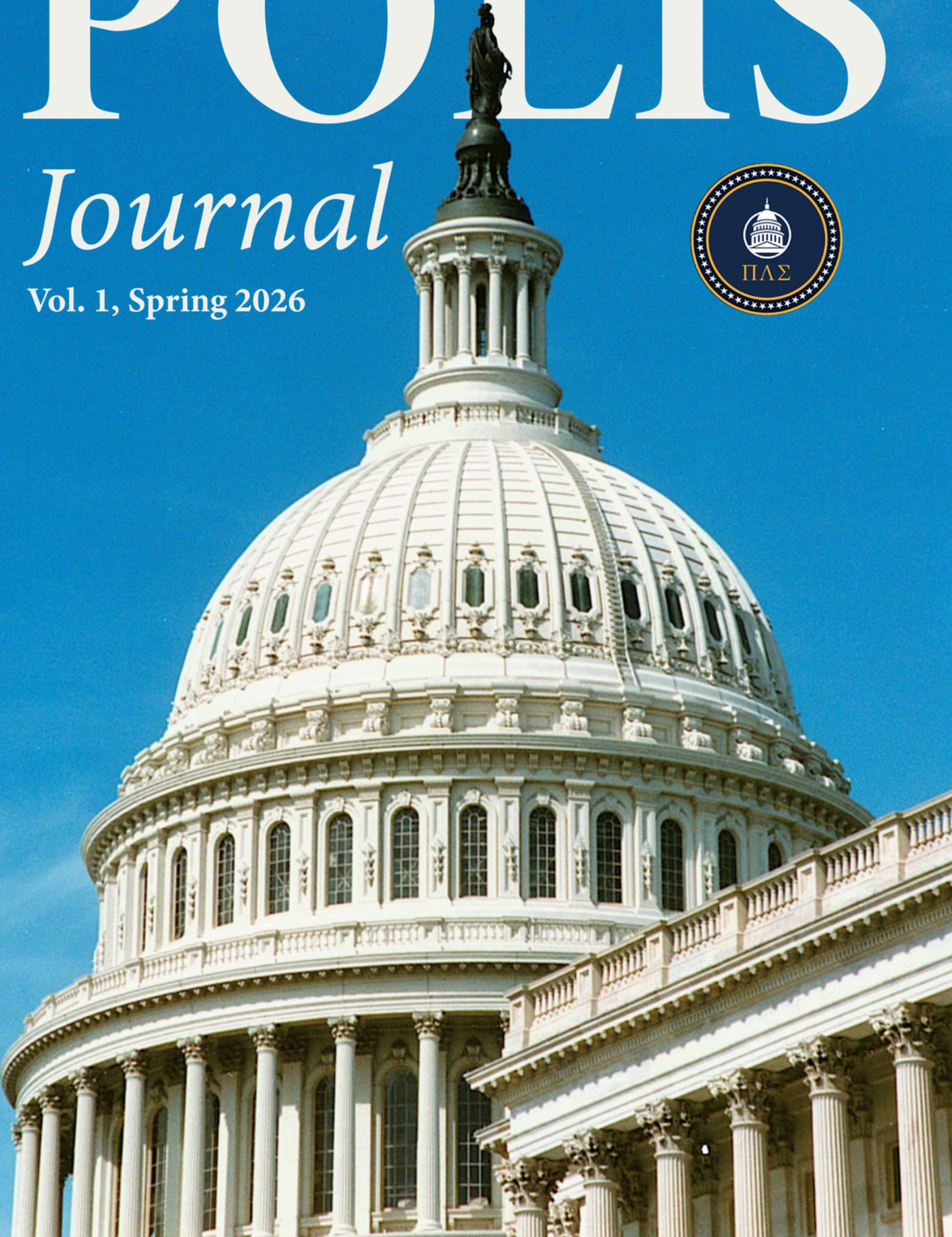

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EDITOR'S NOTE

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Powering the World, Impoverishing the State

Cobalt, Conflict, and the Resource Curse in the DRC

by Tanisha Agrawal, C'28

"Tell the people in your country: a child in the Congo dies everyday so that they can plug their phones. Our daily lives are powered by a human and environmental catastrophe in the Congo."

Siddharth Kara, *Cobalt Red: How the Blood of the Congo Powers Our Lives*

Introduction

The Democratic Republic of the Congo (DRC) occupies a singular place in the political economy of extraction. Few states are resource-abundant, and few have experienced such persistent violence, institutional fragility, and everyday precarity at the very sites where global value is created. The DRC is not "resource rich" in the abstract. It is materially rich in a way that has mattered to successive world systems: first to colonial capitalism, then to Cold War strategic competition, and now to a twenty-first century economy built on rechargeable batteries, electronics, and data infrastructures. The consequence is a political economy that repeatedly converts geological abundance into political vulnerability.

A common impulse is to treat the DRC's crisis as a story of greed, corruption, and warlords. Those dynamics are real, but they are also too shallow if they are presented as self-contained explanations. The deeper puzzle, and the one that the "resource curse" thesis is designed to illuminate, is why the monetization of natural wealth so often undermines the foundations of accountable governance, broad-based development, and social peace. In the DRC, the pathologies associated with a resource curse have been reproduced across multiple commodities and multiple eras, from copper and diamonds to coltan, gold, cassiterite, and cobalt.[1] The outcome has been a durable system of extraction with weak domestic linkages, high incentives for coercion, and an enduring dependence on external actors and markets.

This paper argues that the DRC's contemporary mineral economy exemplifies the resource curse in its strongest form because the country's most valuable resources are embedded in a political order where coercion is profitable, oversight is fragmented, and legitimacy is continuously contested. The core mechanism is not merely that minerals create "rents." It is that the organization of the mineral economy enables rents to be captured through violence, bureaucratic gatekeeping, or opaque supply chains, rather than through productive investment and taxation. As one miner's stark phrasing in a separate study reminds us, the commodity becomes not a blessing but a sentence: "We are cursed because of our gold. All we do is suffer. There is no benefit to us."[2]

This paper proceeds in four substantive sections. First, it describes the DRC's political economy in relation to the details of its resource endowment, emphasizing how particular commodities and the materiality of extraction shape governance and labor regimes. Second, it analyzes negative outcomes through five standard assumptions of the resource curse literature, showing how the DRC fits and complicates these claims. Third, it considers what the country could have done differently, focusing on feasible institutional and policy choices at critical junctures. Fourth, it proposes solutions that are explicitly tied to the realities of mineral endowment and supply chains, rather than generic governance prescriptions. Throughout, the analysis draws on scholarly and policy sources and incorporates documentary and journalistic material as contextual evidence. The goal is to sustain an academic voice while refusing the false neutrality that can arise when "resources" are discussed as if they were inert objects. Minerals are social relations, political institutions, and global infrastructures made visible in rock.

Political Economy and Resource Endowment

The DRC's resource endowment is diverse, geographically uneven, and politically consequential. In the Katanga region, industrial-scale copper and cobalt production has made the country central to global supply chains for electrification and batteries. In the eastern provinces of North Kivu, South Kivu, and Ituri, artisanal and small-scale mining has long produced minerals that are valuable precisely because they are easy to transport, easy to tax, and difficult to

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[1] Jeffrey W. Mantz, "Improvisational Economies: Coltan Production in the Eastern Congo," Social Anthropology/Anthropologie Sociale 16, no. 1 (2008): 34–50

[2] Brandon Prosansky, "Mining Gold in a Conflict Zone: The Context, Ramifications, and Lessons of AngloGold Ashanti's Activities in the Democratic Republic of the Congo," Northwestern Journal of International Human Rights 5, no. 2 (2007): 236

govern.[3] These provincial differences matter because they generate different political economies of control.

A resource endowment is not merely a list of commodities. It is also a set of material properties that shape the organization of labor, the possibility of surveillance, and the ease of extraction. Coltan, cassiterite, and wolframite are heavy. Their weight matters politically because it makes transport visible and therefore taxable, encouraging the emergence of gatekeepers along routes, roadblocks, and trading hubs. Their extraction is often artisanal, which means it can employ large numbers of people while remaining weakly regulated. These features create a mineral economy that is simultaneously labor-intensive and institutionally porous. In an ethnographic account of the "digital minerals" economy, one scholar emphasizes how the 3T minerals' material qualities generate a division of labor and a dense social economy around transport and trade, while also producing uncertainty through price volatility and information asymmetries.[4]

Cobalt has different properties and a different political economy. It is a strategic industrial mineral. Its value is heavily shaped by global demand for batteries and electrification. Production involves both industrial mining and artisanal extraction, and the supply chain has become the subject of intense international scrutiny because of documented labor exploitation and human rights abuses. Siddharth Kara frames this as a moral contradiction built into everyday consumption: "Our daily lives are powered by a human and environmental catastrophe in the Congo."[5] It reflects the structural fact that high-value minerals can be produced through low-wage, high-risk labor, especially in contexts where state oversight is fragmented.
The DRC's political economy has been shaped by weak fiscal capacity and the recurring substitution of taxation with external rents. In rent-based systems, the state has fewer incentives to build broad tax relationships, and elites have stronger incentives to control access to extraction sites, export permits, and foreign contracts. In eastern Congo, this logic is intensified by conflict. Armed groups and elements within the security forces have historically profited through taxation of mines and trade routes. In such contexts, coercion becomes an economic strategy, not merely a breakdown of order.[6]

Two additional features define the DRC's mineral political economy. First, the supply

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[3] James H. Smith, "Tantalus in the Digital Age: Coltan Ore, Temporal Dispossession in the Congo," American Ethnologist 38, no. 1 (2011): 20–23

[4] In an ethnographic account of the "digital minerals" economy, one scholar emphasizes how the 3T minerals' material qualities generate a division of labor and a dense social economy around transport and trade, while also producing uncertainty through price volatility and information asymmetries (Smith 2011).

[5] Siddharth Kara, Cobalt Red: How the Blood of the Congo Powers Our Lives (New York: St. Martin's Press, 2023)

[6] Jeffrey W. Mantz, "Improvisational Economies: Coltan Production in the Eastern Congo," Social Anthropology/Anthropologie Sociale 16, no. 1 (2008): 38–43; James H. Smith, "Tantalus in the Digital Age: Coltan Ore, Temporal Dispossession in the Congo," American Ethnologist 38, no. 1 (2011): 24–28

chain is structurally opaque. Even when international schemes promise traceability, the incentives for laundering are strong because global demand is high and enforcement is weak. Kara describes this as a deliberate architecture: "The system was opaque and untraceable by design." Second, the governance environment is plural, meaning that multiple authorities, both state and non-state, regulate mining simultaneously. In a detailed study of "conflict-free" certification in South Kivu, Marie Müller-Koné argues that governance in artisanal mining often follows the logic of débrouillardise, a pragmatic improvisation that blends rule systems and regulators, producing a "semblance" of order without eliminating the plurality of authority.[7]

A political economy built on mineral rents, layered authority, and supply-chain opacity creates a specific pattern of outcomes. It does not inevitably produce war. It does, however, systematically raise the returns to coercion and the returns to corruption, while lowering the returns to long-term public goods. This is the core terrain on which the resource curse literature becomes analytically useful.[8]

Negative Outcomes Through the Five Assumptions of Resource Curse Literature

Resource curse scholarship is diverse, but it often relies on a recognizable set of assumptions. These assumptions function as causal claims about how resource wealth shapes development and governance. In this section, each assumption is applied to the DRC, using the mineral economy as the empirical anchor.

Assumption One: Resource Wealth Produces Rent-Seeking and Weakens Institutions

The first assumption holds that high rents create incentives for elites to seek control over distribution rather than invest in productivity, generating corruption and weakening institutions. In the DRC, rent-seeking is not an incidental pathology. It is a defining mechanism of mineral governance, often organized around control of permits, security provision, border posts, and access to trade routes.

The structure of artisanal mineral economies increases opportunities for rent extraction because many points in the chain are small, informal, and dependent on gatekeepers. In eastern Congo, the materiality of 3T minerals makes transport visible and therefore taxable, creating recurring incentives for checkpoint systems and "taxation" regimes. Smith notes that because these minerals are heavy and require teamwork to move, a division of labor emerges quickly, and with it, a set of actors positioned to capture value through control rather than production.[9]

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[7] Marie Müller-Koné, "Débrouillardise: Certifying 'Conflict-Free' Minerals in South Kivu, DR Congo," Journal of Modern African Studies 53, no. 2 (2015): 147–152.

[8] Richard Auty, Sustaining Development in Mineral Economies: The Resource Curse Thesis (London: Routledge, 1993); Michael L. Ross, "The Political Economy of the Resource Curse," World Politics 51, no. 2 (1999): 297–322

[9] *Ibid*.

Certification schemes meant to address conflict minerals can inadvertently reproduce rent-seeking by creating new bureaucratic chokepoints. Müller-Koné's analysis of "conflict-free" initiatives shows how the declaration of a site as legal and "conflict-free" can become an improvised political process, reliant on ad hoc agreements among authorities, economic actors, and monitors.[10] Such processes may reduce overt armed control in some contexts, but they can also consolidate gatekeeping power and shift rents toward those who can navigate or manipulate compliance systems.

The broader institutional consequence is a state that is frequently present as a distributor of permissions and a collector of fees, but absent as a provider of security and public goods. This resembles the resource curse claim that institutions become oriented toward extraction rather than development.

Assumption Two: Resource Dependence Increases the Risk of Conflict and Violence

The second assumption is that resource wealth increases conflict risk by raising the stakes of territorial control and providing finance for armed actors. In the DRC, this mechanism is well documented across multiple phases of conflict. The eastern provinces have hosted a dense ecosystem of armed groups and militarized actors, many of whom have relied on minerals as one revenue stream among others.

What distinguishes the DRC is that mineral-related violence is not only about direct ownership of mines. It also involves control of transport corridors, border crossings, and trading nodes. When armed actors can finance themselves through "roadside taxation," their incentive is not merely to dig ore, but to govern mobility. This matches the ethnographic observation that in some contexts, mines are only one element in a broader portfolio of coercive revenue strategies.[11]

Corporate actors can become entangled in conflict economies even when they do not directly support violence, because the environment in which they operate is already saturated with armed control. Prosansky's study of AngloGold Ashanti's activities in Ituri illustrates how company operations intersected with armed factional violence and how accountability mechanisms were weak or underdeveloped. The presence of a multinational corporation can create economic incentives for stabilization, but it can also generate demand for security

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[10] Marie Müller-Koné, "Débrouillardise: Certifying 'Conflict-Free' Minerals in South Kivu, DR Congo," Journal of Modern African Studies 53, no. 2 (2015): 153–160.

[11] Jeffrey W. Mantz, "Improvisational Economies: Coltan Production in the Eastern Congo," Social Anthropology/Anthropologie Sociale 16, no. 1 (2008): 40–45; James H. Smith, "Tantalus in the Digital Age: Coltan Ore, Temporal Dispossession in the Congo," American Ethnologist 38, no. 1 (2011): 26–30; Brandon Prosansky, "Mining Gold in a Conflict Zone: The Context, Ramifications, and Lessons of AngloGold Ashanti's Activities in the Democratic Republic of the Congo," Northwestern Journal of International Human Rights 5, no. 2 (2007): 243–247.

arrangements that, in fragile contexts, become channels for abuse.[12]

The human consequences are measured not only in battles but in the slow violence of displacement, sexual violence, and forced labor. Kara's blunt formulation, "We work in our graves," is not only metaphor. It captures a labor regime in which the risk of death is structurally normalized for those at the bottom of the chain.[13]

Assumption Three: Resource Wealth Distorts the Economy and Produces Underperformance

A third assumption is that resource booms can distort the economy, encouraging dependence on a narrow export base, weakening other sectors, and producing "enclave" development. In the DRC, the mineral sector has historically generated high value with weak domestic linkages. The reasons are structural: capital-intensive mining, foreign ownership, limited local processing capacity, and the export of raw or semi-processed materials.

For the 3T minerals and gold, the enclave dynamic operates differently, because artisanal mining is labor-intensive and can provide income to many people. Yet even here, the broader development impact is often thin. The work is precarious, earnings are volatile, and the value captured locally is constrained by the fact that processing and refining occur elsewhere. Smith emphasizes that tantalum must be processed outside the region, reducing profits that local workers can expect, and reinforcing the pattern in which the highest-value nodes of the chain sit beyond the national economy.[14]

Economic distortion also appears in labor allocation. When mining becomes one of the few available livelihoods, it pulls labor away from agriculture and other sectors, particularly in contexts of conflict and displacement. The result is not Dutch disease in the classic macroeconomic sense alone, but a social and spatial reorganization of livelihoods around extraction.

Assumption Four: Resource Wealth Undermines Accountability and Democratic Governance

Resource curse literature often argues that when governments can rely on rents rather than taxation, they face weaker pressure to respond to citizens. In the DRC, the problem is compounded by the fact that mineral rents are not centralized and transparently incorporated into public budgets. Instead, revenue streams can be fragmented across state agencies, local officials, security forces, and private actors.

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[12] Brandon Prosansky, "Mining Gold in a Conflict Zone: The Context, Ramifications, and Lessons of AngloGold Ashanti's Activities in the Democratic Republic of the Congo," Northwestern Journal of International Human Rights 5, no. 2 (2007): 241–258

[13] Siddharth Kara, Cobalt Red: How the Blood of the Congo Powers Our Lives (New York: St. Martin's Press, 2023)

[14] James H. Smith, "Tantalus in the Digital Age: Coltan Ore, Temporal Dispossession in the Congo," American Ethnologist 38, no. 1 (2011): 21–27.

Accountability is further weakened by the international structure of mineral governance. If supply chains are managed through private audits, corporate self-reporting, and voluntary initiatives, the mechanisms that might connect extraction to domestic democratic oversight remain underdeveloped. This is why Kara's critique of corporate claims about human rights in supply chains is so cutting: declarations of responsibility can function as moral insulation, allowing accountability to evaporate into paperwork.

Müller-Koné's analysis adds an important nuance. The problem is not simply the absence of governance. It is the presence of multiple partial governance systems whose overlap allows blame to be deflected. Débrouillardise is not chaos. It is a rational response to living within plural authority structures. But it can also be a political technology that allows powerful actors to benefit from ambiguity.[15]

Assumption Five: Resource Wealth Produces Social Fragmentation and Grievance Politics

The fifth assumption links resources to social fragmentation, identity politics, and grievance. In the DRC, conflict in the east has been shaped by citizenship disputes, land politics, migration histories, and regional interventions. Minerals interact with these dynamics by providing a material prize that can be framed through ethnic claims, local belonging, and narratives of foreign predation.

Smith records a powerful interpretive frame among interlocutors in the Kivus: the war is understood as foreign-driven, motivated by external actors who want to profit from Congolese soil, with Congolese people witnessing events as "shadows cast on the interior walls of a cave."[16] This is not merely a conspiracy. It is an interpretation produced by repeated experiences of being ruled through invisible networks of power.

When resources become entwined with narratives of invasion and betrayal, political legitimacy becomes harder to build. In such contexts, reforms that focus only on technical fixes can fail because they do not address the underlying crisis of trust.

What the DRC Could Have Done Differently

Counterfactual analysis in resource curse cases can easily become moralistic, as if "better governance" were simply a choice. A more serious approach is to identify moments when different institutional pathways were plausible and to articulate what those pathways would have required.

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[15] Marie Müller-Koné, "Débrouillardise: Certifying 'Conflict-Free' Minerals in South Kivu, DR Congo," Journal of Modern African Studies 53, no. 2 (2015): 145–150, 158–162.

[16] James H. Smith, "Tantalus in the Digital Age: Coltan Ore, Temporal Dispossession in the Congo," American Ethnologist 38, no. 1 (2011): 29–32.

One set of choices concerns fiscal architecture. The DRC could have prioritized the consolidation of mineral revenue into transparent public accounts, with clear rules for subnational transfers, stabilization funds, and investment. Such reforms are difficult in fragile states, but they are not impossible. They require international support that is conditional on transparency and domestic coalitions that see long-term legitimacy as more valuable than short-term rent capture.

A second set of choices concerns security sector governance. The DRC's repeated cycles of violence in mining zones illustrate that economic reforms cannot succeed without credible security institutions. A key failure has been the militarization of revenue collection itself, where elements of the security forces behave as economic actors. Breaking this link would have required structural reforms: professionalization, salary reliability, disciplinary mechanisms, and the removal of security forces from direct involvement in mining taxation.

A third set of choices concerns the organization of artisanal mining. Rather than treating artisanal mining as a temporary anomaly, the state could have pursued a long-term strategy to formalize it without criminalizing livelihoods. Müller-Koné's work suggests that the reality of plural authority will not vanish. The question is whether pluralism can be made accountable through legal clarity, negotiated legitimacy, and enforceable rights at the site level.[17]

A fourth set of choices concerns domestic value addition. The DRC could have pursued policies to increase local processing and to negotiate contracts that build domestic capacity. This is not a simple call for "industrialization." It is a recognition that the highest rents often sit in processing, refining, and manufacturing rather than extraction. Without some movement up the value chain, the country remains structurally dependent.

Finally, the DRC could have integrated human rights enforcement into resource governance as a central metric rather than a reputational afterthought. Kara's insistence that "meaningful solutions cannot be devised if they are devoid of direct input from those the solutions are meant to assist" points to a practical governance principle: reforms must be designed with miners and affected communities, not merely for them.[18]

Solutions and Reform Pathways

Solutions must be tied to the specific political economy of the DRC's mineral endowment. Broad prescriptions that treat minerals as a single category risk missing the mechanisms through which harm is produced. This section proposes a layered set of reforms that

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[17] Marie Müller-Koné, "Débrouillardise: Certifying 'Conflict-Free' Minerals in South Kivu, DR Congo," Journal of Modern African Studies 53, no. 2 (2015): 146–149, 160–165.
[18] Siddharth Kara, Cobalt Red: How the Blood of the Congo Powers Our Lives (New York: St. Martin's Press, 2023)

align with the assignment's requirement to offer solutions related to natural resource endowment. First, supply-chain governance must move from voluntary assurances to enforceable due diligence. This means legally requiring companies to map supply chains down to smelters and, where possible, to mine sites, with penalties for false reporting. The OECD's due diligence framework has become a reference point for this approach, but its effectiveness depends on implementation and independent verification.[19]

Second, certification systems must be redesigned to reduce rent-seeking chokepoints. Müller-Koné's concept of débrouillardise highlights how legal declarations can become ad hoc political bargains. A more durable approach would standardize mine site legal status decisions, publish the criteria and decisions, and create local grievance mechanisms that miners and communities can use to contest abuses. If "conflict-free" status becomes a tradable label rather than a measurable condition, it will reproduce the very opacity it claims to solve.

Third, artisanal mining policy should focus on rights and safety, not merely traceability. This includes enforceable prohibitions on child labor, access to protective equipment, safer pit design, and the creation of cooperatives that genuinely increase miners' bargaining power. Crucially, it also requires alternative livelihoods, because the removal of children from mines without household income support can produce new harms.

Fourth, revenue governance should be anchored in transparency. This includes public reporting of contracts, payments, and subnational transfers, aligned with international best practices such as those promoted by transparency initiatives. Prosansky's account of the limited reach of accountability mechanisms in conflict zones underscores the need for stronger public oversight and enforceable standards rather than reputational governance alone.[20]

Fifth, security sector reform is a mineral policy. Without breaking the connection between armed actors and mineral revenue, reforms will remain fragile. This requires international pressure not only on domestic institutions but also on cross-border smuggling networks that allow minerals to exit conflict zones and enter legal export channels.

Sixth, the DRC should pursue value addition where feasible, through targeted industrial policy, regional infrastructure, and contract negotiation that includes processing commitments.

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[19] Organisation for Economic Co-operation and Development (OECD), OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, 3rd ed. (Paris: OECD Publishing, 2016); Marie Müller-Koné, "Débrouillardise: Certifying 'Conflict-Free' Minerals in South Kivu, DR Congo," Journal of Modern African Studies 53, no. 2 (2015): 153–160.

[20] Brandon Prosansky, "Mining Gold in a Conflict Zone: The Context, Ramifications, and Lessons of AngloGold Ashanti's Activities in the Democratic Republic of the Congo," Northwestern Journal of International Human Rights 5, no. 2 (2007): 250–258; Extractive Industries Transparency Initiative (EITI), The EITI Standard 2019 (Oslo: EITI International Secretariat, 2019).

Even incremental increases in domestic processing can alter the distribution of rents and reduce the degree to which Congolese labor is trapped at the lowest-value nodes.

Finally, reforms must be narrated as a legitimacy project. The DRC's mineral economy has repeatedly produced the experience that global prosperity is built on Congolese suffering. Kara's observation that "labor is valued by the penny, life hardly at all" is an ethical claim, but it is also a political one: states cannot sustain stability when the social meaning of extraction is humiliation. A credible reform agenda must therefore include public participation, local benefit-sharing, and visible investments in mining communities.

Conclusion

In recent years, global movements such as All Eyes on Congo, alongside parallel mobilizations drawing attention to Sudan and Palestine, have signaled a growing public recognition that contemporary crises of violence, displacement, and deprivation are not isolated humanitarian tragedies but interconnected outcomes of global political and economic systems. What unites these cases is not geography or ideology, but a shared structure of invisibility, in which suffering is rendered peripheral to the everyday functioning of global markets and geopolitical priorities. In the Congolese context, this renewed attention has challenged long-standing patterns of neglect by foregrounding the continuity between extraction, conflict, and consumption. The resurgence of Congo in global discourse reflects a broader reckoning with the reality that some lives and regions have been systematically treated as expendable within the architecture of the global economy.[21]

Yet attention alone does not resolve the deeper political economy that sustains these crises. As this paper has demonstrated, the Democratic Republic of Congo exemplifies the resource curse not because of a singular failure of governance or morality, but because of a durable alignment of incentives that make exploitation rational and reform costly. Mineral wealth has repeatedly undermined accountability, fueled elite capture, intensified conflict, eroded institutions, and distorted development pathways. These outcomes are not accidental. They are the predictable consequences of an extractive order in which domestic institutional weakness converges with international demand, opaque supply chains, and limited mechanisms of enforceable accountability. Understanding the Congolese case through the lens of the resource curse therefore clarifies that solutions cannot be confined to technical regulation or episodic corporate reform. They must confront the political foundations of extraction itself, including who captures value, who bears risk, and whose lives are rendered invisible in the pursuit of growth.

[21] Nelly Bassily, "Empathy to Fight Colonial Abhorrence and Amnesia: Global Solidarity with and Disability Justice in Palestine, Sudan and the Democratic Republic of Congo as Moral Imperative," Disability Visibility Project, July 21, 2025, https://disabilityvisibilityproject.com

> *"Nothing looks the same after a trip to the Congo. The world back home no longer makes sense. It is difficult to reconcile how it even inhabits the same planet. Neatly arranged mountains of vegetables at grocery stores seem vulgar. Bright lights and flushing toilets seem like sorcery. Clean air and water feel like a crime. The markers of wealth and consumption appear violent."*[22]

What Kara's reflection ultimately reveals is not only a moral rupture, but an analytical one. The Democratic Republic of Congo forces a confrontation with the limits of prevailing narratives about development, progress, and global integration. The resource curse in the Congo is not an abstract economic puzzle; it is a lived political economy in which wealth is generated through institutional fragmentation, coerced labor, and deliberate opacity across global supply chains. This paper has shown that mineral abundance did not fail the Congolese state by accident. It was structured, governed, and monetized in ways that consistently privileged extraction over accountability, consumption over citizenship, and profit over political responsibility. To understand the Congo, then, is to understand that the comforts of the contemporary world are not merely distant from its suffering, but constitutively linked to it. Any serious attempt to resolve the resource curse must therefore move beyond technocratic fixes and confront the political choices, domestic and international, that continue to make disorder profitable and dignity expendable.

[22] Siddharth Kara, Cobalt Red: How the Blood of the Congo Powers Our Lives (New York: St. Martin's Press, 2023)

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Protecting Children in the Age of Social Media
by Julia Bochkarev, C'28

Children today face a different world with a multitude of benefits and dangers that did not exist prior to the development of social media. Whereas before the invention of the internet, technologies such as the printing press, telegraph, and telephone improved the speed of communication over various terrains, these technologies did not adjust their output based on calculated algorithms collecting information on user preferences. Therefore, these prior technologies served as tools that the user could maintain control over to regulate their use based on the benefits they brought to the users. Social media, by contrast, adjusts the output it offers based on a multitude of data points collected from the user's interaction with the interface. In this way, social media platforms such as Instagram, TikTok, and Facebook make judgments on the type of content to display to the user, placing control over which content to consume in the hands of private companies and taking it away from the user. With about 5.17 billion people today using social media — about ⅔ of the world's population — social media has become an increasingly integrated part of daily life for most people, and yet regulations and boundaries surrounding social media remain vague in international law.[1] Children are an especially vulnerable population to the effects of these algorithms, and would benefit from an adjustment to the current international laws and regulations governing access to social media. While a total social media ban for children may be unnecessary in a globally connected world where these platforms serve cultural, social, and educational functions, stronger regulation of harmful content and more effective age-verification measures are essential to protect children from dangerous material.

International law does not explicitly prohibit or permit the use of social media for children. However, a general framework for how UN member states should approach social media restrictions can be compiled from the Convention on the Rights of the Child (1989), General Comment No. 25 (2021) on children's rights in relation to the digital environment, and through various non-binding guidelines.

The Convention on the Rights of the Child (CRC) underscores that children, as defined as anyone under the age of 18, are imbued with the right to "seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice" as stated in Article 13.[2] This implies that all children within member states that ratified this convention — this being all

[1] World Population Review, "Social Media Users by Country 2025," *World Population Review*, December 2025, https://www.worldpopulationreview.com/country-rankings/social-media-users-by-country.
[2] United Nations, *Convention on the Rights of the Child* (New York: United Nations, November 20, 1989), https://www.ohchr.org/sites/default/files/crc.pdf.

member states except for the United States, which remains a signatory — have a legal right to express themselves freely over social media, thereby making any bans on social media and child expression over social media in direct opposition to international law. However, this article retracts this right "for the protection of national security or of public order (ordre public), or of public health or morals," which allows for greater flexibility in determining whether or not social media is allowed for children of a certain age or any children, whether there should be limits to screentime, whether the function on social media or its content should be regulated, so on and so forth.[3]

General Comment No. 25 on children's rights in relation to the digital environment provides greater depth on how member states should apply the articles in the CRC to social media. It puts forth in its introduction that "the rights of every child must be respected, protected and fulfilled in the digital environment," and continues on to clarify in paragraph 96 that "measures may also be needed to prevent unhealthy engagement in digital games or social media."[4] The General Comment explicitly bans certain activities over social media, such as the grooming or economic exploitation of children over social networking platforms, but does not explicitly ban social media platforms. This also allows for relative leniency for member states to decide how they want to approach regulating or deregulating social media use for children in their state.

A variety of soft-law guidelines have also shaped how states approach regulating social media for children. These include, but are not limited to, UNICEF's "Child Online Protection (COP) Guidelines" (2020), the UN Secretary-General's Roadmap for Digital Cooperation (2020), UNESCO's "Guidelines for the Governance of Digital Platforms" (2023), and the Universal Declaration of Human Rights. These guidelines mostly serve to ensure access for children to the digital world while aiming to protect them from the harms that come with it, such as the risk of child grooming, exploitation, bullying, and data misuse. Although not legally binding, these guidelines lay a clear groundwork that emphasizes protecting the rights of children in the online space while shielding them from the negative consequences of misuse of these platforms.

The lack of explicitly expressed restrictions on social media for children — in terms of platforms allowed to be used and time, app function, or content restrictions — neglects to create sufficient enforceable guidelines for states and private companies, and therefore protection for children, against the known pitfalls of social media. Many of the negative consequences of

[3] *Ibid*.
[4] Committee on the Rights of the Child, *General Comment No. 25 (2021) on Children's Rights in Relation to the Digital Environment* (Geneva: United Nations Human Rights Office of the High Commissioner, March 2, 2021), https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-25-2021-childrens-rights-relation.

social media, as well as its overall direct impact on children and their health, are enumerated in a report published by the United Nations Children's Fund (UNICEF) in June of 2025, which compiled multi-country datasets from the EU Kids Online 2020, Disrupting Harm surveys, and PISA 2022 and PIRLS 2021 education surveys.[5]

One outcome of the report highlights that the type of content shown to children has a much stronger correlation with negative mental health outcomes than screen time in general. In a combined study of over 400,000 children across 40 countries in different regions of the world, a very weak correlation was identified between the time a child spent on their phone and poor mental health outcomes.[6] This implies that it's not the amount of time that a child spends on social media, but other factors that lead to poorer mental health outcomes in children who spend time online. So, restricting time spent on social media does not appear to have a significant benefit to children, and only deprives them of their right to expression as guaranteed under Article 13 of the CRC, and the right to mass media and information as guaranteed under Article 17 of the aforementioned convention.

However, even though increased screentime does not directly lead to worsened mental health in children, spending extensive time on social media, or online in general, does come with significant drawbacks. A study of United States adolescents ages 12-15, adjusted for baseline mental health status, identified that "adolescents who spent more than 3 hours per day on social media faced double the risk of experiencing poor mental health outcomes including symptoms of depression and anxiety."[7] Since purely the amount of time spent on social media does not lead to poorer mental health outcomes, the negative effects on teens identified in this study are most likely a reflection of the content shown to these children over this period of time. Consistent with this expectation, the UNICEF report outlined exposure to "online sexual abuse, online bullying, hate content, gory or violent content, and unwanted sexual content" on social media as the main drivers of anxiety, self-harm, and suicidal thoughts and behaviors in children. Therefore, the amount of time a child spends on social media is not detrimental to that child's mental health and wellbeing, but the type of content the child is exposed to, and the interactions they may have through these platforms, can lead to "physical or mental violence, injury or abuse" as outlined in Article 19 of the CRC.

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[5] *UNICEF Innocenti, Childhood in a Digital World: Screen Time, Digital Skills and Mental Health* (Florence: United Nations Children's Fund, June 12, 2025), https://www.unicef.org/innocenti/media/11296/file/UNICEF-Innocenti-Childhood-in-a-Digital%20World-report-2025.pdf.

[6] *Ibid*.

[7] Office of the Surgeon General, *Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory* (Washington, DC: U.S. Department of Health and Human Services, 2023), https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf.

A closer dissection of how social media applies to Article 19 of the CRC reveals that many member states are not in compliance with international law. For instance, many social media platforms serve as spaces for child predators to directly contact and manipulate children. Since not all children can distinguish between real and 'fake' accounts — social media profiles that some predators create to manipulate these children into believing they are a trusted adult, a peer, or someone of the same age with a romantic interest in them — they are often misled and pressured into taking explicit photos of themselves. These photos can then be used as leverage by child predators to persuade these children into sending more nude or otherwise sexually explicit pictures of themselves, also called sextortion; these photos can also be leveraged to encourage the child to send money to the predator, also known as financial sextortion.[8] On the social media platform "Snap" alone, the company faced over 10,000 monthly reports of sextortion, leading to a lawsuit filed by the Attorney General of New Mexico.[9] This widespread phenomenon puts children at a greater risk of overall stress, anxiety, depression, and suicide as they believe themselves to be in an 'inescapable' situation. As such, social media therefore oftentimes lends itself towards the "maltreatment or exploitation, including sexual abuse" of these children as articulated in Article 19 or the CRC. Furthermore, as previously mentioned, Article 19 prohibits "physical or mental violence [against], injury or abuse" of children. Interacting with social media for long periods of time can disturb sleep and worsen eyesight. This counts as physical violence against a child's body and, therefore, further evidence for why certain functions on social media should be restricted. Furthermore, the opportunity cost of spending time on social media becomes not only the negative mental and physical consequences of exposure to harmful content on social media, but also the time the child could have spent with other children, exercising, playing, or with family – all of which are critical for childhood development. Considering these qualifying factors, Article 19 of the CRC states that states parties are required to "take all appropriate legislative, administrative, social and educational measures to protect the child" from these harms. However, the execution of this mandate proves to be subjective and largely unenforceable, leading to continued violence and harm against children through social media.

This is not to say, however, that social media only negatively impacts children's mental health. On the contrary, social media has been proven to offer children a sense of community that may otherwise be difficult to find, especially for those children who are geographically isolated or have more niche interests. Growing evidence indicates that, especially for children experiencing mental health difficulties, online communities can offer a strong sense of support. Additionally, social media increases access to information, peer support, distraction, humor, and

[8] U.S. Immigration and Customs Enforcement, "Sextortion: It's More Common Than You Think," *ICE.gov*, accessed December 12, 2025, https://www.ice.gov/features/sextortion.
[9] Kara Alaimo, "Social Media Is Disproportionately Hurting Girls: Parents Need to Have These Conversations with Their Daughters," *After Babel* (Substack, December 4, 2024), https://www.afterbabel.com/p/social-media-conversations-with-daughters.

the possibility of online social connection. However, the opposite is also true, where social media tends to create feelings of isolation, rejection, and even abandonment.[10] Pressures and standards created by online communities can negatively impact children, even if they start off as a place of safety, connection, and community. To safeguard against these negative effects of social media, states should increase regulation of chats to monitor for harmful messages and be more cognizant of how social norms online affect the impressionable minds of children. The US Surgeon General's Advisory from 2023 even mentioned that "among adolescent girls of color, one-third or more report exposure to racist content or language on social media platforms at least monthly," exemplifying how not all social media communities benefit the children that join them.[11]

Social media has also been proven to have a larger negative impact on girls. In a study of 14-year-olds, increased use of social media was associated with "poor sleep, online harassment, poor body image, low self-esteem, and higher depressive symptom scores with a larger association for girls than boys."[12] This targeting of young girls specifically makes social media use by girls particularly dangerous in terms of development and overall mental health and safety. Moreover, an international study found that in an analysis of 22 countries, "female youth had a lower likelihood of having digital skills compared to their male counterparts in the same household."[13] As families worry about the dangers social media poses to the dignity and safety of their daughters and sons, daughters are likely discouraged from using social media more than sons, leading to a gender imbalance in the digital skills women gain. All children, no matter their gender, are guaranteed protection from such harms under the CRC, but girls specifically are guaranteed additional measures to "close the gender-related digital divide for girls and to ensure that particular attention is given to access, digital literacy, privacy and online safety" under general comment 25 on children's rights in relation to the digital environment.[14] Therefore, member states have an obligation to protect children, particularly girls, from the dangers of social media, which means banning it or restricting access to harmful content. The responsibility, however, does not fall on member states alone. The UN Guiding Principles on Business and Human Rights states that business enterprises must "seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services" under Principle

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[10] Mariya Stoilova, Christopher Edwards, Kasia Kostyrka-Allchorne, Sonia Livingstone, and Edmund Sonuga-Barke, *The Impact of Digital Experiences on Adolescents with Mental Health Vulnerabilities: A Multimethod Pilot Study* (London: King's College London and London School of Economics and Political Science, 2021), https://kclpure.kcl.ac.uk/ws/portalfiles/portal/166090398/Stoilova_et_al_2021_Mental_health_digital_technologies_report.pdf.

[11] Office of the Surgeon General, *Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory* (Washington, DC: U.S. Department of Health and Human Services, 2023), https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf.

[12] *Ibid*.

[13] United Nations Children's Fund (UNICEF), *Bridging the Gender Digital Divide: Challenges and an Urgent Call for Action for Equitable Digital Skills Development* (New York: UNICEF, May 2023), 31, https://data.unicef.org/wp-content/uploads/2023/05/Bridging-the-Gender-Digital-Divide-1.pdf.

[14] Committee on the Rights of the Child, *General Comment No. 25 (2021)*.

13.[15] Since the development of mental health problems in children, especially girls, is directly linked to the consumption of harmful social media content, these companies have a responsibility to mitigate the impact of their content through restrictions on children's accounts.

Social media has also been shown to increase digital literacy, defined as the ability to effectively interact with a technology to achieve a desired outcome. In a study of children across 25 states, it was found that those "who use social media regularly are up to twice as likely to know how to change their privacy settings and at least 50 per cent more likely to know how to remove someone from their contacts list and identify the best keywords to use for online searches."[16] This measurable effect of social media encouraging the development of digital skills in children emphasizes the necessity of children's access to social media. In a highly digitized world where, by an estimate of the European Commission, over 90% of jobs in Europe alone require basic digital literacy, these skills are invaluable for children's education.[17] Without this foundational knowledge, children could lag behind in developing an understanding of how to interact with technology, which would place them at a significant disadvantage in terms of future employment. It is also important to note that this correlation between time spent on social media and digital literacy was found irrespective of other activities children engaged in, so the results are not skewed by children's overall use of the internet, but focus specifically on how social media impacts digital literacy outcomes. However, this gap in digital literacy could be addressed through other means apart from allowing children access to social media. High school, middle school, and even elementary school students could be offered free course materials on improving digital literacy, or digital literacy could be integrated into school curricula. Therefore, even though social media improves digital literacy, it is not the only method to prepare children for a digitized world. Furthermore, interactive courses on digital literacy could incorporate the same algorithms used by social media to make them just as engaging. This way, children are not at risk of encountering some of the harms of social media, such as child predators and cyberbullies, but still receive the educational benefit of interacting with digital technology.

The first nation to enforce a complete social media ban was Australia. On December 10th, 2025, Australia placed a ban on all social media accounts of users registered as 16 years of age or younger. This includes a ban on all major social media platforms, including TikTok,

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[15] Office of the United Nations High Commissioner for Human Rights, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework* (New York and Geneva: United Nations, 2011), https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf.

[16] UNICEF Innocenti, *Childhood in a Digital World: Screen Time, Digital Skills and Mental Health* (Florence: United Nations Children's Fund, June 12, 2025), 14, https://www.unicef.org/innocenti/media/11296/file/UNICEF-Innocenti-Childhood-in-a-Digital%20World-report-2025.pdf.

[17] European Union, *Digital Literacy in the EU: An Overview*, data.europa.eu (European Data Portal, December 6, 2023), https://data.europa.eu/en/publications/datastories/digital-literacy-eu-overview.

Instagram, Snapchat, Facebook, and other lesser-known social media platforms; noncompliance results in a multi-million dollar fine on the noncompliant private company.[18] Although there is no published data on the effects of this ban due to its recency, interviews with Australian youth reveal that many planned to utilize a Virtual Private Network (VPN) to create an encrypted connection and make it appear to these social media platforms that users are located in another country where there is no ban on social media. Furthermore, although youth accounts were banned, many only require a self-reported age to distinguish between youth and adult accounts. Therefore, an account could be created and used by anyone of any age as long as they input the birthday of someone who would be over 16 years of age on the day of the account's creation. As the first state to take such drastic measures, Australia will set a precedent for whether or not government bans hold against the wills of social media companies, and whether these bans are effective in improving the mental and physical health of children. Other states have or are planning to impose restrictions on social media for children. Denmark, Malaysia, and the United Kingdom have expressed interest and plans to ban social media for children, while other states, such as Norway and China, plan to add additional restrictions to the social media accounts of minors.[19] [20] This global trend towards implementing limits on, or outright banning, social media accounts for children indicate a shift towards the protection of children's rights to online safety as per UNICEF's "Child Online Protection (COP) Guidelines."

Addictive features on social media platforms ensnare users and encourage addictive behaviors. Push notifications, autoplay, endless scrolling, algorithms that employ user engagement data to provide personalized content, and quantifiable 'likes' all serve as features that aim to maximize the time users spend on the interface, without consideration of how these functions affect user well-being. These features have even been proven to cause changes in brain structure that mimic those experienced by people who overindulge in substance use or gambling.[21] These effects, however, not only directly harm children but also change the behaviors of parents. A study by Pew Research Center found that "about seven-in-ten (68%) [parents] say they are at least sometimes distracted by their phone when spending time with

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[18] United Nations Office of the High Commissioner for Human Rights, *UN Treaty Body Database: Australia*, accessed December 12, 2025, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=AUS&Lang=EN

[19] Nicol Turner Lee, Josie Stewart, and Carolina Oxenstierna, "How Will Bans on Social Media Affect Children?" *Brookings Institution*, December 9, 2025, https://www.brookings.edu/articles/how-will-bans-on-social-media-affect-children/.

[20] James Brooks (Associated Press), "Following Australia's Lead, Denmark Plans to Ban Social Media for Children Under 15," *ABC News*, December 11, 2025, https://abcnews.go.com/Technology/wireStory/australias-lead-denmark-plans-ban-social-media-children-12830376.

[21] Office of the Surgeon General, *Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory* (Washington, DC: U.S. Department of Health and Human Services, 2023), https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf.

their children."[22] So social media also has negative impacts on the parents and caretakers of children, which can lead to less attention allocated to bonding, interacting, and overall strengthening the child-parent relationship, ultimately harming those children.

Therefore, by international law — particularly under Article 19 of the CRC, Principle 13 of General Comment 25 on children's rights in relation to the digital environment, and as per the UN Guiding Principles on Business and Human Rights and other norm-setting documents — member states have a responsibility to restrict some of the content and functions, or fully ban, social media for children. However, not only states, but also private actors have a responsibility to eliminate these harmful forms of content. Current age-verification methods allow children to easily misrepresent their age and therefore sidestep any restrictions or bans placed on youth accounts. If social media companies required an adult to provide a state-issued ID to create a youth account on a child's behalf, for example, then fewer children would have access to adult accounts, and restrictions on social media accounts for children could be better enforced. Furthermore, private actors should operate with a higher degree of respect and care for child users, which includes, but is not limited to, creating accounts with certain restrictions on content and chat functions available for children, adjusting age-verification processes for new account creation to ensure children cannot create adult accounts, and overall operating with a higher degree of respect and care for child users. In this way, state governments and private companies can ensure children receive the benefits of social media accounts such as an increased sense of community, increased digital literacy, and a place for self-expression, while mitigating the risks of some of social media's drawbacks such as worsening mental and physical health, online sexual abuse, bullying, grooming, and sextortion among others. These adjustments are especially important to make to protect girls who are disproportionately affected by the harms of social media.

[22] Brooke Auxier, Monica Anderson, Andrew Perrin, and Erica Turner, *Parenting Children in the Age of Screens* (Washington, DC: Pew Research Center, July 28, 2020), https://www.pewresearch.org/internet/2020/07/28/parenting-children-in-the-age-of-screens/.

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U.S. Domestic Policy In Response to the 1973 Oil Embargo

by Rafaa Bukhary, C'28

Introduction: Framing the 1973 Oil Embargo and Its Domestic Impact

On the 19th of October, 1973 the United States of America experienced a profound shock to its economy, policy, and society. The 1973 Oil Embargo, imposed by the Organization of Arab Petroleum Exporting Countries (OAPEC), marked a critical point of realization and reform within American governance and public life.

From the formation of several administrative groups to country-wide conservation efforts, the embargo was a catalyst for significant domestic policy shifts that remain relevant to this day. As President Nixon stated in his November 1973 address to the nation, *"Our ability to meet our own energy needs is directly limited to our continued ability to act decisively and independently at home…"*.[1]

Indeed, while the 1973 Oil Embargo had undeniably major implications for international geopolitics, its impact on the United States *'at home'* was nothing less than transformative. Thus, this paper explores U.S. domestic energy policy in response to the 1973 Oil Embargo, focusing on both the immediate actions and the long-term reforms it set in motion.

America Before the Crisis: Rising Dependence on Foreign Oil

Following its victory in World War II, the United States emerged as a dominant oil power, accounting for more than 50 percent of global output.[2] Yet this rise in production was accompanied by an exponential surge in energy consumption, with the United States becoming the world's largest oil consumer, responsible for more than one-third of global oil use.[3] While domestic reserves were abundant, rising demand increasingly outpaced production, and foreign oil imports made relatively cheap by multinational oil concessions in the Middle East, Southeast Asia, and Africa, became an attractive source.[4] Thus, the resulting surge in U.S. dependence on foreign oil earned it the title of *net importer* by 1948, a factor which only deepened the impacts of the 1973 embargo.[5]

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[1] The American Presidency Project UC Santa Barbara, "Address to the Nation about Policies to Deal with the Energy Shortages," www.presidency.ucsb.edu, November 7, 1973, https://www.presidency.ucsb.edu/documents/address-the-nation-about-policies-deal-with-the-energy-shortage.

[2] Gregory Brew, "OPEC, International Oil, and the United States," *Oxford Research Encyclopedia of American History*, May 23, 2019, https://doi.org/10.1093/acrefore/9780199329175.013.719.

[3] *Ibid*., Gregory L. Schneider, "The 1973 Oil Crisis and Its Economic Consequences," Bill of Rights Institute, 2018, https://billofrightsinstitute.org/essays/the-1973-oil-crisis-and-its-economic-consequences

[4] Jack L. Hervey, "The 1973 Oil Crisis: One Generation and Counting - Federal Reserve Bank of Chicago," www.chicagofed.org, October 1994, https://www.chicagofed.org/publications/chicago-fed-letter/1994/october-86

[5] *Ibid*.

In response to this deficit, the 1959 Mandatory Oil Import Program was established, limiting oil imports to 9% of domestic consumption.[6] This program, however, was riddled with exemptions and loopholes, ultimately allowing imports to grow to more than 30% of domestic consumption by the time it was eliminated in 1973.[7]

With the U.S. importing over 115,000 barrels of crude oil per month by the early 1970s, concern began arising within the administration.[8] In his address to the nation just six months before the embargo, President Nixon warned of a looming energy challenge, stating *"If present trends continue unchecked, we could face a genuine energy crisis."*[9] Little did he know that an energy crisis of unparalleled magnitude was already on its way.

The 1973 Oil Embargo: Politics, Petroleum, and the Path to Crisis

Leading up to 1973, tensions were rising between the Organization of Arab Petroleum Exporting Countries (OAPEC) and the United States. In 1971, Nixon's New Economic Policy program, which included the suspension of the dollar-gold convertibility and a 10% tariff on imports, significantly devalued the US dollar, hurting the revenue of many OPEC economies.[10] In response, negotiations were initiated between leading oil companies (i.e the Seven Sisters) and member countries, who sought compensation for their loss of purchasing power. In the following years, deals were struck between member states and the oil concessions to raise oil prices, seek fairer profits, and distribute market power.[11]

In the political sphere, the weaponization of oil became an imminent possibility. Following the 1967 Arab-Israeli War and the brief oil embargo that followed, Arab leaders and oil officials issued repeated warnings about the potential for a full-scale embargo, stressing

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[6] Council on Foreign Relations, "Timeline: Oil Dependence and U.S. Foreign Policy," Council on Foreign Relations, 2023, https://www.cfr.org/timeline/oil-dependence-and-us-foreign-policy

[7] Charles Cicchetti and Willian Gillen, "The Mandatory Oil Import Quota Program: A Consideration of Economic Efficiency and Equity" (Natural Resources Journal, 1973), https://digitalrepository.unm.edu/cgi/viewcontent.cgi?article=3248&context=nrj.
U.S. Energy Information Administration, " Annual Energy Review 2011: Petroleum and Other Liquids Overview, Selected Years, 1949-2011," 2011, https://www.eia.gov/totalenergy/data/annual/pdf/sec5_6.pdf.

[8] U.S. Energy Information Administration, "U.S. Imports of Crude Oil (Thousand Barrels)," Eia.gov, 2010, https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=pet&s=mcrimus1&f=a

[9] The American Presidency Project UC Santa Barbara, "Special Message to the Congress on Energy Policy," Ucsb.edu, April 18, 1973, https://www.presidency.ucsb.edu/documents/special-message-the-congress-energy-policy.

[10] Office of the Historian, "Nixon and the End of the Bretton Woods System, 1971–1973," State.gov, n.d., https://history.state.gov/milestones/1969-1976/nixon-shock. Alan Reynolds, "Nixonomics in Retrospect: Devaluation and Wage-Price Controls, August 15, 1971," August 18, 2021, https://www.cato.org/commentary/nixonomics-retrospect-devaluation-wage-price-controls-august-15-1971.

[11] Office of The Historian, "Intelligence Memorandum Prepared in the Office of Economic Research," State.gov, February 1972, https://history.state.gov/historicaldocuments/frus1969-76v36/d110.

frustration with U.S. support for Israel.[12] Most notably, King Faisal of Saudi Arabia warned the Nixon administration against their continued alignment with Israel with the threat of an oil cut. In a televised interview on American TV, he stated "*America's complete support of Zionism against the Arabs makes it extremely difficult for us to continue to supply U.S. petroleum needs…*"[13] Despite the Nixon administration's dismissal for these warnings, internal U.S. government documents from that period described an OPEC oil cut as *'likely,'* and even proposed potential policy responses.[14]

Ultimately, the final trigger for the 1973 oil embargo came in early October, following the outbreak of the Fourth Arab-Israeli war. The conflict, which directly involved Syria, Egypt, and Israel, escalated quickly, and midway through the war, Israel turned to the U.S. for support. In response, on October 12th, President Nixon ordered an aerial resupply operation, named *Operation Nickel-Grass*, to Israel, which would become the largest airlift in American history.[15]

Following the U.S. resupply, on October 17th, Arab members of OPEC announced a 5% cut in oil output to countries that supported Israel during the ongoing conflict. In response, the U.S. approved an additional $2.2 billion in aid to Israel, prompting OAPEC to implement a full oil embargo on the 19th.[16]

The American Shock: Rising Prices, Gas Lines, and Strategic Panic

Following the declaration of a complete embargo, the cost of crude oil nearly quadrupled, rising from $2.9 to $11.65 per barrel.[17] This spike triggered a 40% increase in gasoline retail prices, causing gas shortages across the country, as consumers lined up at gas stations refueling several times a day. Subsequently, panic and demand arose, leading many gas stations to limit fuel or shut down completely.[18] Gas station signs which read "*Sorry, No Gas*

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[12] Donald Neff, "Nixon Administration Ignores Saudi Warnings, Bringing on Oil Boycott," WRMEA, October 21, 1997,https://www.wrmea.org/1997-october-november/nixon-administration-ignores-saudi-warnings-bringing-on-oil boycott.html.

[13] "KING FAISAL WARNS U.S. OF OIL CUT OFF ," The New York Times, August 31, 1973, sec. Archives, https://www.nytimes.com/1973/08/31/archives/king-faisal-warns-us-of-oil-cutoff.html.

[14] Office of The Historian, "Paper Prepared in the Office of Economic Research," State.gov, September 1973, https://history.state.gov/historicaldocuments/frus1969-76v36/d206.

[15] "America's Airlift in the 1973 Yom Kippur War," Richard Nixon Foundation, October 10, 2023, https://www.nixonfoundation.org/2023/10/americas-airlift-in-the-1973-yom-kippur-war/ Air Mobility Command Museum, "Operation Nickel Grass," Amcmuseum.org, n.d., https://www.amcmuseum.org/history/operation-nickel-grass/

[16] Gregory L. Schneider, "The 1973 Oil Crisis and Its Economic Consequences," Bill of Rights Institute

[17] Michael Corbett, "Oil Shock of 1973–74," Federal Reserve History, November 22, 2013, https://www.federalreservehistory.org/essays/oil-shock-of-1973-74.

[18] Gregory L. Schneider, "The 1973 Oil Crisis and Its Economic Consequences," Bill of Rights Institute

Today" and *"Gas by Appointment Only"* became a common occurrence.[19]

Within the Nixon administration, further panic ensued, as the American administered energy market struggled to adapt to the decline in oil imports, unable to supplement the deficit with domestic supply.[20] As economic conditions worsened, strategic panic intensified, with Secretary of Defense Schlesinger suggesting the possibility of *"putting troops in crucial states to get oil."*

U.S. Domestic Policy Response: From Emergency Action to Long-Term Reform

While widespread public panic shaped much of the immediate national reaction, the U.S. administration enacted major policy reforms in response to the 1973 Oil Shock. These measures were broad in scope, some implemented swiftly, and others remaining in place decades after the embargo was lifted.

Short Term Policy: Project Independence and Immediate Management

On November 7th 1973, about a month after the embargo was imposed, President Nixon announced *Project Independence* to the American nation.[21] Encompassing a variety of social and administrative changes, this program was established with the goal of obtaining *"the strength of self-sufficiency,"* emphasizing the need to *"meet America's energy needs from America's own energy resources."*[22]

The Project included widespread conservation efforts, including reducing the supply of aircraft fuel by 10% and heating oil by 15%, and calling for lower indoor temperatures and highway speed limits. Actions were also taken on the federal level, with Congress passing the *Trans-Alaska Pipeline Authorization Act* on November 19th 1973, permitting the construction of a pipeline which provided much needed Alaskan oil to a depleted U.S. supply.[23] A few days later, on November 27th, President Nixon signed the *Emergency Petroleum Allocation Act*, granting him temporary authority to deal with the national shortage through resource allocation and price controls.[24]

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[19] Kamelia Angelova, "Amazing Pictures of the Oil Crisis of 1973," Business Insider, August 30, 2011, https://www.businessinsider.com/gas-signs-1970s-2011-8.
[20] Daniel Yergin, "The 1973 Oil Crisis: Three Crises in One—and the Lessons for Today," Center on Global Energy Policy at Columbia University, October 16, 2023, https://www.energypolicy.columbia.edu/publications/the-1973-oil-crisis-three-crises-in-one-and-the-lessons-for-today/
[21] The American Presidency Project, "Address to the Nation about Policies to Deal with the Energy Shortages"
[22] Office of The Historian, "Foreign Relations of the United States, 1969–1976, Volume XXXVI," history.state.gov, n.d., https://history.state.gov/historicaldocuments/frus1969-76v36/d237.
[23] Richard Nixon Foundation, "Nixon and the Trans-Alaska Pipeline: The Foundation for American Energy Independence," November 19, 2013, https://www.nixonfoundation.org/2013/11/nixon-trans-alaska-pipeline-foundation-american-energy-independence/.
[24] "S.1570 - 93rd Congress (1973-1974): Emergency Petroleum Allocation Act of 1973," Congress.gov, n.d., https://www.congress.gov/bill/93rd-congress/senate-bill/1570.

In addition to these policies, President Nixon formed the *Energy Emergency Action Group* to analyze, plan, and advise in response to the energy crisis.[25] Following the recommendations of this group, key measures were developed, including diverting petroleum supply from gasoline to heating oil, imposing a nationwide 50 mph speed limit for cars, and encouraging the voluntary closure of gasoline stations on weekends.[26]

Alongside this advisory task force, the *Federal Energy Office (FEO)* was established on December 4th to handle petroleum allocation programs and oil price control authority, becoming the focal point for *Project Independence's* implementation. This agency was later expanded into the *Federal Energy Administration (FEA)* in June of 1974, which combined the FEO with offices from the Department of the Interior and energy division from the Cost of Living Council.[27] The *FEA* succeeded the *FEO*, expanding its role to include energy data collection, conservation, and long-term energy planning.[28]

Long Term Policy: Building a National Energy Infrastructure

Energy policy concerns in response to the embargo continued past President Nixon, with the Ford Administration signing the *Energy Reorganization Act* in October 1974, splitting the Atomic Energy Commission into the *Nuclear Regulatory Commission (NRC)* and the *Energy Research & Development Administration (ERDA)*, promoting efficient federal energy management.[29]

Conservation remained critical, as the *Energy Policy and Conservation Act* established the *Strategic Petroleum Reserve (SPR)* in December of 1975. The *SPR,* administered by the *FEA,* was required to accumulate at least 150 million barrels in reserve within three years, eventually authorizing up to 1 billion barrels.[30] This reserve, initially established to reduce the impact of disruptions in oil supply, would then grow to become the world's largest supply of emergency crude oil.[31] Additionally, the *EPCA* included a pricing legislation, which granted the

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[25] The American Presidency Project UC Santa Barbara, "Address to the Nation about National Energy Policy," www.presidency.ucsb.edu, November 25, 1973, https://www.presidency.ucsb.edu/documents/address-the-nation-about-national-energy-policy.

[26] Office of The Historian, "Historical Documents - Editorial Note 244," State.gov, n.d., https://history.state.gov/historicaldocuments/frus1969-76v36/d244.

[27] Roger Anders, "THE FEDERAL ENERGY ADMINISTRATION" (U.S. Department of Energy, November 1980), https://www.energy.gov/management/articles/federal-energy-administration.

[28] The American Presidency Project UC Santa Barbara, "Statement about the Federal Energy Administration Act of 1974," Ucsb.edu, May 7, 1974, https://www.presidency.ucsb.edu/documents/statement-about-the-federal-energy-administration-act-1974.

[29] "H.R.11510 - 93rd Congress (1973-1974): Energy Reorganization Act of 1974," Congress.gov, n.d., https://www.congress.gov/bill/93rd-congress/house-bill/11510.

[30] "S.622 - 94th Congress (1975-1976): Energy Policy and Conservation Act," Congress.gov, n.d., https://www.congress.gov/bill/94th-congress/senate-bill/622.

[31] US Department of Energy, "Strategic Petroleum Reserve," Energy.gov, n.d., https://www.energy.gov/ceser/strategic-petroleum-reserve.

president temporary authority to keep oil prices affordable in the short run while gradually removing controls, setting the groundwork for eventual price deregulation in the early 1980s.[32] All previous efforts and policies ultimately converged in 1977, under the Carter Administration, when the *Department of Energy (DOE)* was established. Officially formed on October 1st 1977, the *DOE* was created to *'assist in the development of a coordinated national energy policy.'*[33] This executive branch, which consolidated more than 30 distinct energy functions, unified all federal energy efforts into one Cabinet department.[34] Merging several federal bodies, including the *FEA* and *ERDA,* the new *Department of Energy* distributed all respective energy responsibilities across its departmental offices.[35] From 1977 onwards, the *DOE* has been the leading body responsible for energy policy planning, research, allocation, pricing, and data collection.

Diversification: Redefining Independence Through Energy Innovation

Federal energy policy in the late 1970s saw a shift towards long-term diversification alongside pre-existing conservation efforts. The *National Energy Act of 1978 (NEA)*, which included utility reforms and tax incentives, promoted energy independence and diversification through non-petroleum energy sources.[36] Following these measures, the *NEA* was projected to save 2.5 to 3 million barrels a day by 1985, which was an estimated saving of 14 billion dollars.[37] These policies were supported by administrative efforts, with President Carter installing 32 solar panels on the White house roof and proposing a "Solar Bank' subsidy of 100 million dollars annually to promote renewable projects.[38]

Later on, the *Energy Security Act of 1980 (ESA)* was created, encompassing the development and funding of various alternative energy sources, including biomass, solar, geothermal, and ocean thermal energy.[39] Most notably, the ESA established the *U.S. Synthetic Fuels Corporation (SFC),* an 88 billion dollar commitment to promote the commercial

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[32] The American Presidency Project UC Santa Barbara, "Statement on the Energy Policy and Conservation Act," Ucsb.edu, December 11, 1975, https://www.presidency.ucsb.edu/documents/statement-the-energy-policy-and-conservation-act?utm.

[33] "Department of Energy Organization Act," Federal Energy Regulatory Commission, April 1, 2021, https://www.ferc.gov/media/department-energy-organization-act.

[34] US Department of Energy, "Our History," Energy.gov, n.d., https://www.energy.gov/fecm/our-history.

[35] Roger Anders, "THE FEDERAL ENERGY ADMINISTRATION."

[36] "H.R.8444 - 95th Congress (1977-1978): National Energy Act," Congress.gov, October 6, 1977, https://www.congress.gov/bill/95th-congress/house-bill/8444

[37] Geo-Heat Center, "NATIONAL ENERGY ACT (NEA) General Information," digitallib.oit.edu, n.d., http://digitallib.oit.edu/digital/collection/geoheat/id/183/

[38] The American Presidency Project UC Santa Barbara, "Solar Energy Message to the Congress," Ucsb.edu, June 20, 1979, https://www.presidency.ucsb.edu/documents/solar-energy-message-the-congress.
Smithsonian Behring Center, "White House Solar Panel," Si.edu, n.d., https://americanhistory.si.edu/collections/object/nmah_1356218.

[39] "S.932 - 96th Congress (1979-1980): Energy Security Act," Congress.gov, June 30, 1980, https://www.congress.gov/bill/96th-congress/senate-bill/932.

production of synthetic fuels from coal, oil shale, and other resources, aiming to produce 2 million barrels daily by 1992.[40]

Despite the eventual failure and dismantlement of the *SFC*, these actions reflected a larger strategic shift in U.S. energy policy. Recovering from the immediate crisis response, American policymakers began to prioritize long-term diversification and investment in the development of alternative energy resources, aiming to lessen the nation's dependence on and vulnerability to foreign oil supply.

Conclusion: The Lasting Legacy of the 1973 Oil Shock

To conclude the 1973 OAPEC oil embargo revealed the deep-rooted vulnerabilities in U.S. energy policy. From overconsumption to overreliance on foreign oil, the years following the 1973 Oil Shock saw policymakers working to fix these flaws, determined to prevent the nationwide panic that brought gas lines, shortages, and fear. Over time, the temporary policies placed immediately after the crisis found their footing in longer-term legislation and permanent federal agencies like the Strategic Petroleum Reserve and Department of Energy.

Foremost, the embargo wasn't just a mere disruption in the economic and political environment of the United States; it triggered a larger shift in the overall trajectory of U.S. policy, with priorities like conservation and diversification remaining central to domestic energy policy to this day.

Ultimately, the American response to the 1973 embargo was a catalyst for progress, exposing key vulnerabilities and prompting decades of reform that shaped the nation's energy policy for generations to come.

[40] EBSCO Information Services, "Synthetic Fuels Corporation," www.ebsco.com, n.d., https://www.ebsco.com/research-starters/science/synthetic-fuels-corporation

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Liquids Overview, Selected Years, 1949-2011," 2011. https://www.eia.gov/totalenergy/data/annual/pdf/sec5_6.pdf.

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UC Santa Barbara, The American Presidency Project. "Address to the Nation about Policies to Deal with the Energy Shortages." www.presidency.ucsb.edu, November 7, 1973. https://www.presidency.ucsb.edu/documents/address-the-nation-about-policies-deal-with-the-energy-shorta ges.

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Navigating the Tensions Between Universal Rights and Cultural Contexts
by Martina Bulgarelli, W'26

[Editor's Note: this was originally written for a course, which accounts for the references to a class]

Abstract

This essay explores the impacts of economic globalization and universal human rights regimes on marginalized groups, focusing on Bangladeshi women garment workers, Afghani women and girls, and at last Dakota tribal communities. It outlines the key tensions between globalist rights discourse and localized socio-cultural constraints that manifest in ongoing exploitation and infringement. While also highlighting emergent forms of cross-border collaboration attempting to resolve these tensions through alternative development paradigms prioritizing equity and pluralism. The analysis suggests that substantive progress in human rights implementation relies on collective action and ethical consciousness countering the commodification of people and natural resources to align policy with on-the-ground realities worldwide. Realizing the emancipatory potential of globalization requires navigating the dialectic between universal and particular through inclusive governance and solidarity across differences.

Origins of globalization

When we think of the term globalization there are many different definitions we can attribute to this term. In class, we have mentioned two types of globalization - "globalization from-above" and "globalization-from-below." The first encompasses the economic shifts taking place globally that are controlled by cross-border market dynamics and international capital flows. This form of globalization compels countries to prioritize economic policies that adhere to the rules and interests of global finance, even when it negatively impacts social welfare programs and disadvantaged populations. However, globalization-from-above has also spurred opposition and dissent from community-level activist groups and numerous international civic organizations across borders: this pushback against unchecked global capital is known as "globalization-from below."[1] I also resonate with this definition by Sparke: globalization is the extension, acceleration, and intensification of consequential worldwide interconnections.[2] Globalization is an inescapable reality happening at a relentless pace, although because of the Russian invasion of Ukraine war and the COVID-19 pandemic, some believe that it might start to corrode.[3] If we remained isolated within our own countries, we would miss out on the richness and diversity of

[1] Richard Falk, 1997.
[2] M. Sparke, *Introducing globalization* (Blackwell Pub., 2013).
[3] A. S. Posen, "The End of Globalization?," *Foreign Affairs*, March 17, 2022, https://www.foreignaffairs.com/articles/world/2022-03-17/end-globalization?CHECK.

human experiences and perspectives worldwide. Our innate curiosity as humans has propelled us to explore the world beyond our immediate surroundings, leading to the interconnectedness we experience today.[4] However, the interconnectedness that globalization has fostered has also introduced new challenges, particularly in the form of cross-border conflicts and tensions.

The founding of the United Nations in 1945, currently comprising 193 member states, was a landmark event in the effort to address these conflicts and establish a framework for international cooperation and peacekeeping. A major multilateral treaty was the 1948 Universal Declaration of Human Rights, enshrining principles of human rights, self-determination, and freedoms as central to the UN's mission, in response to WW2 atrocities.[5] Since then, further declarations and conventions have established an international human rights framework. At the heart of human rights lies a tension between the "globalist" universalism underlying them which has been established historically by the UN and the "fragmentation" of sovereign states and "cultures" within them that have interpreted these international treaties and conventions and declined them in different ways in the specific reality of each country, establishing a diversified application. The traditional idealization of globalization prioritizes exponential economic growth, unfettered markets, and free trade - a Western vision favoring privatization, export economies, and aggressive consumerism. This pressures developing countries away from local traditions and self-reliance while concentrating gains with the efficient and wealthy over fairness and equity. Developing nations rely on developed world imports yet primarily export raw materials back, exacerbating imbalances.[6] Where and how does this tension and perhaps "contradiction" manifest itself? But above all, how can it be, I don't say resolved, but defused to the point of "neutralization"? Here the idea of the "international human rights regime" intervenes, which represents an attempt (with mixed results) in that direction. In an endeavor to address these, I will investigate the particular instances of minorities that have been significantly influenced by globalization, especially by the International Rights framework: women, girls, and indigenous peoples.

Women

At first glance, fashion seems far removed from the concept of globalization. However, in recent decades the accelerated pace of apparel manufacturing and consumption has been facilitated by the economic integration of the textile industry across borders and continents. The trend of "fast fashion" has rapidly transformed the clothing industry and consumer shopping habits. It epitomizes affordable garments mass-produced by retailers to quickly satisfy demand

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[4] C. Kidd and Benjamin Y. Hayden, "The Psychology and Neuroscience of Curiosity," *Neuron* 88, no. 3 (2015): 449-460, https://doi.org/10.1016/j.neuron.2015.09.010.

[5] United Nations, "Universal Declaration of Human Rights," December 10, 1948, https://www.un.org/en/about-us/universal-declaration-of-human-rights.

[6] C. S. Reddy, "Globalisation-A Human Rights Perspective," *World Affairs: The Journal of International Issues* 12, no. 2 (2008): 84-95, https://www.jstor.org/stable/48505172.

for the latest style trends. Dominant merchants in the fast fashion realm such as H&M and Zara have popularized this construct of continuously replenishing accessibly priced vestiary lines, thereby encouraging consumers to perpetually regenerate their wardrobe in lockstep with the intense tempo of new style launches.[7]

Fast fashion inevitably gravitates towards environmental concerns like carbon emissions and plastic pollution. According to the study "Primary Microplastics in the Ocean: a Global Evaluation of Sources" conducted in 2017 by the International Union for Conservation of Nature study, textiles account for 35% of the microplastics polluting our oceans - the largest source of microplastic contamination in marine environments globally. Additionally, a study, last updated this past November, on "Nondurable Goods: Product-specific data" conducted by the Environmental Protection Agency (NEPA) estimates that around 70% of discarded garments are dumped in landfills, while a mere 13% gets recycled into either new clothing or alternate uses. While these environmental downsides are undeniably pressing issues, a crucial aspect often overlooked in these discussions is the profound impact fast fashion has on human rights. The relentless pursuit of lower prices and the constant demand for shorter production cycles often drive fast fashion supply chains to rely heavily on sweatshop labor in developing countries. This exploitative practice subjects workers to hazardous working conditions, inadequate wages, and a lack of basic labor protections, perpetuating a cycle of poverty and inequality. The fashion industry employs over 75 million people around the world,[8] more specifically women account for about 80 percent of employment.[9]

To fully grasp the roots of this phenomenon, it's essential to trace back to the origins of the term "sweatshops," first used in the 1890s. They are more than just uncomfortable workspaces; they symbolize a system optimized to exploit a vulnerable, low-paid workforce. The ready-made clothing industry, dating back to the early 1800s, initially employed low-paid contractors, including immigrant women working from home. The advent of the sewing machine, Civil War uniform contracts, and burgeoning retail outlets led to the rise of factories and notorious urban sweatshops by the late 1800s. They were primarily staffed by recent Eastern European Jewish immigrants, along with Italians and other marginalized groups, who lacked labor protections and often involved child labor, crowding, and abuse, setting a precedent for

[7] H. Ben Zekri, "Globalization and the fast fashion phenomenon: the impact upon labors, environment and the consumer behavior," *MAS Journal of Applied Sciences* 8, no. 8 (2021), https://doi.org/10.52520/masjaps.102.
[8] S. Nijman, "UN Alliance for Sustainable Fashion Addresses Damage of 'Fast Fashion,'" UNEP - UN Environment Programme, March 14, 2019, https://www.unep.org/news-and-stories/press-release/un-alliance-sustainable-fashion addresses-damage-fast-fashion.
[9] Bárcia De Mattos V. Fernanda, D. Esquivel, Sheba Kucera, and Tejani, "The state of the apparel and footwear industry: Employment, automation and their gender dimensions," Background Paper Series of the Joint EU-ILO Project, 2022, https://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_835423.pdf.

relying on such exploitative practices for cheap production.[10] Inspired by our classroom discussion on Bangladesh, I elected to utilize it as a case study for my essay. Export Processing Zones (EPZs) in this country were established starting in 1983 to promote foreign investment and exports, with tax incentives and relaxed regulations. As of March 2008, 276 units operated in Bangladesh EPZs, with employment reaching 211,829 people. Garments and textiles accounted for 179 units (64.9% of the total) and 86% of EPZ employment.[11]

On November 24, 2012, Tazreen Fashion Factory burned down, 111 workers killed. On April 24, 2013, the Rana Plaza factory collapsed, 1129 deaths - the worst garment industry disaster in history. On September 10, 2016, Tampaco Foils Factory burned and exploded, 40 workers and three pedestrians lost their lives.[12] The government's inaction is a betrayal of the humanity and dignity of these workers. How many more accidents must we witness? Establishing Fashion Revolution Day on April 24 on the anniversary of the Rana Plaza building collapse[13] to remember the heartbreaking accident is not enough.

The lives of garment-women workers in Bangladesh are plagued by multiple challenges. From working late into the night to meet quotas to walking home in dangerous streets. Many of them have lost their homes to land erosion or debt, and they are often the sole breadwinners for their families. They are brought to the city by relatives to work in the garment factories, where they share cramped, poorly constructed housing with other family members. Many times the environmental conditions around the factories cause residents to suffer from chronic headaches and skin rashes, because of hazardous waste and noxious fumes. [14]

In 1960 the UN formulated the International Labour Organisation Discrimination (Employment and Occupation) Convention (No. 111) which prohibits discrimination at work on many grounds, including race, sex, religion, political opinion, and social origin. In 1966, the UN adopted the International Covenant on Civil and Political Rights (ICCPR), a treaty protecting civil and political rights, including voting, association, fair trials, privacy, and religion. It includes the First Optional Protocol which allows individuals to report rights violations and the

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[10] D. Soyer, "Garment Sweatshops, Then and Now," *New Labor Forum*, no. 4 (1999): 35-46, http://www.jstor.org/stable/40342222.

[11] M. Murayama and N. Yokota, "Revisiting Labour and Gender Issues in Export Processing Zones: Cases of South Korea, Bangladesh and India," *Economic and Political Weekly* 44, no. 22 (2009): 73-83, https://www.jstor.org/stable/40279060.

[12] N. Amin, "Apparel fires reach five-year high in 2020," *The Business Standard*, February 25, 2021, https://www.tbsnews.net/economy/rmg/apparel-fires-reach-five-year-high-2020-207121.

[13] L. Dearden, "Fashion Revolution Day: #whomademyclothes campaign remembers Rana Plaza disaster," *The Independent*, April 24, 2015, https://www.independent.co.uk/life-style/fashion/news/fashion-revolution-day whomademyclothes-campaign-remembers-rana-plaza-disaster-10201871.html.

[14] L. Karim, "Analyzing Women's Empowerment: Microfinance and Garment Labor in Bangladesh," *The Fletcher Forum of World Affairs* 38, no. 2 (2014): 153-166, https://www.jstor.org/stable/45289749.

Second Optional Protocol which aims to abolish the death penalty.[15] In 1969, the United Nations General Assembly ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which defines and denounces discrimination against women while establishing a comprehensive action plan for national governments to dismantle the deeply embedded systemic barriers and prejudices that perpetuate gender disparities.[16]

Despite all these actions, it is important to remember that Bangladeshi society is hierarchical, with opportunities and access to social resources determined by class, gender, and location. Bangladeshi society is patriarchal, patrilineal, and patrilocal. Women's role in society is traditionally limited to the private sphere.[17] Despite the growing movement to empower women and expand their opportunities, the majority of Bangladeshi women continue to face societal constraints that limit their participation in the labor market. This is primarily due to the practice of marrying women outside their natal villages and expecting them to reside with their in-laws in a joint household shortly after marriage. These traditional customs impose social norms and expectations regarding sexuality and segregation between what is considered a male domain and a female domain, further hindering women's opportunities for paid employment.[18] Since the government represents the will of its citizens, laws will likely reflect these preconceptions and biases.

The Bangladesh Constitution from 1972 includes provisions aimed at protecting and advancing the rights of women in various ways. However, grouping women with disadvantaged groups like children, positions women as inherently vulnerable rather than focusing on transforming systemic inequities. For instance, we can see this in Part III, Article 28, "Discrimination on grounds of religion, etc." where it states in Article 2 that "Women shall have equal rights with men in all spheres of the State and of public life". Furthermore, the Constitution includes specific parts related to the elimination "from the exploitation of man by man" (Part II, Article 10), "the importance of respect for the dignity and worth of the human person" (Part II, Article 11), and "adoption of effective measures to remove social and economic inequality between man and man" (Part II, Article 19).

In 2011, the UN Committee overseeing the Convention on Discrimination Against Women reviewed Bangladesh's progress reports. While praising advancements, the Committee

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[15] Human Rights Commission, "Human Rights Treaties," 2023, https://www.humanrightscommission.ky/human rights-treaties.
[16] UN Women, "Convention on the Elimination of All Forms of Discrimination against Women," 2023, https://www.un.org/womenwatch/daw/cedaw/#:~:text=The%20Convention%20on%20the%20Elimination.
[17] N. Hossain, "Bangladesh's Surprising Success," *Oxford University Press EBooks*, 2017, 3-22, https://doi.org/10.1093/acprof:oso/9780198785507.003.0001.
[18] S. Nazneen, "The Women's Movement in Bangladesh A Short History and Current Debates," 2017, https://library.fes.de/pdf-files/bueros/bangladesch/13671.pdf.

urged further focus on expanding women's equal rights to the private sphere; partnering with civil society to eliminate discriminatory stereotypes; and promoting women's participation in decision-making through legal measures, institutional support, and awareness-raising. They stressed applying equality in personal contexts, changing cultural attitudes harming women, and enabling more female leadership participation via multifaceted efforts.[19]

Despite governmental reports aiming to further rights protections, Bangladesh has failed to demonstrate meaningful improvements for garment workers. Every Bangladeshi citizen has the fundamental right to associate freely, which includes the right to form trade unions. However, in practice, women garment workers in Bangladesh have been subjected to violence, coercion, and threats of dismissal when they have attempted to exercise this right.[20] Even when the Bangladesh Parliament revised the Labor Act of 2006 in 2013 after the Rana Plaza tragedy, known as the Bangladesh Labor (Amendment) Act 2013 (act no. 30), a woman working at a factory in Dhaka tried forming a union in 2014, she and other organizers were brutally beaten. In her words "I was beaten with metal curtain rods in February when I was pregnant. (...) They were threatening me saying 'You need to stop doing the union activities in the factory, why did you try and form the union'". This proves that women are still not considered at the same level as men and that workers are exploited.

What makes it harder to solve this problem is the fact that when understanding the relationship between the factory owners and the government, Leader Nazma Akter in an interview in 2013 with Jeff Danzinger explains that "law enforcement and the regulatory bodies are always on the side of the owners". She continues by saying "Some 30 parliament members are also garment center owners. Some 60 to 65 percent of people in parliament are business people". In 2016 Bangladesh was ranked 127th country regarding the UNDP's Human Development Index - which measures a country's overall achievements in three key areas of human development: longevity, knowledge, and standard of living.

As of today, the situation has not changed. A January 2023 study by Transform Trade and the University of Aberdeen examined working conditions during the COVID-19 pandemic. 37% of the 1,138 brands and retailers assessed were accused of unfair practices, including Zara, H&M, Lidl, GAP, and more. Additionally, one in five factories struggled to pay minimum wage after reopening following the March-April 2020 lockdown. The End of mission statement by Mr.

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[19] UN CEDAW, "Convention on the Elimination of All Forms of Discrimination against Women Committee on the Elimination of ADVANCE UNEDITED VERSION Discrimination against Women Concluding observations of the Committee on the Elimination of Discrimination against Women Bangladesh," 2011, https://www2.ohchr.org/english/bodies/cedaw/docs/co/cedaw-c-bgd-co-7.pdf.

[20] Human Rights Watch, "'Whoever Raises their Head Suffers the Most' | Workers' Rights in Bangladesh's Garment Factories," April 18, 2018, https://www.hrw.org/report/2015/04/22/whoever-raises-their-head-suffers-most/workers rights-bangladeshs-garment.

Olivier De Schutter, Special Rapporteur on extreme poverty and human rights in Bangladesh published on May 29, 2023 recommends that the country should prioritize improving working conditions and wages in all industries, especially the ready-made garment sector and "The right to form and join unions and collective bargaining should also be allowed in EPZs".[21] On November 26th 2023, the government announced a significant increase in the minimum wage for garment workers in Bangladesh, from 8,000 taka to 12,500 taka, which is approximately $113 per month. Labor unions do not consider the new minimum wage to be a living wage. The Garment Workers Trade Union Centre declared in a statement that "Garment industry owners get the price of products in the dollar and pay workers in the taka. Without a 10% increment for workers, owners will count additional profit without any investment, and the real wages of workers will continue to decrease." Towhidur Rahman, former secretary general of the IndustriALL Bangladesh Council, stated to The Business Standard news outlet, "According to the current market rate, it is not possible to live on Tk12,500".[22]
Achieving real change demands dismantling the dysfunctional entrenched power structures that prioritize commercial profits over human rights across global supply chains. The systemic abuse and intimidation of Bangladeshi garment workers seeking to unionize epitomizes the contradiction between espoused human rights ideals and their selective denial. Despite UN conventions and Bangladesh's legislation protecting labor rights, the reality inside factories reveals systemic oppression silencing women workers attempting to assert basic dignity. This stems from economic frameworks fixated on shareholder returns at the expense of people. Dominant free trade policies pressure developing countries to abandon local traditions for Western-style growth favoring privatization and raw material exports. The outcome is inequitable gains accumulated by wealthy multinationals rather than equitable development. An ethical, responsible fashion future relies on consumers leveraging their buying power to compel accountability industry-wide while fashion brands embrace supply chain transparency, workplace investments in safety, and a fair pricing model that stops valuing profits over people.

My invitation is to take example from Safia Minney, whom we mentioned in Class 1, founder and CEO of People Tree, a fair trade fashion brand that originated in Japan. People Tree has built an ethical supply chain by starting with the skills and capacities of marginalized producer groups across the Global South. They then design collections around amplifying those communities' traditional talents while upholding aesthetic integrity. This inverted approach of putting women's empowerment, workers' rights, and environmental sustainability first embodies a model other fashion brands should follow. As Minney articulates, "People Tree represents a

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[21] UN Human Rights Council, "End of mission statement by Mr. Olivier De Schutter, Special Rapporteur on extreme poverty and human rights - Visit to Bangladesh, 17-29 May 2023," May 29, 2023, https://reliefweb.int/report/bangladesh/end-mission-statement-mr-olivier-de-schutter-special-rapporteur-extreme-poverty-and-human rights-visit-bangladesh-17-29-may-2023-enbn.

[22] The Business Standard, "Tk12,500 minimum wage finalised for RMG, calls for increases unheeded," November 26, 2023, https://www.tbsnews.net/economy/rmg/rmg-workers-minimum-wage-set-tk12500-746694.

citizen-led movement working to correct injustices and develop a new paradigm for trade based on shared humanity and collective wellbeing. More brands need to transition from transactional relationships with suppliers to true partnerships rooted in transparency, dignity, and care for all people impacted by fashion's footprint".[23]

Girls

In recent decades the fluctuating trajectory of protections for women's autonomy has reflected tensions between modern principles of gender equality and patriarchal tribal traditions limiting women's roles. The status of women's rights and access to education in Afghanistan has faced dramatic fluctuations throughout the country's conflict-ridden history. Periods of progressive gains like suffrage in 1919 and constitutional enshrinement have been repeatedly eroded by conservative backlash and regime changes bringing regression. The pre-1979 expansion was stunted by the Soviet invasion and mujahideen resistance viewing women's autonomy as foreign imposition. During the 1996-2001 fundamentally anti-women Taliban regime and surrounding civil conflicts, overt human rights abuses became rife, exemplified by bans on schooling or even exiting home without a male guardian. The ousting of the Taliban in 2001 brought about some incremental improvements in women's rights, albeit with significant variation across the country.

However, the 2009 Shia Personal Status Law and the 2008 National Stability and Reconciliation Law inadvertently eroded women's access to their rights. Even though Security Council resolution 1325 (2000) was adopted, Afghan women were excluded from engaging in peace dialogues. The Doha Agreement of 2020, which facilitated the Taliban's return to power, conspicuously omitted any safeguards for women's rights. In class 3, Professor Rangita de Silva de Alwis highlighted the defiant yet courageous stance of Fawzia Koofi, an Afghan female politician who bravely spoke at the Doha talks despite facing an assassination attempt on her way to the event. Koofi used her platform to eloquently challenge the Taliban's restrictive views on women. This complex legacy illustrates the tensions between modern universal rights and Afghanistan's stark reversals driven by tribal radicalism and internal fragmentation.

Since regaining control in 2021, the Taliban has instituted a devastating rollback of protections for women's rights. They immediately suspended Afghanistan's 2004 Constitution along with all domestic legislation safeguarding women, notably a key law against gender violence. Simultaneously the Taliban abolished oversight bodies like the Human Rights Commission and Ministry of Women's Affairs.[24] Moreover, from September 2021 to May 2023,

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[23] ENDEVR, "The True Cost: Who Pays the Real Price for YOUR Clothes | Investigative Documentary," YouTube Video, 2021, https://www.youtube.com/watch?v=5-0zHqYGnlo.

[24] F. Koofi, "Afghanistan Can't Achieve Stability Without Women," *Foreign Policy*, April 30, 2021, https://foreignpolicy.com/2021/04/30/afghanistan-taliban-united-states-women-rights-doha-negotiatons-peace-deal/.

the Taliban issued over 50 edicts severely restricting women's rights. Most notably in September 2021, they barred girls from education past 6th grade. In late 2022 they exacerbated this by fully suspending women's university schooling and imposing a blanket ban on all girls' education beyond 6th grade.[25] This dismantling of the legal and social infrastructure for upholding women's welfare makes it nearly impossible to counteract these infringements.

Developed in 2020 by the Organization for Policy Research and Development Studies (DROPS) in Kabul, the BISHNAW-WAWRA platform gives Afghan women a voice by conducting real-time surveys on various issues. The platform reflects the organization's aim to ensure women's voices are heard in national and international discussions on Afghanistan's peace, security, and development. A March 31, 2023 survey on the "Impact of Taliban Edicts on Afghan Women's Economic Conditions and Mental Health" demonstrates the women's willingness to share their perspectives and the urgency to address these pressing concerns. Out of all the 2,112 respondents in 17 provinces - 784 declared that out of the current bans they are mostly concerned with the ban on education, the second most selected option after all bans,[26] highlighting the severity of the Taliban's restrictions.

In addition to the previously mentioned universal treaties and declarations aimed at eliminating gender inequalities, there are also specific ones related to education. For instance, UNESCO's Convention against Discrimination in Education (1962) specifically addresses discrimination in education. Furthermore, UNESCO has played a significant role in supporting education in Afghanistan despite the Taliban's restrictions: it provided community-based literacy and skills development programs for over 25,000 people, including 60% women and adolescent girls across 20 provinces, and established an advocacy campaign, "Literacy for a Brighter Future," reaching over 20 million Afghans to raise awareness of the right to education for all.[27]

Another significant development was UN Security Council Resolution 2601 (2021), the first of its kind, which condemns attacks on schools, children, and teachers and compels conflict parties to protect the right to education.[28] The Taliban's oppressive reversal of women's rights,

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[25] Special Rapporteur, "A/HRC/53/21: Situation of women and girls in Afghanistan - Report of the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls," OHCHR, June 20, 2023, https://www.ohchr.org/en/documents/country-reports/ahrc5321-situation-women-and-girls-afghanistan-report-special-rapporteur.

[26] BISHNAW, "Impact of Taliban Edicts on Afghan Women's Economic Conditions and Mental Health," March 31, 2023, https://www.bishnaw.com/survey/31-mar-2023.

[27] UNESCO, "Three inspiring Afghan women call on the international community to urgently support girls' and women's education," February 2, 2023, https://www.unesco.org/en/articles/three-inspiring-afghan-women-call international-community-urgently-support-girls-and-womens.

[28] Security Council, "Security Council Resolution 2601 (2021)," 2021, https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/UN%20Security%20Council_Education%20Under%20Attack_Resolution%202601%282021%29_Oct21_EN.pdf.

including harsh penalties for speaking out like the 2023 detention of educator Matiullah Wesa,[29][30] starkly manifests the friction between asserting parochial patriarchal traditions versus modern universal human rights principles promoting gender equality.

Potential paths forward should integrate the proposal of Women Peace and Security (WPS) mentioned in 2022 by Professor De Silva De Alwis in her paper "Expanding the Women Peace and Security Agenda to Protect Women's Education in Afghanistan and Other Geographies of Conflict". The resolution to combat violence against women focuses on four key areas to address underlying power dynamics: Use technology to expand educational opportunities for girls, Engage men and boys in addressing violence against women, promote intersectional educational reform to create equitable education for girls, gather data to develop targeted interventions for girls.[31] Specifically, systematically engaging men and boys to shift ingrained gender biases by incrementally exposing them to alternate worldviews on women's roles may sow gradual attitudinal shifts from within the Taliban ranks. Conveying how women's participation provides net benefits rather than threats to society could overcome radical misconceptions fueled by insular dogma. If Taliban power brokers are shown the importance of giving value to women's economic and social contributions, they may progressively restore the rights they have revoked. Suggested interventions like judiciously inviting Taliban observers to witness foreign contexts first-hand to learn of alternate models, or including Afghan women in economic roles, may communicate capabilities and debunk stereotypes through deeds rather than confrontation. Such exposure could catalyze re-evaluation of long-held biases. Progress relies on nuanced engagement, not recrimination.

Indigenous People

Indigenous communities face ongoing threats to their rights and livelihoods even in a developed country like the United States. Despite the US being a globalized state with advanced legal protections, Indigenous peoples continue to experience infringement upon their lands, denial of self-determination, and lack of access to opportunities.

Indigenous peoples' rights gained increasing international recognition within the human rights system over time. The human rights framework became a medium for enhanced global concern regarding the rights of Indigenous groups. In 1957, the International Labour

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[29] DW, "Afghanistan: Prominent girls' education advocate arrested," March 28, 2023, https://www.dw.com/en/afghanistan-prominent-girls-education-advocate-arrested/a-65145466.

[30] K. N. Nasar, "Afghanistan: Taliban increase crackdown on girls' education," DW, October 30, 2023, https://www.dw.com/en/afghanistantaliban-increase-crackdown-on-girls-education/a-67257146.

[31] R. De Silva De Alwis, "Expanding the Women Peace and Security Agenda to Protect Women's Education in Afghanistan and Other Geographies of Conflict," 2022, https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=3869&context=faculty_scholarship.

Organisation (ILO) adopted Convention 107 concerning Indigenous and Tribal Populations, representing the first UN convention dealing exclusively with Indigenous peoples' rights. Convention 107 emerged alongside the decolonization movement based on studies exposing Indigenous workers' vulnerability. The convention aimed to promote economic and social equality and integration of Indigenous peoples with other citizens, reflecting an assimilationist approach rooted in the integrationist ideals of the time.[32]

During our Class Lecture 5, we had the privilege of hearing from Linda Manaka, a remarkable advocate for indigenous rights. She highlighted that the ILO Convention is a tripartite organization, meaning it primarily comprises representatives of workers, employers, and the United Nations. This structure excludes direct participation from indigenous peoples, a crucial group whose voices and perspectives are essential for ensuring the effectiveness of the Convention's implementation. However, it is important to recognize that it marked an initial milestone in codifying Indigenous rights within international law. This created a movement that followed with multiple organizations getting involved such as UNESCO, FAO, and WFP,[33] and treaties being established like the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, and many more.[34]

As early as 1989, the International Labour Organization (ILO) established the Indigenous and Tribal Peoples Convention (No. 169) to safeguard the rights of Indigenous and tribal peoples worldwide. This convention is founded on the principle of respecting the right of Indigenous peoples to preserve their distinct identities and autonomously determine their developmental trajectory across various domains, including land ownership, customary laws, healthcare, and employment prospects.[35]

More recently the UN Declaration on the Rights of Indigenous Peoples (DRIP) marked a historic milestone for the global indigenous rights movement. The Declaration affirmed key rights, including self-determination, land rights, and consent for development activities.[36] Opposing states like the US resisted strong formulations of these provisions. The Declaration has garnered widespread support and is influencing policies and legal cases concerning indigenous

[32] International Labour Organization, "Convention C107 - Indigenous and Tribal Populations Convention, 1957 (No. 107)," 2017, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C107.
[33] J. R. M. Cobo, "Study of the problem of discrimination against indigenous populations," UN, 1987, https://digitallibrary.un.org/record/133666?ln=en#record-files-collapse-header.
[34] O. Mazel, "INDIGENOUS PEOPLES AND INTERNATIONAL LAW," *Australian Indigenous Law Review* 13, no. 1 (2009): 140-158, https://www.jstor.org/stable/26423121.
[35] Human Rights Commission, "Human Rights Treaties," 2023, https://www.humanrightscommission.ky/human rights-treaties.
[36] United Nations, "United Nations Declaration on the Rights of Indigenous Peoples," *Human Rights Quarterly* 33, no. 3 (2007), https://doi.org/10.1353/hrq.2011.0040.

communities worldwide.[37] Despite growing recognition of indigenous rights internationally, native communities in the United States continue facing infringements upon their lands, denial of self-determination, and marginalization.

A prime example is the exclusion of indigenous voices and interests from environmental review processes for major federal projects, as seen in the recent conflict over the Dakota Access Pipeline (DAPL) using the 2021 Supreme Court case Standing Rock Sioux Tribe, et al., v. United States Army Corps of Engineers. The marginalization of indigenous peoples in environmental decision-making processes spotlights the need for substantive reforms that empower native communities.

The current state of addressing environmental impacts on indigenous communities is primarily through public law, particularly the National Environmental Policy Act (NEPA), Executive Order 13175, and Executive Order 12898. NEPA requires federal agencies to undertake environmental review processes, including environmental impact statements (EISs) and environmental assessments (EAs), to identify potential impacts on all stakeholders, including indigenous communities. Additionally, federal agencies may invite tribal governments to participate as cooperating agencies in the NEPA process.[38] Executive Order 13175 mandates consultation and coordination with Tribal officials on regulations, legislation, or other policy statements or actions that have substantial direct effects on Indian tribes. This order emphasizes the nation-to-nation relationship between the federal government and Tribal Nations but falls short of the creation of "right, benefit, or trust responsibility, substantive or procedural" in the consultation process.[39] Executive Order 12898 directs federal agencies to make environmentally just decisions regarding minority populations and low-income populations, including Native American communities. It requires agencies to consult with tribal leaders on steps to be taken to address environmental justice concerns and ensure that their actions do not disproportionately impact tribal communities.[40]

In the case of the Dakota Access Pipeline, which aimed to transport crude oil from North Dakota to Illinois, the Standing Rock Sioux tribe and environmental activists protested the pipeline due to its climate and environmental impacts on culturally sacred lands. The SRST expressed concerns that their inadequate consultation on the DAPL project would lead to

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[37] P. Oldham and M. A. Frank, "'We the Peoples...' the United Nations Declaration on the Rights of Indigenous Peoples," *Anthropology Today* 24, no. 2 (2008): 5-9, https://www.jstor.org/stable/20179902
[38] United States Environmental Protection Agency, "What is the National Environmental Policy Act?," July 31, 2013, https://www.epa.gov/nepa/what-national-environmental-policy-act.
[39] U.S. Department of State, "Executive Order 13175-Consultation and Coordination With Indian Tribal Governments," 2000, https://2009-2017.state.gov/documents/organization/136740.pdf.
[40] Federal Register, "Presidential Documents Title 3- The President," 1994, https://www.archives.gov/files/federal register/executive-orders/pdf/12898.pdf.

significant negative consequences. The pipeline's proximity to the Missouri River, their primary water source, posed a potential contamination risk. Also, the pipeline's path across sacred sites and burial grounds would violate their cultural heritage and infringe on their right to protect these sacred spaces.[41] Since the project's inception in 2014, there have been demonstrations and legal battles fighting the pipeline but despite the Sioux opposition, the Dakota Access pipeline has been operating since 2017, even as it continues to undergo environmental review.

Also here, we have to acknowledge that international treaties cannot be applied simply to a country, as the history of colonization has had a significant influence on how these treaties and laws are applied in the United States. The indigenous peoples of the Americas were already living throughout the Western Hemisphere when Europeans began to conquer the region in the early 16th century.[42] As a result of epidemic diseases, military conquest, and enslavement, these indigenous communities suffered significant losses.[43] As a consequence, many of those in positions of power today are descendants of those who colonized the United States, and they may not have such a strong drive to protect and understand the importance of culture to indigenous communities.

To address these ongoing challenges, a shift in approach is crucial. Instead of mere consultations, federal agencies should empower indigenous communities by deeming them joint lead agencies in environmental review processes. Thus, tribes can become a part of the early review process and identify potential negative impacts on tribal lands, helping direct project alternatives if needed. This in order to ensure tribes can represent their interests from the outset of a project, rather than retrospectively which was ineffective and inconvenient with the Dakota case. This would satisfy the already existing obligation of federal agencies to engage in government-to-government consultations while allowing indigenous knowledge and expertise to fill in gaps in expertise by regulators and developers - thus ensuring that the native tribes' histories, cultures, and lands are protected.

The case of the Miskito people in Nicaragua shows how international organizations have valued the tribe's needs and voices. Their traditional agricultural practices are being disrupted by unpredictable weather patterns, and deforestation is causing rivers to dry up, making it difficult for people to access essential supplies and increasing the risk of waterborne diseases. The lack of

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[41] I. Nicolescu, "Cases of Equality: Idle No More and the Protests at Standing Rock," *Canadian Journal of Urban Research* 27, no. 2 (2018): 1-13, https://www.jstor.org/stable/26542032.
[42] History, "Native American History Timeline," November 27, 2018, https://www.history.com/topics/native american-history/native-american-timeline.
[43] Elizabeth Prine Pauls, "Native American | History, Art, Culture, & Facts," *Encyclopædia Britannica*, 2018, https://www.britannica.com/topic/Native-American.

effective enforcement of deforestation laws is exacerbating the situation.[44] Oxfam International's efforts to install weather monitoring stations along the Rio Coco River in 2007 demonstrate the collaboration between indigenous communities and external organizations can foster a more inclusive and equitable approach to climate adaptation and resilience.[45] By empowering indigenous communities and incorporating their traditional knowledge, we can build a more equitable future for all.

Conclusion

The complex interplay between economic integration, universal rights standards, and cultural particularities manifests in the ongoing exploitation and marginalization of disadvantaged groups worldwide. Systemic abuses against Bangladeshi workers, denial of rights for Afghan girls under Taliban rule, and infringement upon Dakota tribal lands in the US spotlight glaring gaps between espoused universal rights and their selective interpretation colored by dominant attitudes and power structures. However, emergent solidarity movements also demonstrate the potential for ethical, equitable development centered on collective dignity over efficiency and profits.

While pursuing integration through common standards, global governance remains fragmented across borders. Progress relies on collaborative activism countering entrenched mindsets that commodify people and nature while erasing plural identities. Cultivating frameworks centered on collective well-being rather than assimilation or domination demands relentless negotiation of the dialectic between the global and local. But possibility emerges through moral imagination towards interconnection based on equity. As we shape policies and habits that honor both shared humanity and contextual diversity, we inch towards the co-creation of an existence where many worlds flourish with care for people and the planet. By uplifting subjugated voices through genuine partnership and navigating the universal and particular, we can realize the emancipatory promise of globalization rooted in solidarity across differences worldwide, inching towards the co-creation of an existence where many worlds flourish as one.

[44] G. Oviedo, S. Gotheil, K. Cross, A. Boedhihartono, C. Wolfangel, and M. Howell, "Indigenous and Traditional Peoples and Climate Change Issues Paper," 2008, https://www2.ohchr.org/english/issues/climatechange/docs/IUCN.pdf.

[45] A. Kelly, "Hope dries up for Nicaragua's Miskito," *The Guardian*, May 29, 2007, https://www.theguardian.com/environment/2007/may/29/climatechange.climatechange.

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article=3869&context=faculty_scholarship.

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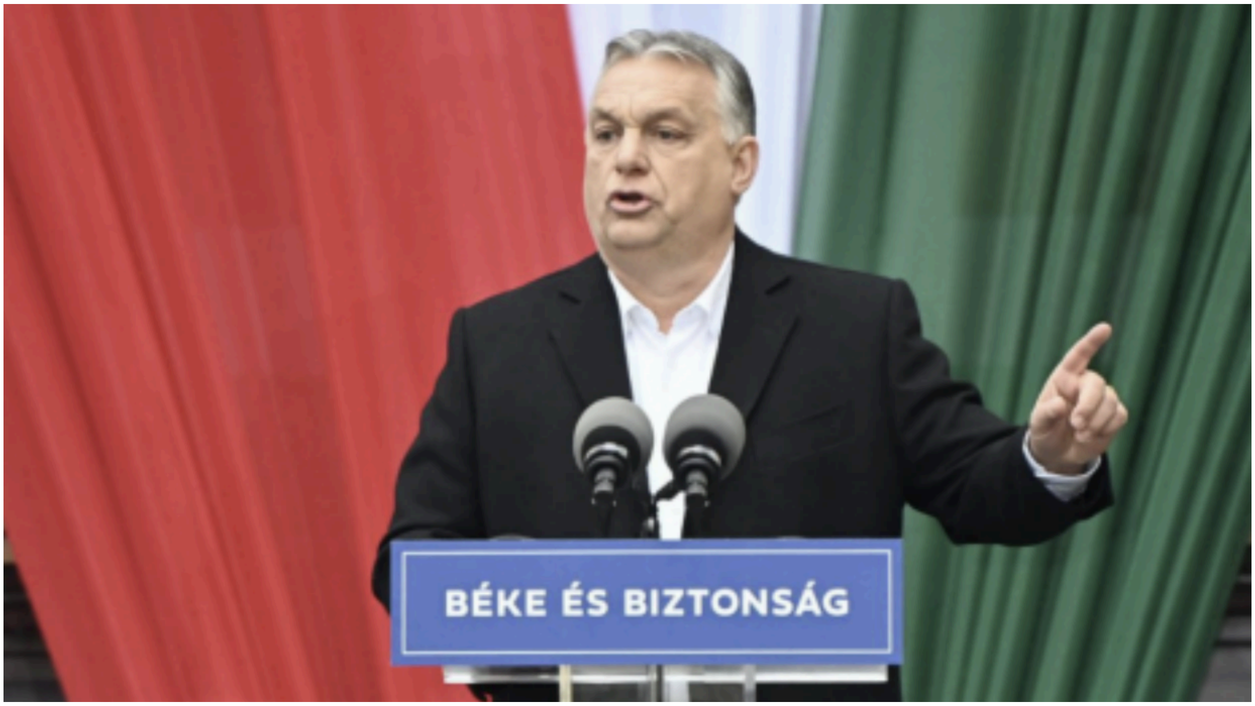
Between Brussels and Beijing: Hungary's Balancing Act

An Analysis of Hungary's EU Commitments amid Viktor Orban's "Eastern Opening Policy"

by Phoebe Mae Martin, C'28



Prime Minister Viktor Orban during his election campaign in April 2022, which resulted in a landslide victory. © *Attila Kisbenedek Photography, 2022*

[Editor's Note: This article was originally written in May 2025, before Orban's loss in the 2026 Hungarian parliamentary elections]

Introduction and Historical Background

Hungary, a small landlocked country in Central Europe, has attracted much attention among the European community regarding its controversial relationship with Russia. It has been deemed the "Trojan horse" of Europe, and its current Prime Minister, Viktor Orban, has drawn comparisons to the United States' Donald Trump. Both share the ability to address people with simple messages about national pride and his charismatic, if not populist, appeal.[1] But what exactly is this "Trojan horse" hiding? Many are concerned about growing populist rhetoric in Europe - in fact, eight European Union member states have had populist parties as a head of government for varying periods of time. Since the 2022 Russian invasion of Ukraine, EU

[1] Dessewffy, Tibor. "Why MAGA Republicans Are Obsessed with Viktor Orbán." TIME, June 28, 2024. https://time.com/6993483/budapest-playbook-orban-trump/

members alarmingly view Hungary as a potential “pro-Russian” ally.[2] Unlike its similarly small neighboring countries that seek western integration, Hungary instead has chosen to stand out among the rest: Prime Minister Orbán has criticized western support of Ukraine following the Russian invasion, vetoed joint statements condemning countries such as Russia and China, and has slow walked the process of other countries trying to join the EU such as Ukraine, Sweden, and Finland.[3]

As a result, Hungary’s Russian support could cause it to lose its voting rights in the EU’s governing bodies. Hungary’s foreign policy has been marked by its pursuit of relationships with non-EU states such as China, Russia, and Turkey (the “Eastern Opening Policy”).[4] However, EU member states are allowed to have their own foreign policy, which sometimes contradicts EU mainstream thinking. For instance, many member states have close, independent bilateral relations with former colonies (like Italy and Libya). Member states retain their national sovereignty and can pursue their own bilateral relations, but they are pressured to follow the common EU positions for solidarity.[5]

So, how did Hungary come to be deemed “pro-Russian?” If Prime Minister Orbán has adopted policies and rhetoric that challenge EU norms while also supporting Russian interests, how does Hungary manage this foreign policy dilemma? Is this merely the effect of Hungarian leadership, or a greater historical trend of Hungary’s turn back towards the east and illiberal democracy? That is the question this paper will seek to address.

Two Way Determinism

Historically, Hungary’s ability to experiment with reform politics during its communist regime placed it in an advantageous position vís a vís other former Soviet states. Hungary was therefore in a unique position among Soviet satellites to become a regional center that “exerts positive influence towards the East and the West.”[6] However, this delicate balancing act, not quite West and not quite East, would still create challenges for Hungary in the decades to come; like other former Soviet states, Hungary faces “two way determinism.”[7] This semi-peripheral status means that Hungary belongs neither fully to Western Europe or Eastern Europe. The fact that Hungary assisted in the Soviet crushing of the Prague Spring (a period of attempted political

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[2] Monteleone, Carla, Patrick Müller, and Tatiana Coutto. “Hungary’s Populist Government and the Contestation of EU Foreign Policy Co‑Operation at the United Nations: Dogs That Bark Do Not Bite?” *JCMS Journal of*

[3] Nattrass, William. “Hungary’s ‘Pro-Russia’ Stance Was Inevitable.” *Politico,* 2022. https://www.politico.eu/article/hungary-pro-russia-stance-inevitable/

[4] “Hungary: Trojan Horse in Russia’s Proxy War against Europe.” *Robert Lansing Institute*, 2025. https://lansinginstitute.org/2025/03/07/hungary-trojan-horse-in-russias-proxy-war-against-europe/

[5] Nattrass, William. “Hungary’s ‘Pro-Russia’ Stance Was Inevitable.”

[6] Juhasz, József “Hungarian Foreign Policy and Wars of the 1990s in Former Yugoslavia,” *Dielli*, October 25, 2021 https://gazetadielli.com/hungarian-foreign-policy-and-wars-of-the-1990s-in-former-yugoslavia/

[7] Rapcsák, János. “Hungarian Foreign Policy — with Some Historical Hindsight.” *Perspectives*, no. 3 (1994): 71–78. http://www.jstor.org/stable/23615756

liberalization and protest in Czechoslovakia in 1968) attests to the duality under communist leader Janos Kadar: Hungary participated in the USSR's Brezhnev Doctrine, showing its Soviet loyalty, while also maintaining relatively independent internal policies.[8] As well, the Hungarian Socialist Workers' Party began establishing close links with Western parties, allowing them to build Western connections at the same time Gorbachev took power.[9]

Hungary was the first former Soviet country to become a full member of the Council of Europe. They also participate actively in the Visegrad Group (a cultural political alliance between the Czech Republic, Hungary, Poland, and Slovakia). In the decade following the fall of Eastern communism, there existed in Hungary a "unanimous understanding that the number one priority is the country's attachment to the Euro-Atlantic region."[10] However, fast forward to today and we might conclude the opposite. This semi-peripheral identity allows Hungary to selectively take advantage of Western economic benefits while resisting political integration, while at the same time promoting an "illiberal democracy" model that challenges EU cohesion. The foreign policy goals of the following Prime Ministers will help explain this phenomenon:

Antall and Boross Government

The governments of Peter Boross and Jozef Antall were the first freely elected politicians in Hungary following the fall of communism. Their party, the right-wing Hungarian Democratic Forum (MDF), attempted to equalize Hungarian international politics in order to achieve the objective of Euro-Atlantic integration.[11] Antall's government was especially focused on creating regime change: the Warsaw Pact must be deconstructed and Soviet troops had to leave Hungary.[12] While this might be seen as a major Western turning point for Hungary, in fact, a 1956 uprising against the dictatorship of Joseph Stalin had already created a strong westward orientation in Hungary.[13] As well, Hungary was the first former Soviet bloc member to gain full independence. Therefore, it should not come as a surprise when Hungary received full membership to the Council of Europe in 1990, and signed articles of partnership with the European Communities. The Ministry of Foreign Affairs was "thoroughly restructured" in terms of "its methodology and professional approach."[14]

One of their main foreign policy concerns was that of Hungarian national minorities living abroad. Antall made his stance on the issue clear when he said "although by the

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[8] *Ibid*, 74.
[9] *Ibid*, 72.
[10] Rapcsák, "Hungarian Foreign Policy - with Some Historical Hindsight"
[11] Kiss, Balázs, and Csaba Zahorán. "Hungarian Domestic Policy in Foreign Policy." *International Issues & Slovak Foreign Policy Af airs* 16, no. 2 (2007): 46–64. https://www.jstor.org/stable/26590892
[12] Boros, Ferenc, and Alexander Bondor. "Strategic Targets of Hungarian Foreign Policy."
[13] *Ibid*.
[14] *Ibid*.

constitution I am the Prime Minister of ten million Hungarian citizens, in my heart I would like to be the Prime Minister of 15 million Hungarian people."[15] Following communism's suppression of national identity, these interests were revived via the issue of national minorities, especially clashing with Slovak and Ukrainian efforts to build their own nation-states.[16] This foreign policy goal was solidified with the establishment of the Office of Hungarian Minorities Abroad and the World Congress of Hungarians in 1992. The MDF wished to achieve "good neighborly relations," a precondition for joining the European Union; however, it believed this could be achieved only after resolving the minority question.[17] This was all part of a rather urgent and accelerated effort to transition from the East and integrate with Western Europe.

Horn Government

The subsequent government of Socialist Prime Minister Gyula Horn (from 1994-1998) abandoned these aims, directly countering Antall's rule over "15 million Hungarians" by referring to himself as the Prime Minister of only 10 million.[18] Foreign Affairs Minister Laszlo Kovacs pursued a policy of conformism in order to meet integration criteria. He prioritized EU accession and strengthening of the economy in what came to be known as the "Bokros Packages." This economic stabilization program was named after Finance Minister Lajos Bokros, and included budget cuts and a pre-planned dividend reinvestment plan ("DRIP") for the Hungarian Forint.[19] These policies were enacted in response to macro-economic indicators (such as balance of payments and inflation rate), which raised concerns for an economy still adjusting from the legacy of Communism. As a result of the "Bokros Packages," the average Hungarian experienced a decrease in living standards and of domestic wages.[20]

Many Hungarians saw the Bokros Packages as a failure of the Socialist-Free Democrat coalition, despite the economy growing 4% by 1997 and setting the foundation to meet EU economic requirements. In 1994, Hungary was ready to request admission to the EU thanks to the 1989 EU PHARE program (Poland and Hungary: Assistance for Restructuring their Economies), which assisted 80% of the 2004 accession member states.[21] Horn declared to Time Magazine that his government was "wiping away the last remnants of Kadarism (the communist ruler, János Kádár) and putting an end to the patronizing role of the state."[22] However, the rule of Viktor Orban was about to begin.

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[15] *Ibid*.
[16] Kiss, Balázs, and Csaba Zahorán. "Hungarian Domestic Policy in Foreign Policy."
[17] Boros, Ferenc, and Alexander Bondor. "Strategic Targets of Hungarian Foreign Policy."
[18] Kiss, Balázs, and Csaba Zahorán. "Hungarian Domestic Policy in Foreign Policy."
[19] Eddy, Kester. 2025. "Thirty Years on - the Anniversary of the 'Bokros Package.'" *PerspectivesBudapest*. March 16, 2025 https://www.perspectives-budapest.com/post/thirty-years-on-the-anniversary-of-the-bokros-package
[20] *Ibid*.
[21] "The PHARE Programme and the Enlargement of the European Union (Index)." n.d. Www.europarl.europa.eu. https://www.europarl.europa.eu/enlargement/briefings/33a1_en.htm
[22] Bandow, Doug. "Hungary's Gyula Horn" *The Cato Institute,* 2025.

Orban I

The first government of Viktor Orban consisted of a center-right coalition of three parties: Fidesz (The Hungarian Civic Alliance, a national-conservative party), the FKgP (The Independent Smallholders, Agrarian Workers, and Civic Party, a nationalist, anti-communist agrarianism party), and MDF (The Hungarian Democratic Forum, a Christian-Democratic party later dissolved in 2011). Following the messy breakup of Yugoslavia, Hungary emerged as a regional leader for EU integration. They also passed the so-called "Status-Law" on Hungarian minorities living abroad, once again high-lighting this foreign policy issue. This law guaranteed aid for Hungarian minorities living abroad and provided them with Hungarian voting rights; this passed the Hungarian Parliament with a 95% majority, much to the dismay of Slovakia and Romania.[23]

Hungary further integrated with the West by joining NATO in 1999. As a new NATO member, they were expected to assist in military operations against Yugoslavia (specifically Serbia) during the Kosovo War (February 28, 1998-June 11, 1999), despite the presence of a large number of ethnic Hungarians.[24] While Hungary did not end up directly participating, they issued an Instrument of Accession supporting NATO along with the Czech Republic and Poland. Taking this stance was important for the growth of Hungary's relevance in the eyes of Western powers.[25] Orban put aside the traditional importance of Hungarian ethnic minorities by allowing NATO unlimited access to Hungarian airspace. Orban would later claim that no area populated by Hungarians were targets of the planned air strikes. The majority of the public continued to support NATO air action, but were opposed to ground intervention; sharp opposition came from the Hungarian Socialist Party (MSZP).[26]

Orban's first government, in office from 1998-2002, "successfully continued the preparation for EU integration" and "fulfilled the country's tasks resulting from NATO entry."[27] He also deepened bilateral relations among the Visegrad Group. Bilateral relations also improved with Slovakia after their election of Prime Minister Mikuláš Dzurinda, who was far more democratic than his predecessor Jozef Moravčík.[28] The new Slovak government was hesitant to recognize Hungary's new national political strategy which was still rooted in Antall's concept of a society of "15 million Hungarians."[29] However, when the wording of the Status Law regarding national minorities emerged, both Romania and Slovakia claimed it

[23] Kiss, Balázs, and Csaba Zahorán. "Hungarian Domestic Policy in Foreign Policy."
[24] *Ibid*.
[25] József "Hungarian Foreign Policy and Wars of the 1990s in Former Yugoslavia."
[26] *Ibid*.
[27] Boros, Ferenc, and Alexander Bondor. "Strategic Targets of Hungarian Foreign Policy"
[28] *Ibid*.
[29] *Ibid*.

interfered with their legislative sovereignty because it impacted jurisdiction beyond Hungary; this Status Law would have permitted ethnic Hungarians to receive work permits for up to three months in Hungary, given them access to medical care, reduced transportation fees, and provided pension benefits and scholarships.[30] This was widely seen as a diplomatic failure on the part of Orban's government, leading to his party, Fidesz, being replaced by the MSZP in the 2002 elections.[31]

Medgyessy and Gyurcsany

From 2002-2009 (Medgyessy ruling 2002-2004 and Gyurcsany from 2004-2009) the socialist-liberal coalition revised the Status Law that had led to the downfall of Orban's first government. Ultimately, they omitted the definition of the "united Hungarian nation" from the law's preamble.[32] After joining the EU in 2004, their government carried out the "fulfillment foreign policy" previously pursued by socialist governments, attempting to avoid conflicts with neighboring countries.

This policy led Hungary to refrain from openly pursuing any influence with Ukraine during its 2004 Orange Revolution; as a result, Hungary did not back Ukrainian presidential candidate Viktor Yushchenko (whose goal was to align Ukraine with the West). The Orange Revolution protests were initially successful in preventing Kremlin-backed presidential candidate Viktor Yanukovych. But ultimately, Yushchenko proved unsuccessful in his integrationist goals, and Yanukovych won the 2010 presidential race, returning a Russian-friendly administration to power.[33] Right-wing critics of Gyurcsany attributed Yanukovych's ascension to the "incompetence of the [Hungarian] government."[34]

Of course, the issue of national minorities would come back to haunt Gyurcsany's government: in December 2004, a referendum on dual citizenship rejected the Status Law developed by the SZDSZ. Right-wing opposition was quick to accuse the socialist-liberal government for their "lack of the clean-cut representation of the Hungarian national interest in foreign policy."[35] Gyurcsany's second term began with a serious state budget deficit, leading him to dissolve the Office of Hungarian Minorities Abroad. Despite these criticisms, he set out to establish a new set of foreign policy targets: in 2006, Gyurcsany visited with both Russian President Vladimir Putin (with whom he negotiated economic and mainly energy-related issues)

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[30] Juhász, Judit. "Hungary: Transit Country Between East and West," *Migration Policy Institute,* 2003. https://www.migrationpolicy.org/article/hungary-transit-country-between-east-and-west/
[31] Boros, Ferenc, and Alexander Bondor. "Strategic Targets of Hungarian Foreign Policy," 17.
[32] Kiss, Balázs, and Csaba Zahorán. "Hungarian Domestic Policy in Foreign Policy."
[33] Dickinson, Peter. "How Ukraine's Orange Revolution Shaped Twenty-First Century Geopolitics," *The Atlantic Council, 2020.*
[34] Kiss, Balázs, and Csaba Zahorán. "Hungarian Domestic Policy in Foreign Policy."
[35] *Ibid*.

and US President George Bush (to commemorate the Hungarian Revolution of 1956).[36] Relations with Russia and the United States, which had been neglected by previous Prime Ministers, were a new priority.

Medygyessy had paid visits to both Russia and the US, even signing a letter of European Prime Ministers supporting the US's policy in Iraq in the 1990s. However, relations with the US quickly deteriorated following 2000, starting with Hungary's decision to procure Swedish Gripen aircrafts instead of American F16 fighters. Medygyessy had similar struggles with Russian relations as a new "energy war" between Russia and Ukraine sparked controversy for Hungarian foreign policy: the EU wished to by-pass Russian gas pipelines (specifically the construction of the gas pipeline "Nabucco") that would go under the Black Sea and across the Balkans. The EU proposed its own pipeline that would cross Hungary; however, the Hungarian government preferred the Russian project because it was more profitable.

During this time, Orban's Fidesz Party was regaining influence and power: Orban, although criticized for not separating himself enough from extreme Hungarian nationalists following the September 11, 2001 terrorist attacks on the US, was still successful in criticizing the social-liberal government.[37] In 2007, there was a brief conflict between Fidesz and Russia when the Russian Ambassador engaged in public debate with Orban.[38] His later openness towards Russia would come as a surprise because he originally led criticisms on Gyurcsany's energy policies.[39]

Orban II, III, IV, V

While Orban's first government can still be called "national-conservative," his politics were still largely in line with liberal democratic principles. However, following his reelection in 2009, his political ideology began to change more quickly. Since the early 1990s, he can be said to have "transformed from a liberal politician to a national-conservative, and later to a populist radical-right leader."[40] In an infamous speech from 2009, Orban called for a "central political forcefield" to govern Hungary in the coming decades.[41] His party, Fidesz, won ⅔ of the Parliamentary seats, enough to change the constitution - which he quickly did. During his first year alone, he amended the Hungarian constitution 12 times. These amendments removed most

[36] *Ibid*.
[37] Kiss, Balázs, and Csaba Zahorán. "Hungarian Domestic Policy in Foreign Policy."
[38] *Ibid*, 18.
[39] *Ibid*, 53.
[40] Hutt, David. "Hungary election: Who is Viktor Orban and how has he stayed in power for so long?" *Euro News,* 2022.
https://www.euronews.com/2022/03/30/hungary-election-who-is-viktor-orban-and-how-has-he-stayed-in-power-for so-long
[41] *Ibid*.

institutional checks, leading Orban to then install an entirely new constitution.[42] Under Orban's rule, state democracy has deteriorated to such an extent that the 2015 Freedom House Assessment in its *Nations in Transit* report no longer lists Hungary as a consolidated democracy, but instead as a "semi-consolidated democracy."[43]

Orban remains in power in Hungary today,[43] continuing to strengthen ties with both China and Russia via important developments such as the "16+1 Program" and the Paks II Energy Deal. Similarly, Orban's ideological battle with the EU continues. With this context in mind, the rest of the paper will explore the foreign policy dilemma Orban has created for Hungary.

Western Policy: EU, NATO, and Cultural Conflict

A Conflict of Values

Many point to Orban's second administration as the beginning of democratic backsliding in Hungary, and was in fact part of a larger "third wave of autocratization" globally.[44] With Orban in power, and with a new constitution in hand, "a particular kind of nationalist narrative began to take hold which influenced not only internal politics but also relations with the EU."[45] Despite EU disapproval, it remains difficult for the EU to intervene in the internal politics of its member states without being accused of meddling. The so-called "external pressure-domestic consolidation paradox" is at play: when the EU does intervene over concerns such as democratic backsliding, it is seen as undermining national sovereignty.[46]

Orban's Fidesz-led government has gained a reputation within the EU for promoting illiberal political agendas and launching attacks against EU institutions. However, the rise of Orban's populist rhetoric is not an issue that only affects Hungary: in the past two decades, eight EU member states have had populist parties as heads of government and 12

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[42] Scheppele, Kim Lane. "Understanding Hungary's Constitutional Revolution," *Yale Law Review,* Testimony from the US Commission on Security and Cooperation in Europe - Hearing on "The Trajectory of Democracy: Why Hungary Matters," 2013.
https://law.yale.edu/sites/default/files/understanding_hungarys_constitutional_revolution.pdf

[43] Gehrke, Laurenz. 2020. "Hungary No Longer a Democracy: Report." *Politico*. May 6, 2020.
https://www.politico.eu/article/hungary-no-longer-a-democracy-report/

[44] Guerra, Simona. 2022. "Hungary and the EU Are in an Endless Dispute That Challenges the Very Foundations of the Union." *The Conversation*, 2022.
https://theconversation.com/hungary-and-the-eu-are-in-an-endless-dispute-that-challenges-the-very-foundations-of-t he-union-196823

[45] *Ibid*.

[46] Hussain, Zaara Zain. "The Effect of Domestic Politics on Foreign Policy Decision Making." *E-International Relations,* 2013.
https://www.e-ir.info/2011/02/07/the-effect-of-domestic-politics-on-foreign-policy-decision-making/

minor partners in governing coalitions.[47] These populist parties all focus on a greater trend towards "contestation of key EU foreign policy norms."[48] Orban's thinking is right in line with this, deeming "unconditional servitude to EU member states," unacceptable; instead he prefers to defend nation-state interests and strengthen bilateral relations.[49] In fact, Fidesz listed "protection of sovereignty" as its most important issue in the 2024 European Parliamentary elections.[50] However, the issue that has raised the most concerns within the EU was Orban's introduction of his "illiberal democracy," directly countering Copenhagen Criteria, which lists "stability of institutions guaranteeing democracy" as its first requirement.[51]

Orban's "Illiberal Democracy"

In 2014, Orban delivered a speech in Romania that would later become infamous: in it, he stated he hoped to build a new Hungary, one that was an "illiberal state, not a liberal state… [that] contains a different, specific, national approach."[52] In this speech, Orban stresses that the West (and their model of western liberal democracies) is in decline and the East is on the rise. Indeed, he evokes Samuel Huntington's *Clash of Civilizations,* which theorizes that civilizations have a lifespan, and therefore the hegemony of the West is fading.[53] He identifies other rising illiberal powers as "Singapore, China, India, Russia, and Turkey," while pointing out that "liberal democrac[ies] are unlikely to be able to maintain their world competitiveness." [54]

In terms of Hungary's relationship with the EU, Orban does not see Hungary's new illiberal turn as something that excludes it from participating fully in the community, only that there are "a lot of battles to be fought."[55] These forthcoming disputes, he argues, are simply part of the process of "rebuilding and redefining a state."[56] Some argue that this shift towards illiberalism is a consequence of Orban's 2002 defeat. While retaining a large base, Orban lost many followers; the European People's Party (EPP) even shunned him in European Union politics. According to a 2022 Freedom House report on rising authoritarianism, Hungary

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[47] Monteleone, Müller, and Coutto. "Hungary's Populist Government and the Contestation of EU Foreign Policy Co‐Operation at the United Nations: Dogs That Bark Do Not Bite?"
[48] *Ibid*.
[49] Schmidt, Andrea, and Viktor Glied. 2024. "Pragmatic Foreign Policy of Hungary in the Shadow of the Russian-Ukrainian War." *Eastern Journal of European Studies* 15 (Special Issue): 247–67. https://doi.org/10.47743/ejes-2024-si12
[50] Schmidt, Glied. "Pragmatic Foreign Policy of Hungary in the Shadow of the Russian-Ukrainian War."
[51] "Accession Criteria (Copenhagen Criteria." *The European Union, Access to EU Law.* https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:accession_criteria_copenhague
[52] Orban, Viktor. "Address on Illiberal Democracy" (English and Hungarian Transcripts Text-Video) *American Rhetoric*, 2015. https://www.americanrhetoric.com/speeches/viktororbanilliberaldemocracyspeech.htm
[53] Schmidt, Glied. "Pragmatic Foreign Policy of Hungary in the Shadow of the Russian-Ukrainian War."
[54] Orban, Viktor. "Address on Illiberal Democracy"
[55] *Ibid*.
[56] *Ibid*.

experienced "the largest 10-year score decline among democracies of 19 points, classifying it now as "partly free." Hungary is now classified with a group whose cause for decline has been listed as "internal forces exploiting shortcomings, distorting national politics to promote… unbridled power."[57] In the context of Hungary's constitutional reforms and new illiberal democratic principles, it wouldn't be hard to argue that Orban has done just that.

Responses to the Ukrainian Invasion - Is Hungary Really Just Anti-Ukraine?

Another point of contention in the EU is Hungary's response to Russia's 2022 invasion of Ukraine. Orban has long voiced criticism over the EU's Russia approach believing it would harm EU member states in terms of energy and oil.[58] This made signing onto the EU's sanctions troublesome for Hungary, given their increasingly friendly relations with Russia; this put them in "clear conflict with its new attempts at a multivector foreign policy."[59] Despite Russian aggression in Ukraine shocking Orban (who had just visited with Putin earlier that year), he still refers to Ukraine as a "special military operation," understanding that Russia "provides security and long-term stability to Hungary with gas contracts."[60] At the same time, however, Orban tells Ukrainian colleagues they stand for Ukrainian sovereignty - Orban's diplomatic doublespeak at work.

After scarcely avoiding the Yugoslav Wars of the 1990s, Hungary may also be attempting to avoid another regional conflict. Hungary's opposition to EU aid to Ukraine might be influenced by the effects of the annexation of Crimea: in 2014, Hungary supported the EU, and in return, their economy suffered losses of $85 million due to sanctions.[61] So today, Orban's government prefers to make bilateral agreements rather than supporting a large EU aid package to Ukraine. And indeed, Orban's policymaking has increasingly relied on threatening the use of vetoes in order to gain concessions in what could be called a "soft hostage-taking strategy."[62] Orban has refused to allow the transfer of arms to Ukraine via Hungary, rejected sanctions on Russian oil and gas, and has refused to condemn Putin directly.[63]

Hungarian views of Russia, however, are not simply that of happy allies: Hungary still remembers the brutal crushing of its 1956 uprising against Stalin by Soviet forces. As

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[57] "New Report: Authoritarian Rule Challenging Democracy as Dominant Global Model." *Freedom House,* 2022.
[58] Kiss, Balázs, and Csaba Zahorán. "Hungarian Domestic Policy in Foreign Policy."
[59] *Ibid*, 55.
[60] Schmidt, Andrea, and Viktor Glied. 2024. "Pragmatic Foreign Policy of Hungary in the Shadow of the Russian-Ukrainian War."
[61] Kiss, Balázs, and Csaba Zahorán. "Hungarian Domestic Policy in Foreign Policy," 56.
[62] Müller, P., & Slominski, P. (2025). The soft hostage-taking of EU foreign policy: Hungary's rule of law conflict with the EU and Russia's war against Ukraine. *Journal of European Public Policy*, 1–27.
[63] McCoy, Jennifer L."Why Hungary Re-Elected a Pro-Putin Regime—and What Factors May Shift That Support." *Scholars Strategy Network,* 2022.
https://scholars.org/contribution/why-hungary-re-elected-pro-putin-regime-and

well, Hungarians are ethnically not slavic, but actually from the Ural Mountains of western Asia. Orban himself pointed this fact out in 2014 when he said that Hungary has been "regularly mocked" within Europe "because it is Asian."[64]

Some suggest that Hungary is instead more anti-Ukraine than it is pro-Russian. Ukrainian and Hungarian relations have been sullied for many decades over the issue of Hungarian national minorities in Transcarpathia, a region of current-day Ukraine that was ceded by Hungary after World War I (under the Treaty of Trianon, signed June 4, 1920. This treaty resulted in Hungary losing around two-thirds of its pre-war territory and population, leading the treaty to be viewed as a national tragedy). Tensions continued to intensify: in 2018 a video surfaced showing diplomats illegally giving Hungarian passports to Ukrainians in Transcarpathia, Hungary was accused of trying to influence elections in this region, and Hungary blocked Ukraine's NATO membership negotiations.[65] This historical friction explains why Hungary reversed its formerly anti-refugee policy and allowed thousands of Ukrainians into Hungary, many from these western regions inhabited by ethnic Hungarians.[66] While not as aggressive as Russia in terms of dealing with its territorial ambitions, Hungary instead seeks to "foster cultural and political ties with ethnic Hungarian communities across borders."[67] This is being done while simultaneously respecting others' territorial integrity - a balancing act that permits a nationalist narrative without subverting the EU's principles or starting hot wars.

So while Hungary is neither pro-Russian or pro-Ukraine, economic dependency, coupled with Hungary's growing cultural rift with the EU and the West, may explain its current stance today. To summarize one view point: "Hungary isn't pro-Russia. But even so, President Vladimir Putin's invasion hasn't made it pro-Ukraine either."[68]

Turning Away: The "Eastern Opening"

Upon his return to power in 2010, Orban announced his FIDESZ government would be implementing a new foreign policy of an "Eastern Opening." This would include developing economic relationships with five key regions outside of the western world: the post-Soviet space, Asia, the Middle East and North Africa, Sub-Saharan Africa and the Sahel region, and Latin America.[69] This policy is in part a response to what Orban views as "eastern winds blowing in the global economy."[70] They set the goal to have one-third to one-half of Hungarian

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[64] "Eastern Opening: Notes on Illiberal Democracy in Hungary," *The Orange Files,* 2018. https://theorangefiles.hu/eastern-opening/

[65] Nattrass, William. "Hungary's 'Pro-Russia' Stance Was Inevitable."

[66] McCoy, Jennifer L."Why Hungary Re-Elected a Pro-Putin Regime—and What Factors May Shift That Support."

[67] "Hungary: Trojan Horse in Russia's Proxy War against Europe." *Robert Lansing Institute.*

[68] Nattrass, William. "Hungary's 'Pro-Russia' Stance Was Inevitable."

[69] Végh, Zsuzsanna. "Hungary's 'Eastern Opening' Policy toward Russia: Ties That Bind?" *International Issues & Slovak Foreign Policy Af airs* 24, no. 1–2 (2015): 47–65. https://www.jstor.org/stable/26591857

[70] *Ibid*.

exports go to non-EU countries.

Even before Orban, Hungary had emphasized increasing their global presence with developing countries: after joining the EU, the Gyurcsany government sought to increase Hungary's global investment by participating in multilateral organizations (China and Russian being two countries mentioned as potential partners with whom to develop closer ties).[71] So while Orban (and other Hungarian politicians) recognizes that Hungary is a part of a major western system of economic, political, and military alliances, he rejects the idea that this means Hungary must implement western values at the core of its foreign policy.[72] Orban's turn from the West can also be seen as Hungary finally pursuing its own sovereign foreign policy after not being able to historically.[73] Orban "dismisses ideology-driven foreign policy" in favor of "foreign policy centered on realized economic interests."[74] For example, when Hungary was well behind its fellow EU member states economically, it knew it needed financial support from non-EU sources in order to bankroll investments for economic growth. Therefore, Hungary set out to increase trade with countries such as China, Russia, and the Arab world that it believed would, in turn, invest in Hungary. By 2013, Finance Minister Peter Szijjarto was in charge of 22 bilateral economic joint committees for partners from Asia and the Middle East.
However, data from 2010-2012 shows a different story: Orban's prominent foreign policy project did not actually produce any significant trade increases with countries in Asia. Instead, exports increased to mostly non-EU countries rather than to Asia during this time (primarily to Serbia, Ukraine, the Middle East, and the US).[75] Despite this, on March 9, 2015, Orban announced that the Eastern Opening had in fact "been completed."[76]

Trade - An Examination of the Numbers

Despite the goals of the Eastern Opening, Hungary's trade with countries outside the EU has in fact declined from 27.2% to 25.4% from 2010 to 2013. In that same time frame, Hungary's foreign trade with Asia has also declined from 12.2% to 8.8%. Even though Hungary has deepened relations with Russia, it is important to remember that Hungary is still only a minor economic trading partner for Russia: Hungary receives only 1.3% of Russia's exports (making it 19th on their list), and Russia receives only 1% of Hungarian exports (ranking 22nd). As well, 90% of Russian exports are energy-resource related, meaning other Russian products make up only a small fraction of Hungarian imports.

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[71] Kiss, Balázs, and Csaba Zahorán. "Hungarian Domestic Policy in Foreign Policy," 49.
[72] Végh, Zsuzsanna. "Hungary's 'Eastern Opening' Policy toward Russia: Ties That Bind?"
[73] Schmidt, Andrea, and Viktor Glied. 2024. "Pragmatic Foreign Policy of Hungary in the Shadow of the Russian-Ukrainian War."
[74] Végh, Zsuzsanna. "Hungary's 'Eastern Opening' Policy toward Russia: Ties That Bind?" pg. 51
[75] "Eastern Opening: Notes on Illiberal Democracy in Hungary," *The Orange Files*
[76] *Ibid*.

In 2013, a Trade House of Hungary opened in Moscow, and Finance Minister Peter Szijarto announced that Hungary's goal was to achieve trade balance with Russia in the coming decade; however, a $5 billion imbalance still persists, making Szijarto's goal of eliminating the Russian trade deficit, for now, "impossible."[77] In 2013, Hungary imported almost 100% of its crude oil from Russia; approximately 100% of Hungary's gas imports were also supplied via Russian pipelines, accounting for almost 90% of domestic consumption. Despite emphasizing energy diversification, Hungary has actually amended its gas laws to allow outside companies to construct pipelines in its territory, ignoring EU rules on third-party access as outlined in the EU's Third Energy Package.[78]

Hungary also has a trade deficit with China worth approximately $2.6 billion. How did this happen? China intentionally implements economic policies that limit access to its domestic markets, creating barriers to entry for foreign firms. As a result, Hungarian firms have been unable to develop markets within China. Even if a Hungarian company might penetrate a niche Chinese market, they usually lack the capital or awareness to succeed.[79] Orban's insistence on opening up eastern markets has created pushback and suspicion from the EU. Since 2016, The European Commission's "Joint Communication on Elements for a new EU Strategy on China" insists that all bilateral deals with China must be coordinated with the EU to ensure they are "in line with EU laws, rules, and policies, and that the overall outcome is beneficial for the EU as a whole."[80] This leads some to suggest that Orban's eastern opening is more ideological or "in-spirit," because of Hungary's relative failure to increase trade and economic relations outside of the West. Despite the trade struggles, newly improved Russian relations are described as "a working marriage of convenience;" additionally, Sino-Hungarian relations are "no longer restricted to protocol" but instead mirror "close friendship bind[ing] the two in economic and cultural cooperation."[81]

China's 16 +1 Project

The 21st century has often been referred to as the "Asian Century," and Hungary is eager to participate. While China's Belt and Road Initiative is better known, it was preceded by a lesser known project called the "16+1" (or by its official name, The Cooperation between

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[77] Kiss, Balázs, and Csaba Zahorán. "Hungarian Domestic Policy in Foreign Policy"
[78] "Governance of the Internal Energy Market." *European Commission: Governance of the Internal Energy Market,* 2023 https://energy.ec.europa.eu/topics/markets-and-consumers/governance-internal-energy-market_en
[79] Irimescu, Lisa. "Hungary's Eastern Opening: Political and Economic Impacts," *KKI Policy Brief - Series of the Institute for Foreign Af airs and Trade,* 2019. https://hiia.hu/wp-content/uploads/2020/01/57_KKI-Policy-Brief_HU-CHN_Irimescu_20191220.pdf
[80] "Joint Communication to the European Parliament and the Council: Elements for a new EU Strategy on China," *European Commission: High Representative of the Union for Foreign Af airs and Security Policy,* 2016 https://eeas.europa.eu/archives/docs/china/docs/joint_communication_to_the_european_parliament_and_the_council_-_elements_for_a_new_eu_strategy_on_china.pdf
[81] Eastern Opening: Notes on Illiberal Democracy in Hungary," *The Orange Files*

China and Central and Eastern European Countries Initiative by the Chinese Ministry of Foreign Affairs) in 2012. This project includes three areas of focus: infrastructure, advanced technologies, and green technologies. While this arrangement might appear to be multilateral, in reality, the program exists for China to strike bilateral arrangements.[82] The program includes China, five non-EU Balkan states (Bosnia, Montenegro, Macedonia, Albania, and Serbia) and 11 EU member states (Estonia, Latvia, Lithuania, Poland, the Czech Republic, Slovakia, Hungary, Slovenia, Croatia, Romania, and Bulgaria).

To date, China has contributed approximately $15.4 billion toward infrastructure, energy, transport, information and communication technology, and other areas.[83] For example, the Tiejiuju Engineering & Construction and China Railway Electrification Engineering Group was awarded 50% of a contract to construct the Budapest-Belgrade railway. China, via this program, is able to “export its overcapacity in the infrastructure sector,” thereby ensuring that Chinese firms secure contracts and jobs. These firms then employ Chinese citizens, thereby lowering the Chinese unemployment rate.[84] Upon completion, the railway will be able to introduce Chinese goods from the Chinese-owned Greek port of Piraeus to European markets, helping increase demand for Chinese products abroad.

The Hungarian investment in The Budapest-Belgrade Railway is estimated to be approximately $2.6 billion USD (or €2.3 billion). However, 85% of the project will be financed by a loan from the Chinese state at a 2.5% interest rate for 18-20 years.[85] While this loan will not be crippling for Hungary in and of itself, it is important to note that Hungary already has existing loans with Russia.[86] A report from the Institute for Foreign Affairs and Trade predicts that “given the planning, bureaucracy, and time” it will “take years before Hungary will experience a return on this investment.”[87] Other 16 + 1 projects include ongoing 5G partnerships with the Chinese technology company Huawei, and a €7.3 billion investment for a battery plant near Debrecen. As well, investigative journalists leaked documents in June 2023 revealing unannounced plans by the Hungarian government “to turn the country into the European hub of Chinese chemicals.”[88]

But why is China so interested in central and eastern Europe? Foremost, China seeks allies who will defend China’s reputation and interests within the EU: Hungary has blocked the

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[82] Hillman, Jonathan E. and Maesea McCalpin. “Will China’s ‘16+1’ Format Divide Europe?” 2019. https://www.csis.org/analysis/will-chinas-161-format-divide-europe
[83] Irimescu, Lisa. “Hungary’s Eastern Opening: Political and Economic Impacts”
[84] *Ibid*.
[85] *Ibid*.
[86] Végh, Zsuzsanna. “Hungary’s ‘Eastern Opening’ Policy toward Russia: Ties That Bind?” pg. 47-48
[87] Irimescu, Lisa. “Hungary’s Eastern Opening: Political and Economic Impacts”
[88] Hompot, Sebestyén. “‘Eastern Opening’ Meets ‘Belt and Road’: State-Backed Narratives of Global Order in China-Hungary Relations” *Central European Institute of Asian Studies*, 2023.

United Nations from releasing statements condemning China's human rights abuses and refused to sign EU letters condemning China for detaining and torturing lawyers. While Hungary has welcomed its Western economic partnerships, Orban's defense of China on the international stage could risk Hungary's relationships with key allies in the EU and beyond.[89] From China's perspective, however, it makes Hungary the perfect partner for its 16+1 Program. EU officials, on the other hand, are suspicious that China's 16+1 project will only further undermine attempted unity of EU policy toward China.[90] However, since 2018, approximately 70% of announcements for new 16+1 projects have been made with the five non-EU member states.[91] Despite controversy surrounding the program, China insists that it "firmly supports European integration and unity."[92]

Conservatives within Hungary often view the situation with China differently: they argue that Hungary's turn to China did not occur in a vacuum, but instead was a direct result of EU policies. Hungarian nationalists view the EU's migration policies as "agree[ing] to their own ultimate demise as a distinct historical people."[93] Orban appears willing to forego the costs of relations with China and EU suspicion in order to protect nationalist and conservative values.[94]

Russia and the Paks II Nuclear Power Plant

After relations with Moscow grew increasingly cordial during Orban's return to power, an important bilateral agreement was reached: a $12 billion contract was signed with the Russian energy company Rosatom to build two new nuclear power reactors (Rosatom having won the contract in a no bid offer). The Paks II nuclear power plant (NPP) project is an expansion of the already existing Paks NPP, which is Hungary's only operating nuclear power plant. Paks II will be constructed solely with Russian technology - two Russian VVER-1200 reactors of 1200 megawatts of capacity, each using the Russian Leningrad NPP II as its blueprint.[95] This project will be almost entirely financed on Russian credit, indebting Hungary to Russia further into the mid-21st century.[96] Russia has agreed to provide Hungary with a €10 billion loan with a 4-5% interest rate on an 21-year term commencing in 2026; the loan will finance approximately 80% of the costs.[97]

This deal has, of course, raised suspicion within the European Commission, which questions if the 20% Hungarian contribution will be considered state aid (a category strictly

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89 Irimescu, Lisa. "Hungary's Eastern Opening: Political and Economic Impacts"
90 Hillman, Jonathan E. and Maesea McCalpin. "Will China's '16+1' Format Divide Europe?"
91 *Ibid*.
92 *Ibid*.
93 Dreher, Rod. "Why Is Hungary Turning to China? A Cultural Theory." *Hungarian Conservative,* 2024. https://www.hungarianconservative.com/articles/opinion/china-hungary-culture-nation-west-migration-dreher
94 *Ibid*.
95 "Paks II Nuclear Power Plant." *NS Energy*, 2020.
96 Végh, Zsuzsanna. "Hungary's 'Eastern Opening' Policy toward Russia: Ties That Bind?" pgs 47-48.
97 "Paks II Nuclear Power Plant."

regulated by the EU). However, its real concern is the lack of Hungarian energy diversification, and the fact that this deal was signed without consultation with the Hungarian Parliament.[98] Unfortunately, monitoring the program is difficult as all business and technical details remain classified. The EU fears that the program risks binding Hungary closer to Russia for the coming century - instead of providing energy security, Hungary will be left more dependent on Russia. Putin himself even threatened that if Hungary pulled out of the deal (due to the European Commission prohibiting the project), this would "harm the country's national interests and would have negative repercussions."[99] It remains to be seen how this controversial project impacts Hungary's relations with both the EU and Russia.

The Balancing Act: An Analysis

Concerning Recent Developments: An Expanding Strategy

What has been the United States' role in Hungary's recent developments? In April, 2025, Donald Trump Jr. visited Budapest and had multiple closed-door meetings with Orban, Foreign Minister Szijarto, Hungarian oligarch Istvan Tiborcz (also Orban's son-in-law), and a Trump Organization envoy that oversees a $3.2 billion global real estate and energy assets portfolio. The parties discussed banking (OTP Bank - a Hungarian commercial bank), energy (MOL Group - a Hungarian multinational oil and gas company), and pharmaceuticals (Richter Gedeon - a Hungarian pharmaceutical company). The Robert Lansing Institute described the situation as a "geopolitical triangle through which Russian war money, Chinese infrastructure subsidies, and American capital collide" where "Hungary sits comfortably at the fulcrum.[100] The OTP Bank's Russian subsidiary has experienced a 40% growth in profit (equal to $372 million), which supposedly helps finance Russia's military. This money has been known to have subsidized pontoon bridges for Ukraine's invasion, bypassing sanctions by classifying the payments as "waterway logistics."[101]

But what is a high-ranking member of the Trump family doing in Budapest? According to diplomatic sources, Trump Jr.'s visit had three objectives: to redirect Hungarian exports to US markets, channel Trump investments into Budapest real estate, and negotiate a tax treaty to protect Hungarian auto manufacturers from new US tariffs. This proposal sets aside $3B-$4B in US direct investment over three years.[102]

Despite these emerging efforts, Russia remains the main recipient of Hungary's foreign investment dealings: between January and March 2025, NATO intelligence suggests that ~ €820

[98] Végh, Zsuzsanna. "Hungary's 'Eastern Opening' Policy toward Russia: Ties That Bind?" pg. 51.
[99] *Ibid*, 64.
[100] "Hungary's Balancing Act: Strategic Risks of Budapest's Covert Ties with Russia," *The Robert Lansing Institute,* 2025.https://lansinginstitute.org/2025/hungarys-balancing-act-strategic-risks-of-budapests-covert-ties-with-russia/
[101] *Ibid*.
[102] Woods, John. "Trump Jr in Budapest: Hungary Is like Heaven" *DailyNewsHungary,* 2025. https://dailynewshungary.com/trump-jr-in-budapest-hungary-is-like-heaven/

million have reached Russian IT sectors disguised as "loans" from Hungary.[103] Seemingly, Moscow uses Hungary to launder dual-use military transactions, undermining the very basis of Western sanctions. However, recent emerging relations with Trump-aligned American politicians suggest Orban may be trying to create more than just a two-way balancing act; instead, a third party (the US) is being added to the mix.[104] As developments continue to emerge, Hungary's delicate balancing act may prove to be its undoing. But for now, the balancing act continues.

Success or Failure: A Thin Line

Hungarian foreign policy, mainly directed by Prime Minister Viktor Orban and his Fidesz Party, has been working to strategically balance commitments to both the EU and NATO while also openly developing partnerships with eastern and illiberal countries. This balancing act has defined Hungary on the world stage and within European Union institutions. Programs such as China's 16+1 or Russia's Paks II deal are powerful examples of a larger project called the "Eastern Opening." These foreign policy projects, as well as Orban's ongoing rhetorical war with the EU, has dubbed Hungary the "Trojan Horse of Europe."[105] Orban acts as the brake on EU-NATO decision-making regarding Ukraine, protecting its lucrative oil ties with Moscow. While Orban's game of playing both sides has been exposed, only the future will tell if he will be able to strategically balance two opposing viewpoints in an increasingly bi-polar world.

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[103] "Hungary's Balancing Act: Strategic Risks of Budapest's Covert Ties with Russia"
[104] *Ibid*.
[105] Brennan, David. 2024. "Putin's NATO Ally Has Overplayed His Hand." *Newsweek*, 2024. https://www.newsweek.com/putin-nato-ally-orban-hungary-overplayed-hand-eu-sweden-ukraine-russia-1863899

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From Insulation to Infiltration: IO Effectiveness in the ISA

by Gabriel McGuire, C'28

In 1970, the United Nations declared the Seabed and Ocean Floor the "Common heritage of mankind,"[1] later enshrining the protection of these ocean environments and the human security of island countries under the purview of the International Seabed Authority (ISA). However, the organization has largely failed to produce a comprehensive set of regulations on seabed mining in the last 10 years, with moratoriums and guiding principles struck down by China. Further, China has entrenched itself in the ISA's bureaucracy. The country holds a "high percentage" of bureaucratic positions within the organization and is the largest funder of the ISA, supporting its position as the principal most awarded with exploration contracts.[2] This distinct favor has received criticism from the Trump Administration, which now prioritizes short-term American interests in deep-sea mining over alternative engagement methods. While this pattern follows Johnson's *Ordinary Patterns* theory about breakdowns in IO effectiveness, the ISA is still able to maintain degrees of effect. This paper argues that the ISA case contradicts the *Ordinary Patterns* assumption that low bureaucratic insulation and the "Democratic Deficit" demean the effectiveness of IOs. Rather, the principal-agent relationship between states and bureaucrats creates ebbs and flows of selective effectiveness, where the ISA fulfils various commitments within its mandate to protect seabeds, island communities, and the "common heritage of all mankind."

Scholarship on the Effectiveness of International Organizations:

Johnson's *Ordinary Patterns* framework suggests that IO effectiveness decreases with lower levels of insulation from outside state actors; a "democratic deficit." Further, Johnson claims that these variables are affected by the organization's degree of socialization, which increases collaboration within the organization. While Johnson's framework was constructed with regard to the WHO, this scholarship extends it to the ISA, posing a unique example of extremely low insulation. The ISA was founded in 1982 with the adoption of the United Nations Convention on the Law of the Sea (UNCLOS), which established the organization to regulate seabed mining, conscious of the environmental conservation concerns inherent in the practice. It was for this reason, along with sovereign concerns, that the United States, despite signing and recognizing the treaty, did not ratify it. In recent years, this organization has seen a stalling of effectiveness. China inhibits the rollout of institutional changes that protect certain endangered reefs or change the organization's contracting process. Additionally, the United States has propped up its domestic National Oceanic and Atmospheric Administration as a domestic

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[1] *United Nations Convention on the Law of the Sea*, opened for signature December 10, 1982, 1833 U.N.T.S. 397, pt. XI, sec. 2.

[2] Carnegie Endowment for International Peace, "Why China, Not the United States, Is Making the Rules for Deep-Sea Mining."

alternative to the UN organization.[3] This agency replicates the ISA's permitting process, citing critical mineral security as a chief reason for its departure from this international system.[4] This has enabled the Canadian The Metals Company to push forward on deep-sea mining despite failing to receive mining permits from the ISA. Scholars also cite the potential threat of dual use mining and sabotage systems as another national security concern inherent in seabed mining, as adversary systems may cut fiber optic cables while on mining missions.

International relations theory forecasts these conflicts (Oye 1986).[5] The issue linkage between the climate change-conscious ISA and critical mineral supply chains brings parties to prioritize security, forcing climate cooperation to reconcile these priorities. This trend fits within the wider scholarship on the effectiveness and state-level response to international organizations. According to Johnson, organizations with too much insulation lead to "unelected" bureaucracies that force states to look for substitutes. And when the state has too little insulation, powerful member-states exploit or manipulate the IGO, privileging the intervening state. The latter case would appear to be true of China's participation. Instead, this paper demonstrates that the principal-agent relationship between states and bureaucrats creates ebbs and flows of selective effectiveness where a new degree of "institutional infiltration" emerges, not just insulation and isolation. Johnson's theory must therefore be applied to IOs with differing levels of insulation.

Case Study: China's Financial and Bureaucratic Infiltration of the ISA

China is the largest funder of the ISA, contributing roughly 20% of the ISA's budget, even outsizing the combined contribution of Germany, France, and the United Kingdom.[6] This jump dwarfs China's first contributions of US $80,000 in 2013, scaling as the 13th and 14th five-year plans have reoriented China's focus towards deep-sea mining technology. China's financing of the organization is reflected in the contracts that Chinese companies have received. Out of thirty global mining contracts, Chinese companies have been awarded five. It further maintains close relationships with Singaporean firms, while the recent termination of The Metal Company's contract with Kiribati in 2024 has opened room for Chinese companies to fulfil Kiribati contracts. A similar deal with the Cook islands in 2025 focuses on deep-sea mining infrastructure, further positioning China to exercise control over ISA-issued contracts; formal contracts encompass roughly 17% of the total seabed area permitted for mining.[7] These

[3] "Deep Seabed Mining: Revisions to Regulations for Exploration License and Commercial Recovery Permit Applications," Federal Register, January 21, 2026, https://www.federalregister.gov/
[4] Alex Gilbert and Morgan D. Bazilian, "The Seabed Is Now a Battlefield," Foreign Policy, June 4, 2025, https://foreignpolicy.com/2025/06/04/seabed-china-russia-unclos/.
[5] *Ibid*.
[6] Contributions Dashboard - International Seabed Authority, September 30, 2023, https://isa.org.jm/contributions-dashboard/.
[7] Narayan Srivastava, "Beneath the Surface: China's Deep-Sea Diplomacy in the Pacific Ocean," NAOC, November 22, 2025, https://natoassociation.ca/

commitments empower China to exert soft power over the key contracting and research fees incurred in support of the ISA's contract review process; a direct case of weak financial insulation.

While China's financial support for the ISA enables it to pull strings to exert external influence on the ISA per Johnson's *Ordinary Patterns* theory, it has moved to cement its control through more permanent measures. In November 2020, China funded the "ISA-China Joint Training and Research Centre" after signing a memorandum of understanding between the ISA and the State Oceanic Administration of China. The ISA, therefore, co-opted China's National Deep Sea Center, which is an agency under the Ministry of Natural Resources.[8] This center has a robust history of developing and testing resources for China's Research Institute of the China State Shipbuilding Corporation, which serves as one of China's foremost naval military research centers.[9] Collaborating with the ISA, the center's mission is to direct capability building for the "transfer of marine technology to developing states," staffed by researchers from primarily Chinese institutions who receive funding in Chinese RMB for ISA projects. The board of this research center is further co-opted by Chinese appointees, including four Chinese nationals, one Russian and Egyptian representative, and a secretariat representative of the ISA.[10] Of these four Chinese representatives, each sits as a secretary or vice-secretary in China's foremost state-run naval development institutions, with the constitution of the China Oceanic Development Foundation stating that it operates under the "guidance of Xi Jinping thought on socialism with Chinese characteristics,"[11] a clear representation of how China's domestic political agenda has become entrenched in the bureaucratic process and institutions of the ISA.
China has also established a perception of bureaucratic control among non-Chinese bureaucrats. First, it holds the most nominations to the ISA's "Commission on Legal Affairs" and "Committee on Financial Matters," while maintaining two seats on the ISA secretariat. China has officially flexed these controls to block an initiative to establish an independent commission that would verify contractor environmental regulation adherence, despite being supported by 22 countries, including Germany. It warned the ISA to be "prudent" in "levying financial punishments" on contractors.[12] However, China's approach to soft power exertion extends beyond traditional bureaucratic staffing. By sponsoring workshops, dinners, and drinking events

[8] "China's Deep Sea Research Capabilities: Part I - National Deep Sea Center, Qingdao," National Maritime Foundation, March 4, 2025, https://maritimeindia.org/

[9] "China State Shipbuilding Corporation limited（A Central Enterprise for Which the State-Owned Assets Supervision and Administration Commission of the State Council Performs Investor Responsibilities)," accessed April 25, 2026, https://baike.baidu.com/en

[10] ISA-China Joint Training and Research Centre - International Seabed Authority, March 17, 2022, https://isa.org.jm/

[11] "China Oceanic Development Foundation ,CODF," accessed April 25, 2026, https://www.cfocean.org/

[12] Lily Kuo, "China Is Set to Dominate the Deep Sea and Its Wealth of Rare Metals," Washington Post, accessed April 25, 2026, https://www.washingtonpost.com/world/interactive/2023/china-deep-sea-mining-military-renewable-energy/

with "strong Chinese BeiJiu liquor," China is able to convey a social acceptance of its institutional ownership among the bureaucracy.[13] One American agreed, "It's quite clear that when China speaks, everyone tends to listen and tries to accommodate."[14] Taken together, these cases display China's overwhelming degree of institutional control.

Despite China's long institutional reach, the effectiveness of the ISA remains in constant flux. The ISA holds two core missions: contract issuing and environmental regulation for the "Common heritage of mankind." In fact, it has built an active system that fosters a diverse market of contractors, while providing a space for scientific information sharing. The ISA, however, has yet to make an institutional push towards environmental regulation. Rather, it largely works to maintain its international contracting infrastructure.

Findings: The ISA's Principal-Agent Problem

This case study could be stretched to fit Johnson's assumptions at the macro level. The ISA, subject to low bureaucratic insulation, suffers from a "democratic deficit." The epistemic community is unable to fully fulfill its mandate to protect the climate. And, as the *Ordinary Patterns* model suggests, states will blame the IO's lack of insulation as a source of its ineffectiveness. This aspect is reflected in the United States' reaction to the ISA's bureaucracy. This logic suggests that the relationship between states and the IO is structured:

Principal → Agent (IO Bureaucrat) → Effect

However, the ISA case study would better fit into an adjusted structure that accounts for high levels of external pressure. Johnson's logic assumes that the principal exerts external pressure on the internal IO agent, which produces a consequential effect from the IO. Within the ISA, however, many of the aforementioned bureaucrats serve as representatives; Chinese nationals operate from within the organization on behalf of their state. The ISA-China Joint Training and Research Centre emboldens this idea, demonstrating state co-option of traditional insulated institutions. Rather than framing this variable as "insulation" from external pressure, it displays that China's centralized approach has infiltrated the bureaucracy. The principal, therefore, becomes entangled with the agent, and I propose the following variation to Johnson's framework:

Principal & Agent → Effect

This alternative framework better suits the reality of the ISA. The second major departure from Johnson's framework comes with socialization. As Johnson forecasts that socialization within the

[13] *Ibid*.

[14] *Ibid*.

IO fosters collaboration, this case demonstrates that socialization can sway the bureaucracy to serve one principal. So, with principal and agent entanglement as an independent variable, one can then measure the dependent variable, IO effectiveness:

Johnson's Ordinary Patterns (WHO)	McGuire's "Selective Effectiveness" (ISA)
Principal-Agent Model	
Principal → Agent → Effect (external pressure on IO)	Principal & Agent → Effect (state entangled within IO)
Role of socialization	
Fosters collaboration among diverse members	Sways bureaucracy to serve one dominant principal
IO Effectiveness	
Shaped by degree of insulation	"Selective Effectiveness"

As demonstrated in the case study, the IO is exponentially more effective in areas that pertain to China's international interests, such as the speed and terms of mining contracts. Overall IO effectiveness, incorporating the lack of success of the ISA's climate mandate, therefore ebbs and flows in a pattern that I coin, "selective effectiveness." For future research, it is worth noting that Johnson's *Ordinary Patterns* framework was originally made to fit the WHO, which holds more international diversity in its secretariat. However, in the case of the ISA, these effects of infiltration represent one end of an extreme. As China continues to exert its influence over the ISA, one could imagine that its motto, "for the common heritage of mankind," may morph into China's seafaring motto, "Strive, explore, contribute."

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One Last Curtain Call

Reclamation of the stage: A female dancers rage

by Nicolina Monacelli, C'28

Monologue:

My body carries invisible wounds—some of which were never mine. I have been bruised, used, and then blamed as if somehow this was all my fault. I find a semblance of my voice through the words spoken by Emeli Sandé in her song 'Clown.' Like the Clown, I too put makeup on my face for others' pleasure and to mask my pain. My life is a circus filled with chaos, humiliation, and façade all narrated by the 'master.' But this story isn't just my own.

As a female dancer, the conventionalized myth of women "making themselves" susceptible to male violence against them is only exacerbated. Our craft is too often mistaken as an invitation to our bodies. "From a distance I can entertain," but that separation does not exist. The performance never ends for the female dancer, because the male viewer wants the show to continue forever. He sees those beautiful glimmering legs, graciously moving across the stage in a tiny costume that is all too revealing and thinks, "man she is asking for it." Simply doing what she loved made her become vulnerable to harm. How can that be?

Journal:

"I'd be smiling if I wasn't so desperate" she mouths to herself while dancing in her room on a brisk Saturday morning, thoughts of that dreadful night racing through her head. She thinks about that ragged brown couch and the innocence she felt sitting on it for sixteen years before that night; it was her family house, it was supposed to be her safe space. "I'd be less angry if it was my decision," she continued, fading into the music. She tries to suppress the images of his jagged hands protruding her skin, but she couldn't escape. The paralyzed feeling she experienced that night began to overwhelm her and suddenly she was frozen. What was once her outlet of expression was now her greatest source of pain, but she had no choice, she had to continue dancing. "I'll be your clown, behind the glass," and so she is.

Theory:

Each day she goes to work, putting on the perfect performance, while slowly fading away. She is forced to regularly see him, each time met with smirks and subtle grazes, reminding her who is in control. The few who observed this or the even fewer she trusted with the truth instead patronized her, "oh well maybe if you didn't wear such risque costumes " or "why did he come over; you were asking for something to happen." The ignorance of such statements are uncanny; consent has never and will never be optional.

I reject the claim that I should have prevented what was done to me. That sentence itself is a contradiction; how could I have prevented something I did not do? I reject the logic that places the responsibility of another person's actions onto me because I do not possess the foresight to anticipate the future, and how could I? The illusions of magicians remain confined to striped tents, yet somehow the expectation for female dancers to embody that fatalistic persona imposes itself upon our everyday survival. For those who hold such beliefs, I encourage you to reflect on why you are placing blame on those being harmed rather than those causing the harm. If we truly desire to live in a society where everyone is equally protected, may we start asking the question: what if men asked, not took?

The Reflection:

Susan Stryker's tone in My Words to Victor Frankenstein above the Village of Chamounix: Performing Transgender Rage strikes a balance between the intellectual and affective, using the figure of Frankenstein to frame a deeply personal account of her experiences as a transgender woman. She opens with a vivid description of the transsexual body, marked by the "sutures and seams" it has been made to endure, establishing a manifesto grounded in theoretical reflection and bodily experience.[1] I adopt this technique with Frankenstein's monster reimagined as the Clown, and centering "my body" as a site where burdens are forced upon it.

Furthermore, Stryker includes subheadings as a basis for modular storytelling, shifting the tone to introspective narration, particularly through reflecting on her child's birth and her subsequent emotional distress from hearing "it's a girl!"[2] I mirror this fragmentation through incorporating intimate moments of the female dancer battling intrusive memories from that night, detailing her inner turmoil. Finally, rather than offering a "traditional call to action," Stryker urges readers to "discover the seams and sutures in yourself," emphasizing internal transformation as the basis for change.[3] My manifesto echoes this sentiment by concluding with reflective questioning: what if men asked, not just took?

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[1] Stryker, Susan. "My Words to Victor Frankenstein above the Village of Chamounix: Performing Transgender Rage." GLQ: A Journal of Lesbian and Gay Studies, January 1, 1994, 238

[2] *Ibid*, 244.

[3] *Ibid*, 241.

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Popular Sovereignty and Executive Power: Analyzing Bill Clinton's Presidency in a Lockean Perspective

by Khushi Patil, C'28

Social contract theorists such as Thomas Hobbes, John Locke, and Jean-Jacques Rousseau are renowned in their studies and understanding of how governments form and develop. As a student fascinated by Political Science and Governance, specifically in the United States, John Locke's *The Second Treatise of Government* stood out to me; John Locke was an engineer of natural rights and one of the first to legitimize the idea of consent of the governed, a founding principle of democracy. The Second Treatise of Government outlines the role of the Executive, Legislative, and Federative powers as well as the role of citizens, both in the state of nature and once they have exited. Locke's theories of popular sovereignty and executive power played an influential role in shaping the foundations of the United States government. Yet, throughout American history, certain presidents have disregarded these democratic principles and operated beyond their constitutional boundaries. This paper assesses Bill Clinton's presidency and ultimately argues that he embodies Locke's ideas of popular sovereignty and a discretionary executive. However, key features of his presidency and his administration also reveal limitations in Locke's epistemology and expose tensions between Lockean executive power and modern democratic governance.

To fully understand Locke's epistemology, it is crucial to first contextualize his state of nature and why its instability leads to individuals exiting it. Locke's state of nature functions primarily as hypothetical, but he believed it had historical roots; it is a pre-political condition lacking government or singular authority. He believed that every individual is free and in a state "of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another."[1] God made us, and because God exerted his own labor to make us, we are God's property and are all equal.[2] Individuals are governed by the law of nature, which teaches mankind the following rule: "that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions."[3] Locke argues that the natural law is clear to understand, but men possess internal egocentric biases, which results in ignorance and people not wanting to follow this law. This enables irrational people to violate natural law and is the impetus for conflict and bias. Consequently, the state of nature becomes unstable due to the absence of an impartial judge; private judgement is not a viable solution anymore. The aforementioned egocentric biases lead to an assertion of dominance, and when one man strives to put "another man into his absolute power, does thereby put himself into a state of war with him."[4] In order to avoid and eventually exit this state of war, Locke asserts that men must voluntarily put themselves into a society and form a body politic. This entails fully withdrawing their ability to make private judgments and decisions as well as their ability to enforce the natural law. By coming together voluntarily, individuals establish a government that provides impartial justice, protects their property, and enacts stable laws. Locke claims that "when an authority and impartial judge is present, the continuance of the state of war is

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[1] John Locke, *The Second Treatise of Government*, in *Classics of Moral and Political Theory*, ed. M. L. Morgan (Hackett Publishing Company, 1980), 713.
[2] *Ibid*, 720.
[3] *Ibid*, 713.
[4] *Ibid*, 716.

excluded, and the controversy is decided by that power."[5] The motivation and desire for this newfound impartial judge and government is to protect property (not just tangible or material, but other forms of property as well, such as life, liberty, one's estate). This context is necessary in understanding Locke's epistemology because it provides a premise for his liberalism in a pre-political state of nature governed by reason and the natural law.

Popular sovereignty is a defining feature of the American republic, and Locke's ideas are essential for understanding its foundations. The basis of his theory is that all political power originates in the people, who, as outlined previously, voluntarily consent to the government in order to secure their natural rights. The people "perpetually retains a supreme power of saving themselves from the attempts and designs of any body."[6] However, because all political power originates with the people, a government's authority remains legitimate only as long as the people continually consent to it. What, though, is considered a violation of consent? According to Locke, the executive violates the people's consent when it breaches their trust. The executive breaches the people's trust by failing to uphold the public good and interest, abuses its powers, or acts unreasonably; the people are the ultimate judge to determine whether the government has acted faithfully or violated their trust.[7] For this reason, the people possess the right to withdraw their consent and confidence in the government. Locke argues that political society can be dissolved justifiably in three ways: (1) when the form of legislature is altered to any extent without public voting or public consent, (2) when executive neglects and abandons authority, (3) when the executive acts contrary to public trust, and (4) when the state makes people miserable by using their power arbitrarily.[8] In a situation where the dissolution of government occurs, the people may either reassert their original power and sovereignty, ultimately establishing a new political order or "erect a new form, or under the old form place it in new hands, as they think good."[9] The people have the ultimate jurisdiction to decide what to do with their power.

Locke's theory of the executive serves as a foundation to the modern role of an American presidency. Since the legislature is not able to meet at all times or remain in session and laws must always constantly be enforced, this responsibility is transferred to the executive.[10] Essentially, in the absence of the legislature, the executive is in charge of carrying out laws as well as overseeing the overall functionality of the government. The executive also has discretionary power, as many laws cannot always anticipate certain events or emergencies, but they must be "ordered by him as the public good and advantage"[11] to protect the interests and benefit the public good. Some situations in which the executive can exercise discretionary power are in matters of foreign policy and national security; these areas require immediate response times and swift action. Relatedly, the executive also has a prerogative power to act independent of or against the law when deemed necessary, but must always promote the public good.[12] Similar to the conditions of Locke's theory

[5] *Ibid*, 717.
[6] *Ibid*, 751.
[7] *Ibid*, 776
[8] *Ibid*, 769.
[9] *Ibid*, 776.
[10] *Ibid*, 750.
[11] *Ibid*, 754.
[12] *Ibid*, 755.

on popular sovereignty, if the people judge that the executive has failed in its duties or misused the people's trust, they retain the right to alter/replace it. Locke advocates that the people possess the ability to rebel if/when the executive becomes oppressive and challenges the goals of political society. Both Locke's theories of popular sovereignty and the executive overlap significantly.

The strengths and weaknesses of Locke's theory of popular sovereignty are exemplified by American presidencies, specifically President Clinton's. As a native Arkansan, I visited Clinton's presidential library often, learning about the characteristics of his administration and his public service efforts. Additionally, I was part of a cohort at the Clinton School of Public Service for a leadership series, where my colleagues and I studied Clinton's presidency extensively. This was my primary motivation in pursuing this analysis. One major legislative accomplishment in Clinton's presidency was Executive Order 13087. This Executive Order prohibited "sexual orientation discrimination in most federal civilian employment along with the other forms of bias covered by the earlier order."[13] This highlights the president's use of prerogative and discretionary power and authority to promote the public good and protect its citizens. Clinton's presidency was during a time in history when technological advancements were being rapidly developed, a new sense of identity emerged, and marginalized groups were breaking barriers and steering away from stereotypes. The President ultimately represents the people, and passing Executive Order 13087 was a successful first step in the modern era that empowered marginalized voices. These groups needed to be protected, and the government successfully upheld their trust.
Another important policy from his presidency was the Family and Medical Leave Act (FMLA) of 1993; this legislation allowed "eligible employees to take up to 12 weeks of unpaid, protected leave for qualifying reasons."[14] The specifics of the legislation are not relevant; rather, the history and eventual processes leading up to passing this legislation are. It was fostered by a democratic and consent-driven approach to governance. The FMLA was introduced every year from prior to 1984-1993, and was "blocked repeatedly by entrenched, well-funded opponents."[15]

In fact, Congress passed the FMLA in 1991 and 1992, but it was vetoed both times by President George H.W. Bush.[16] Eventually, the FMLA was passed with bipartisan support under the Clinton administration, and the National Partnership for Women & Families emphasized that it is one of the first major accomplishments of his presidency. Fostering consent by representatives voluntarily passing the FMLA upholds the ideals of democracy and further legitimizes Locke's ideological role in American governance. Both pieces of legislation were contingent on a process influenced by public opinion and individual rights, which matches Locke's ideas of promoting the public good and that the legitimacy of the government is determined by the consent of the governed. More specifically, President Clinton utilized prerogative power in Executive Order 13087, as sex-based discrimination is an urgent and pressing issue affecting the public, especially

[13] C. V. Dale, "LEGAL ANALYSIS OF E.O. 13087 TO PROHIBIT DISCRIMINATION BASED ON SEXUAL ORIENTATION IN FEDERAL EMPLOYMENT" (1998), http://congressionalresearch.com/98-691/document.php?study=LEGAL%2BANALYSIS%2BOF%2B%CE%95.%CE%9F.%2B13087%2BTO%2BPROHIBIT%2BDISCRIMINATION%2BBASED%2BON%2BSEXUAL%2BORIENTATION%2BIN%2BF
[14] S. G. Meyer, "Family and medical leave act (FMLA) 101: A quick overview for employers," 2025, https://www.kplaw.com/news/news-and-updates/2025/07/family-medical-leave-act-fmla-101-a-quick-overview-for employers/.
[15] "History of the FMLA," National Partnership for Women & Families, 2024, https://nationalpartnership.org/economic-justice/family-medical-leave-act/history-of-the-fmla/.
[16] "History of the FMLA," 2024.

women and other marginalized groups (such as transgender and genderfluid people). Essentially, the purpose of this Executive Order is safeguarding individuals' equal rights. Locke argues that one of the main goals of the government is to secure civil rights and keep its people out of harm's way. Executive Order 13087 does this, creating a fair and ethical working environment for all citizens, not just for the benefit of one group over the other to preserve the hierarchy. The FMLA accomplishes a similar feat: the government protects individuals' rights by ensuring that workers can take protected leave without the fear of job loss. This promotes and secures the well-being, both physically and emotionally, of the people.

On a more general note, Clinton's presidency was heavily characterized by democratic traits. These include, but are not limited to, his administration's efficient responsiveness to citizens and adherence to institutional checks (ensuring that no one branch has more power or authority than the other). On a more practical level, Clinton served two terms, which further emphasizes how popular consent was reaffirmed and displays that governmental authority is truly embedded in the people. The successes in his first term propelled his popularity and increased the likelihood of another smooth-sailing campaign.

Despite the Clinton administration's alignment with several Lockean traits, there are several aspects of modern government that do not align with Locke's ideals. Firstly, there exists a policy specific limitation with general executive orders. Locke argues that executive power must not interfere with or bypass the legislature's authority. Since executive orders can be passed without Congressional oversight, individuals may argue that there is an unfair balance between both governmental branches, giving one more power than the other. Secondly, modern governance is heavily polarized and politically fragmented, making the "public good" hard and controversial to define. A relevant example is the debates about the best course of action to take during the COVID-19 pandemic. Some beliefs/values aligned with a mistrust and ignorance in science, while others' were heavily rooted in modern science and medicine. Personal biases also interfered in determining the best route of action to combat the COVID-19 pandemic. Thirdly, the legislature is in constant session and thus able to make fast and swift decisions, even in foreign relations. However, President Clinton's actions during the 1999 Kosovo Intervention proved contradictory to this; President Clinton authorized a bombing campaign in Kosovo without congressional authorization, which many people claim is a direct violation of the Constitution and the War Powers Act.[17] President Clinton justified this action by claiming his speedy decision was a necessary step to prevent ethnic cleansing. Thus, Locke's prerogative powers with foreign relations is not a strength in modern-day politics; each of the three branches have their own responsibilities to fulfill. Lastly, Locke's theories failed to take international institutions (NATO, the UN, and others) into account. President Clinton operated with many international institutions and multilateral structures and during his presidency. As a whole, Locke was unable to anticipate international involvement.

Overall, this paper argues that Bill Clinton's presidency both reflects Locke's ideas of popular sovereignty and a discretionary executive while also revealing limitations in Locke's

[17] "ACLU says military action in Kosovo violates Constitution and War Powers Act," 2005, https://www.aclu.org/press-releases/aclu-says-military-action-kosovo-violates-constitution-and-war-powers-act.

epistemology. Locke's state of nature displays why individuals establish a body politic with an impartial judge to protect their property and prevent instability. General political power begins with the people, and a government remains legitimate only as long as they continually consent to it. When that trust is broken, the people reserve the right to withdraw their confidence and rebel. Locke's theory of the executive emphasizes the need for a strong branch capable of enforcing laws, maintaining order, and using discretionary/prerogative power when necessary (such as an unanticipated event) while promoting the public welfare. Key pieces of legislation in the Clinton administration, including the FMLA and Executive Order 13087, demonstrate how Lockean characteristics manifest in modern leadership, even though a few limitations are present. These limitations could be attributed to the mismatch between Locke's 17th-century political context and the modern domestic/global interdependence context. While Locke's theories are deeply relevant to Clinton and many other American presidencies, modern governance highlights how the evolution of global interdependence and rapid changes in public expectations complicate the balance between executive authority and democratic accountability.

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