It is such a profound delight and pride to introduce our newly issued journal, FLIA Insight, to our partners and the global community.

In the past six years, FLIA has initiated many academic research projects on various important topics at the intersection of law and international affairs. Some of our research outcome has become law and policy references in several countries; some of the work has been shared by international organizations, such as the UN; and other of the work has become a point of access for the general public to a more diverse perspective. We used to call these research projects outcome, as FLIA Insight.

The inner power of the original idea of the FLIA Insight really comes from the global research team at FLIA, which has a profound advantage to be able to conduct the research projects from comparative perspectives, consider balances between local conditions and global governance, as well as propose collective solutions to world challenges.

As we continue growing, we realize that many of the scholars, researchers, and students who have a deep concerning heart for our mutual world’s future have a lot to share with the global society too. Therefore, the intention and purpose of FLIA Insight today has evolved to offer a platform for the global professionals, especially the rising professionals, a platform to speak up and share their opinions on the trendy topics from a more diverse perspective to break down the false boundaries embedded in peoples’ fixed minds, fill the knowledge gap among different cultures and civilizations, and lead to a world where no positions have to be invalidated.

I am very grateful and confident that with the sharing and efforts from more researchers and observers, FLIA Insight will offer more interesting, insightful, and useful analysis on and proposals to the issues that our societies are dealing with in different places. I sincerely hope that you will join this collective and shared action too. Let the world take advantage of your views, knowledge, and intelligence; let the people from the other parts of the globe hear your heart and voice; and let the future moves towards the direction that you envision.

So, please reach out to us at insight@flia.org, if you have anything to say. We look forward to hearing from you. So does the whole inclusive world.

Thank you. We are with you,

SHAOMING ZHU
FOUNDER OF FLIA
This is an exciting and inspirational moment in FLIA’s history. FLIA Insight is a new, vibrant vehicle to provide a promising and powerful voice for the rising generation and others dedicated to inclusiveness wherever they find themselves.

Shaoming Zhu, our Founder and President, has often said that it is such a privilege to serve the rising generation. I have often found her words so inspiring that I actually listen to a recording of her saying them quite a lot! What she says is an integral part of FLIA’s mission. One of the ways that we can and do serve the rising generation is to give them a vibrant voice. FLIA Insight is such a vehicle.

As we launch FLIA Insight, we expect to provide a forum to explore such topics as Global Governance and Constitutionalization of Global Norms, Transnational Institutions and Societal Development, Human Rights and Global Civics, Comparative Law and Culture, Judicial Cooperation in Criminal Matters and Civil Matters, International Courts and Tribunals, Global Economics and World Trade and Investment Rules, and International Relations and Multilateral Diplomacy.

The open exchange of ideas is a critical aspect of an inclusive world. H. W. Beecher said that “Ideas go booming through the world louder than cannon. Thoughts are mightier than armies.” Freedom to freely and without repercussion express those ideas, exchange them with colleagues and indeed the world, and debate their merits is critical for us to find paths forward toward an inclusive society and world. It is such a proud moment for FLIA and for me to witness and be a part of the launch of FLIA Insight.

Please utilize this precious opportunity to express your views of inclusiveness. Find your voice! The world needs you! The world awaits your ideas to go booming through the world!

Empowering wishes,

JOHN HUNTER
EDITOR-IN-CHIEF
VICE-PRESIDENT OF FLIA
It is with great pleasure that I present to you the first issue of FLIA’s Insight journal! Both the editorial and writing staff have been hard at work, making sure that we put our best foot forward. Creating, curating, and editing with great attention to detail. Each of us shares in the belief that, in an increasingly globalized world, it is important to broaden the ability of those who wish to connect and share ideas. And for many young scholars, in particular, creating a platform in which they can do this is beyond worthwhile.

I would choose no other organization than FLIA to work on such a project. For the past three years, I have seen from the bottom up, a true passion and desire for lifting the voices of those willing to put in the hard work.

With the world changing every second and simultaneously connecting more and more, there is no better time to let your thoughts be heard...in long-form! If you have a claim, critique, or solution, back it up and let your voice be heard. We here at Insight promise to always be tough but never be dismissive. So, if this seems like something you are interested in, please do not hesitate to give us a shot.

Lastly, to those who contributed directly to this journal, I give you my deepest thanks. I have no illusions that without your help, none of this would be possible. Now that we have gotten the ball rolling, I cannot wait to see what you all accomplish next. Thanks again and congratulations on the launch!

NATNAEL TSEGAW
EDITOR-IN-CHIEF
RESEARCH FELLOW AT FLIA
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ANALYSIS OF SINO-US TRADE AFTER THE PANDEMIC AND ITS FUTURE RESPONSES

by Nicole Geis, Sophia Muina, & Riddhi Pawar

FOUNDATION OF LAW & INTERNATIONAL AFFAIRS

ABSTRACT

The relations between China and the U.S. made a turn for the worse at the onset of the COVID-19 pandemic. There are many factors considered in this paper in analyzing the relationship between the two superpowers and how they have played a role in the current position they are in. The relationship affects the overall international community, which is also discussed in this paper. The 2020 US election leads many to speculate what will become of the two states in the future. In looking at the two candidates and their platforms, we analyze what is at stake in November.
US China relations are not likely to resume to a favorable position in the near future, regardless of the U.S. election results in November 2020. The United States has expressed bipartisan discontent with how China and the United States have handled the COVID-19 pandemic. Economic and political sectors are likely to continue their distrust of the People’s Republic of China as a result of multiple conflicts with no proposed solution. If President Trump is re-elected, it is likely the United States will continue its anti-Chinese rhetoric and sentiment. If Democratic Nominee Joe Biden is elected, it is likely anti-Chinese sentiment will decrease but fail to produce a policy shift backing such. Both campaigns have discussed taking a stance against China, but neither administration would be in a position to do so. The United States heavily relies on the Chinese markets for a multitude of everyday American products. The reassessment of business supply chains will eventually culminate into de-globalization under the pretext of self-resilience. Either administration would face the same challenges as those before them as they would attempt to identify a strategy of reevaluating its relationship with the Chinese in a manner that would not hurt the American people. Until the United States brings back production of technological products and pharmaceuticals it is unlikely that whoever wins in November will implement harsh measures, instead appeasing the American people and the Chinese government with harsh, unbacked rhetoric.

**Introduction**

COVID-19 started off as a global health problem that has shifted throughout the last few months into a political problem. Global leaders are experiencing new political pressure from internal and external forces as many state leaders face their first major public health crisis in office. Within recent months the world has shifted focus to handling the Coronavirus, the U.S. and China being no exception. As two economically dominant global powers, The U.S. and China have seen a sharp decrease in relations in both rhetoric and proposed policy. The U.S. elections in November will play a critical role in determining how the U.S. government will stand towards the Chinese government, with potential impacts that would be felt domestically and internationally. This piece identifies eight critical aspects of U.S.-Chinese relations that are subject to change within the upcoming months, with ramifications that could be felt for years to come.

**Trade**

The COVID-19 pandemic has aggravated an already intense trade feud between the U.S. and China. A Phase 1 trade agreement was signed between the U.S. and China in January 2020. The agreement requires China to increase purchases of U.S. products by at least $200 billion over 2017 levels, split into two tracks: $76.7 billion in 2020 and $123.3 billion in 2021. The deal includes a detailed appendix identifying specific products in each category.\(^1\) China being the epicenter of the virus outbreak, witnessed a downfall of 6.1% in the gross domestic product (GDP), hitting a 29-year record low. China is struggling with its commitments in the Phase 1 trade agreement. Therefore, China purchased only 5% energy products out of the total $25.3 billion, in the first half of 2020. Furthermore, the decreasing fuel demands and increasing transport costs made the crude oil purchase from the U.S. a costly affair for the Chinese refiners. Michal Meidan, Director at the Oxford Institute for Energy Studies, said “China is

unlikely to fulfill its Phase 1 commitments as they were overly ambitious to begin with.2” The strained closure of the Chinese Consulate in Houston followed by the closure of the U.S. Consulate in Chengdu, has enlarged the trade crusade to encompass security, diplomacy and technology, making it difficult to unshackle the ties of enmity in the near future.

The Trump Administration is relentlessly trying to boycott trade relations with China. In May 2019, the American Chamber of Commerce in Shanghai found that 74.9% of its members noted that an increase in tariffs on both sides was having a negative impact on their businesses3. Fabien Gaussorgues, Chief Operating Officer at the sourcing and supply chain firm Sofeast, based in Shenzhen, said “No matter what Trump is saying, if many small firms without huge budgets want to make new products, they will still look to China.”4 As some businesses continue to believe that Chinese involvement is a necessity and are willing to maintain relations with China, it reveals the vulnerabilities of businesses attached to the supply chain.

In June 2020, Qima conducted a poll of 200 companies with global supply chains. The poll concluded that 95% of respondents in the U.S. planned to divert suppliers away from China. The same survey found that fewer than half of European Union respondents had immediate plans to shift their sourcing, proposing that the core of the problem lies in the U.S.-China rivalry5. In July 2020, state-owned Chinese firms made the largest ever purchase of corn from the U.S in order to satisfy its obligations in the trade deal. Despite China showing interest in pursuing the trade deal, Trump called off trade negotiations in August 2020 with ambiguous reasons. Ironically, on the one hand, the corn purchase is going to help Trump's campaign to leverage their position with the U.S farmers, and on the other hand, calling off the trade negotiations with unsubstantiated reasons will arouse the nationalist sentiments benefitting the campaign again. This polarization and short-term gain at the cost of normalcy poses a huge risk. In light of such hostility, India, Vietnam and Mexico are being considered as meaningful alternatives to China. Other countries severing their ties with China has a direct influence on global GDP. The global trade growth has outpaced the GDP by a ratio of two-to-one for decades. This has narrowed through the financial crisis and the recovery, but the pandemic is set to cause a sharper decrease in global trade than GDP6.

STEM

Before COVID-19 times, the experts from government agencies and private sectors have forewarned the Americans of cybersecurity threats. However, like other nations, the U.S. has been forced to adapt to the Work from Home tradition to keep the corporate and business

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5 Bermingham, 2020

sectors afloat during the pandemic. Sherrod DeGrippo, Senior Director of Threat Research & Detection at Proofpoint said that "We are now in the situation of 100% work from home for a huge number of employees in corporate America, and they don’t have the same technological protections and control at their home that they did have in their office." Since the U.S. has now become the new epicenter of the virus and the urgency to eliminate the virus, leaving it vulnerable on various fronts to increasing risks of cybersecurity and data protection.

The inadequacy of the health system to cope with a pandemic style health crisis is increasing the risk of non-COVID patients as well. The Trump Administration has reacted to these vulnerabilities in many ways against China. For instance, on August 6, 2020, President Trump said that the U.S. will end its reliance on China and "Over the course of the next four years, we will bring our pharmaceutical and medical supply chains home and we will end reliance on China and other foreign nations." He laid out his vision to bring back more jobs and factories to America. While the U.S. and other countries in the West are reserving its essential medical supplies for domestic use, China is using mask diplomacy. Although China is facing high criticism on the quality of masks and PPE test kits supplied to European countries, China is determined to build good relations with European nations for its Belt and Road Initiative.

In July 2020, the U.S. Department of Justice arrested two Chinese nationals for spying on three unnamed COVID-19 research organizations in the U.S. Thereafter, the U.S. State Department has expanded its Clean Network program as an effort to curb China and Russia from attempting to steal the COVID-19 research vaccine. The U.S. government is working on banning social media applications like Tik-Tok and WeChat by September. Both of these applications are owned by Chinese companies, ByteDance and Tencent respectively. The U.S. Administration justifies this move by claiming privacy and national security concerns. President Trump warned the Americans that Tik-Tok was “spying” on the U.S. users. On August 6, 2020 the U.S. government invoked the International Emergency Economic Powers Act (IEEPA) and issued two executive orders. The order directed against Tik-Tok requires the applications to shut down or find new owners within 45 days, thus providing a potential buyer such as Microsoft or Oracle a 45-day period to go through with the transaction. When the Government of India banned 59 Chinese applications under the pretext of safeguarding the country’s security and sovereignty, it ordered Google and Apple to pull these apps down from their respective app stores. However, the U.S.’s ambition to ban Tik-Tok and WeChat may not attain a similar compliance from Google and Apple.

A majority of U.S. tech companies, like Apple, Dell, Hewlett-Packard and others, rely on China for cheap product assembly of smartphones, computers and other electronic gadgets. Most of them are already aiming to move sizable manufacturing capability from China to

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Vietnam and India. Identical complications are being faced by the automobile sector, not only in the U.S. but also in India and Europe, due to the abrupt closures of production centers in China. The U.S., like the other affected countries, is striving to build regional or localized supply chains instead of outsourcing to low-cost countries offshore. However, the nature of alliances will vary for each mobility type as there are high chances that the COVID-19 pandemic will impact immediate investments.

Security

The Quadrilateral Security Union (Quad) of like-minded nations like India, U.S., Japan and Australia are likely to unite to address challenges including the COVID-19 pandemic fallout, Taiwan, the South China Sea, trade, human rights in Xinjiang, Hong Kong, intellectual property theft, press freedoms, and others. The U.S. has claimed that it detected various cybersecurity invasion attempts by Chinese applications, thus trying to justify the shunning of TikTok and WeChat. While the alleged espionage concerns were the crux of the consulate closures, unproved cybersecurity threats provided fuel for the ongoing disruptions. China recently decided to impose sanctions on 11 U.S. Senators following the U.S. imposed sanctions on Chinese officials in Hong Kong for curtailing political freedom. In a time where most nations are preoccupied with containing the virus, China is pushing its territorial boundaries and instigating conflicts with its neighboring nations. The recent military activity at the Line of Actual Control between India and China is China's way to establish strategic superiority. China is also threatening the North Atlantic Treaty Organization (NATO) countries by upgrading its strategic assets including ports, power utilities and robotics firms from the Mediterranean to the Baltic Sea. NATO’s Secretary General, Jens Stoltenberg, said that “China is high on the NATO agenda, and that was not the case before China is coming closer to us. We see them in the Arctic, we see them in Africa, we see them investing heavily in infrastructure in our own countries and, of course, we see them also in cyberspace.” On the other hand, the U.S. has been trying to emancipate its security ties with Taiwan and Australia, in an attempt to build a stronger strategic position against China.

U.S.-India relations have also strengthened following the Galwan incident and the two countries are now increasing communication and cooperation to oversee the Indo-Pacific region. The U.S. has long been the predominant military power in the Pacific, but with China having two operational aircraft carriers and an arsenal of missiles, it poses a threat to the U.S. ships and bases in the region. With the increasing military tensions in the South China Sea,

11 From “Coronavirus, US-China trade war see 95 per cent of American firms wanting to ditch Chinese suppliers” by Bermingham, 2020.
the U.S. is preparing to develop and deploy advanced technological weapons to counter the Chinese A2/AD defense strategy. Stephen Biddle and Ivan Oelrich, international security scholars, stated that China’s A2/AD uses “a series of interrelated missile, sensor, guidance, and other technologies designed to deny freedom of movement” to keep any potential adversaries, including the United States, from intervening in a conflict off of China’s coast or from attacking the Chinese mainland.17 In a Washington-based Center for Strategic and International Studies discussion on July 31, 2020, U.S. Army Chief of Staff, Gen. James McConville, stated that “The so-called A2/AD by China and Russia is designed to complicate the U.S. projection of power and the combined operations of the U.S. and its closest allies like Japan and the U.S is going to have mid-range missiles that can sink ships, which would be important for the anti-access/area denial capabilities that the U.S. may face18.”

Pharmaceutical/Medical

The COVID-19 pandemic has forced the United States to confront the advantage the Chinese have over certain aspects of the U.S. pharmaceutical market. The national security risks of this relationship have been discussed but not solved. Christopher Priest, the Acting Deputy Assistant Director for Health Care Operations and Tricare for the Defense Health Agency, stated in 2019 that "The national security risks of increased Chinese dominance of the global API market cannot be overstated"19. China began selling large quantities of generic drugs and Active Pharmaceutical Ingredients [APIs] to the United States in the early 1990s. This trend has continued to increase over time as China offers lower prices and more leniency in its regulations20. Approximately 97% of all antibiotics that are consumed by Americans come from China, much without the knowledge of the US population21. Generic antibiotics imported from China by the United States include birth control, antidepressants, chemotherapy treatments, medicine for Alzheimers, Diabetes, Epilepsy, Lyme Disease, and Parkinson’s.22

The Chinese have tailored their generic drug production to fit the needs of the American people, recognizing the weaknesses in production capabilities and market gaps in the U.S.23 Many U.S. companies find there is not sufficient profit to produce generic drugs, and have focused on more expensive medical treatments and technology. COVID-19 caused concern globally in March of 2020, and many countries worried that, with the closing of factories in China during


23 https://www.uscc.gov/sites/default/files/RosemaryGibsonTestimonyUSCCJuly152019.pdf
the peak of the virus, there would be an extreme drug shortage. In addition to the potential for factories closing as a result of covid, the U.S. expressed concern over the fact that it no longer has the capability to domestically produce many of the products, penicillin being one of them most crucial. The last fermentation plant located in the U.S. for the production of penicillin closed in 2004. As the United States continued to contribute less to the global drug market over time, China was able to raise prices over its monopolized sector.

The United States is not the only country that relies heavily on the Chinese for APIs and pharmaceuticals. The Netherlands expressed concern in March about the possibility of the weaponization of medication from the Chinese, especially during periods that pose the threat of shortages. China has recently threatened to withhold medical supplies to the Netherlands in retaliation over its recent stance on Taiwan. The United States has acknowledged this dependency problem in the past, citing it as both a national security concern and as having the potential to create a public health crisis. The United States has yet to identify or implement a positive solution to these problems. India serves as a logical choice for the United States to turn to for pharmaceutical and API needs; however, India imports 80% of the APIs it uses in drug production from the Chinese. The average United States consumer would see a price increase if the U.S. sought to switch its business to the Indian pharmaceutical market, a change many politicians are not willing to risk.

Education

The Trump Administration and certain others have been leveling allegations against China for the spread of the COVID-19 virus. Soon after the arrest of Professor Simon Saw Teong Ang on charges of wiretapping in May 2020, Republicans in both houses of the U.S. Congress introduced the SECURE CAMPUS Act of 2020, and the Holding China Accountable Act. These bills were directed against the People’s Republic of China as an attempt to curb the Chinese interference in the U.S. and would restrict granting of visas to Chinese students from STEM fields. While these bills express specific anti-Chinese sentiment, neither is expected to be adopted into law in the current Congress.

The White House on May 28, 2020 issued a proclamation that cancelled the visas of 3,000 students having past or present association with PRC (People’s Republic of China) entities involved with the PRC’s “military-civil fusion strategy.” The term strategy was defined as “actions by or at the behest of the PRC to acquire and divert foreign technologies, specifically critical and emerging technologies, to incorporate into and advance the PRC’s military capabilities.” U.S. Senator Tom Cotton suggested that Chinese nationals should be banned

27Proclamation on the Suspension of Entry as Nonimmigrants of Certain Students and Researchers from the People's Republic of China
from studying science in America, as these students return to China and “compete for our jobs.”  

The Trump Administration has gained bipartisan support for its policies of keeping Chinese students from the U.S., thereby assuring that this will be on the political agenda in the upcoming election.

U.S. universities attract international students due to their quality of education, lifestyle and opportunities. International students contribute to the U.S. economy. The U.S.’s decision to punish the Chinese nationals is taking a tough toll on other international students who are facing the wrath of these policies. The total number of international students in the U.S in 2018-19 was 1,095,299, which comprises approximately 5.5% of the total U.S. higher education population. International students contributed $44.7 billion to the U.S. economy in 2018, according to data from the Department of Commerce. The Business Roundtable partnered a study with the Interindustry Forecasting Project at the University of Maryland, which stated that “Foreign-born workers actually create jobs for native-born workers rather than displace them. Legal immigrants are new consumers in the U.S. economy, and the increase in total spending creates new jobs. Furthermore, foreign-born workers help businesses acquire the skills and talent they need, which allows businesses to expand and hire additional workers.” A reverse trend in influx of international students would not only impact the job market for the native-born but also weaken financial sustenance of most of the universities. Private as well as public universities are witnessing pay cuts and layoffs of tenured professors, other faculty, staff, and tenured professors, owing to financial deficits amidst the COVID-19 pandemic.

International Sphere

World Health Organization

At the onset of the COVID-19 pandemic, the Trump Administration accused the World Health Organization (WHO) of protecting China’s role in the spread of the virus. The Administration further accused WHO of not making the necessary updates to prevent the spread of the virus and complained about the disproportionate funding from the U.S. compared to China’s contribution. Despite the Administration’s accusations, WHO currently is planning an investigation into the origin of the virus. President Trump has vowed to defund the international organization and began the process to have the U.S. pull out by July 6, 2021 by informing Congress and sending a Notice of Withdrawal to the UN Secretary-General, Antonio

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Guterres. The Secretary General is verifying whether conditions for withdrawal have been met, which include a one-year notice and payment of assessed financial obligations.  

While there is some consensus among groups that WHO has fallen short in some areas, the Administration’s actions against WHO have received bipartisan disagreement, as both Republicans and Democrats believe the move to defund WHO is premature and puts the health of the global community at risk. Other countries fear the U.S. removal from WHO during this critical time will hinder the development of vaccines for the coronavirus, as Germany calls for global solidarity in support of WHO and the Italian Health Minister criticized the move by the Administration. Politicians in the U.S. on both sides are critical of the Trump Administration’s actions. Democratic Speaker of the House Nancy Pelosi and Senator Robert Menendez, Ranking Members of the Foreign Relations Committee, both have expressed their disapproval of removing the U.S. from WHO. Republican Senator Lamar Alexander said if the Administration believes WHO failed to make the necessary updates that could have prevented the spread of the virus, it should offer recommendations and work to address the issues.  

However, measures have been introduced in the U.S. Congress targeting WHO. HR Bill 6945 was introduced by Republican Representative Scott Perry on May 19 that would prohibit the U.S. from providing any funds to WHO until China is removed from the organization and Taiwan is given full recognition by WHO. H.R Res. 917 was introduced by Republican Representative Guy Reschenthaler on April 7 that proposes to express the sentiment of the House that the US should withhold voluntary contributions from WHO until the Director General of WHO resigns, and an international commission is established to investigate the organizations COVID-19 response. It should be noted that neither of these measures have been adopted and likely will not be considered in the current session of Congress. However, they are instructive in indicating at least some House Republican’s sentiment toward WHO and China’s role.


38Perry, S. (2020, May 19). H.R.6945 - 116th Congress (2019-2020): To prohibit all United States assessed and voluntary contributions to the World Health Organization until such time as the membership in the World Health Organization of the People's Republic of China is terminated and the Republic of China (Taiwan) is afforded full rights, privileges, and responsibilities as a Member State in the World Health Organization, and for other purposes. Retrieved from https://www.congress.gov/bill/116th-congress/house-bill/6945?q=%7B%22search%22%3A%5B%22China%22%5D%7D&amp;s=6&amp;r=10.

39Perry, S. (2020, May 19). H.R.6945 - 116th Congress (2019-2020): To prohibit all United States assessed and voluntary contributions to the World Health Organization until such time as the membership in the World Health Organization of the People's Republic of China is terminated and the Republic of China (Taiwan) is afforded full rights, privileges, and responsibilities as a Member State in the World Health Organization, and for other purposes. Retrieved from https://www.congress.gov/bill/116th-congress/house-bill/6945?q=%7B%22search%22%3A%5B%22China%22%5D%7D&amp;s=6&amp;r=10.
International Perspectives

The rising tensions between the two greatest economies has produced great uncertainty and negative effects on the global economy\(^{40}\). The European Union's largest bank, HSBC, is experiencing many economic issues due to the pandemic, U.S.-China relations, and Hong Kong politics. The bank realizes 50% of its profit from Hong Kong\(^{41}\).

The U.S.’s imposition of certain sanctions on Chinese companies for human rights abuses has already affected international brands’ supply chains\(^{42}\). Mexico has taken advantage of the uncertainty to put itself out there as a solid alternative to the supply chain uncertainty. Several Chinese companies, including Holley Technology, have already invested in the country.\(^{43}\) Mexico hosted the yearly summit for the Comprehensive and Progressive agreement for the Trans-Pacific Partnership (CPTPP) on August 6, 2020 to discuss ways to strengthen the supply chain and encourage open and rule-based trade among its members. Eleven countries attended, including Canada, Australia, Japan and Malaysia, and expressed their desire to continue working on business growth and economic recovery. \(^{44}\) Noticeably absent was the U.S., who pulled out of the partnership in 2017 after Trump’s inauguration\(^{45}\). The partnership was a way to counter the rise of China’s economic power in Asia and excluded them from its negotiations\(^{46}\). China now is considering the benefits of becoming a member of the trade bloc, which was expressed by the Chinese Premier Li Keqiang during a press conference in reference to the National People’s Congress back in May\(^{47}\).

Global institutions such as the International Tribunal for Maritime Disputes and the World Trade Organization (WTO) are also being impacted by current U.S.-China relations. China has nominated a Judge of its own for the International Tribunal. The U.S. opposes the appointment of a Chinese Judge, citing China’s disregard for maritime law (pointing to its decision to ignore a 2016 ruling handed down by the very same tribunal). Its stance is also shaped by the current

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conflict in the South China Sea and has joined other countries in the region in opposition. The U.S. has typically remained neutral and without a defined policy when it comes to policy and claims in the South China Sea. In the midst of heightened tensions, the U.S. has taken a greater interest in the region, even conducting military exercises. The U.S. expresses its desire to keep the South China Sea open. The WTO is feeling compelled to take on a mediator role between the world’s two largest economies. As the position for Director General is up for election, the Kenyan candidate for the position of Director General, Amina Mohamed, sees the importance of WTO taking on a more involved role in working with the two countries. The current Director General, Roberto Azevedo, is also determined to get the two superpowers to the table and take on a role as a mediator between the two.

Diplomatic Relations

U.S.-China Consulate closures
On July 23, the U.S. accused the Chinese of spying, technological theft, human rights violations, among other things, and ordered China to close its Consulate in Houston. The Chinese government retaliated and ordered the closure of the US consulate in Chengdu to even out the numbers of consulates each country had in the other and accusing them of interfering in internal affairs. Among the cited reasons for closing the Chinese Consulate was the accusation by a State Department official alleging that the location was at the center of espionage, despite not citing any specific event, and alleging saying the closure was a way to protect private information and intellectual property. Another official linked it to China’s attempt to find a vaccine for the COVID-19 pandemic. Espionage experts claim that this is something that is common on all sides as part of diplomatic missions, and that heightened tensions between the two at the onset of the COVID-19 pandemic have given the U.S.

government more of an excuse to take harsher measures against China\textsuperscript{58}. Houston’s prominent location for information regarding the pandemic made it a strategic closure. The closure of the U.S. Consulate in China was also strategic, as it was an access point to information on Tibet and weapons development in the area\textsuperscript{59}.

\textbf{Alliances}

The tensions between the two superpowers are shared by other countries as well, particularly Western ones. In response to China’s postponement of elections in Hong Kong, Germany suspended its extradition treaty with China. The Chinese Embassy in Berlin condemned the move, claiming it was a violation of international law\textsuperscript{60}. The UK also clashed with China, banning Huawei from its 5G network in July and requiring its equipment to be removed by 2027\textsuperscript{61}, and Australia and the U.S. have revisited their alliance to strengthen their presence and counter China in the Indo-Pacific.\textsuperscript{62}

However, in a general sense, U.S. allies are choosing not to take direct action against China.\textsuperscript{63} When the UN Human Rights Council held a vote whether to condemn China over Hong Kong, 53 nations remained silent and only 27 voted to condemn. Despite Germany suspending the extradition treaty, it is trying to maintain neutrality in the US-China feud, with Chancellor Merkel stating she wanted to maintain an open dialogue with Beijing.\textsuperscript{64} Landing on the bad side of the world’s second largest economy can lead to harmful economic repercussions, as history can tell\textsuperscript{65}. When Australia called for an investigation into the origins of the COVID-19 pandemic, China was swift to impose an economic boycott on Australian goods that shipped to China, even going so far as saying they did not need their imports anyway\textsuperscript{66}. An alliance that is currently in progress that would concern the U.S. and its allies is the one forming between China and Iran. Disenchaunted with the EU’s lack of condemnation of the US pulling out of the nuclear deal the two countries signed under the Obama Administration, Iran sought a partnership with China. Despite leadership tensions, the two countries are seeking a


military and economic partnership.\textsuperscript{67} The two have been negotiating a 25-year agreement that will increase Chinese investment in Iran, while it supplies China with oil, among other economic agreements.\textsuperscript{68}

2020 U.S. Elections

President Trump has relied on a strong economy to garner enough support for re-election in 2020. Because the economy has weakened, and his response to the COVID-19 pandemic has not been viewed favorably, President Trump has upped his anti-China rhetoric as a new election tactic.\textsuperscript{69} However, both candidates running for President claims the other is who China would prefer, so Chinese officials do not foresee a disappearance of tensions if the Democratic Nominee, Joe Biden is elected in November\textsuperscript{70}. However, Biden never mentioned China once in his acceptance speech for the Democratic nomination for President in August. As President Trump trails behind Biden in recent polls, the attacks on China have intensified, which includes punting the blame of the COVID-19 pandemic and its results on China. President Trump’s Secretary of State, Mike Pompeo, has gone so far as to claim that President Nixon initiating a relationship with China was not in the best interest of the American people.\textsuperscript{71}

Biden has experience with China throughout his political career as a Senator on the Senate Foreign Relations Committee and as one of President Obama’s core foreign policy advisors as Vice President\textsuperscript{72}. Biden’s record includes supporting China’s trade status as a “Most Favored Nation”, voting on a resolution to encourage China and Taiwan to talk, and overall encouraging the “China Engagement” policy and Taiwan ambiguity.\textsuperscript{73} In the past, Biden has also expressed the opinion that China is not as big of a threat as President Trump has made it out to be during the Trade War between the two countries in 2019, saying “They’re not bad folks, folks. But guess what: they’re no competition for us” during a campaign event in Iowa\textsuperscript{74}. Due to the changing climate of Chinese sentiment that has been exasperated by the COVID-19 pandemic, Biden has taken a stronger stance against China, focusing on human rights issues and saying he would stop U.S. companies from furthering human rights violations and aiding surveillance


by China. Democratic Party Vice President Nominee Senator Kamala Harris also endorses a “tough on China” stance. Senator Harris addressed the public on August 27 and stated her belief that President Trump has been weak on China since the onset of the pandemic. She went on to accuse him of praising China’s early pandemic response despite banning CDC investigators from entering the country. Senator Harris also touched on Biden’s plan to make the US independent from Chinese medical supply chains. Both parties will have China as a major topic in the upcoming election.

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BALANCING PUBLIC HEALTH AND PRIVACY: THE USE OF CONTACT TRACING APPS IN THE PANDEMIC

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ABSTRACT

The novel coronavirus indeed has forced governments in various forums to adopt digital technology, albeit at great pace. One of the measures adopted to combat the virus at its earlier onstage was developing contact tracing applications for tracking infections and community spread, identifying populated areas at risk, and enforcing quarantine orders. These digital measures come at the time, when there is growing distrust with the technology with regards to privacy intrusive data collection, and for some countries where there is no specific legislation to protect privacy of its citizens. At the same time, it also cannot be ignored the specific advantages that these digital applications bring in combating COVID-19 and supporting the health infrastructure. Therefore, a much-needed balance between Privacy and usage of digital tools for public health is needed to achieve the full potential of its benefits which cannot be achieved without maintain proportionality by bringing transparency and data privacy legislation.
We live in a surveillance-based economy, where information and technology have become a daily part of our lives, where technology giants like Apple, Facebook, Amazon offer their services at almost zero cost in exchange for the user’s data, and which has become an existential threat to the privacy of individuals. Cambridge Analytica brought the threat on privacy to the forefront. Likewise, the coronavirus pandemic is an unprecedented global health crisis in the digital economy, that has prompted the government to use digital technologies in the form of mobile applications, as an action/response to curb the spread of the COVID-19 to protect public health. Amidst the pandemic, various governmental institutions have introduced contact tracing applications for its citizens, as a measure to curb the spread of the novel coronavirus. However, at the same time, there is a lack of clarity and guidance with respect to protecting the privacy of individuals against privacy-invading applications. There are concerns that it can become a potential tool of surveillance for the government.

A conflict between two fundamental rights emerges - Government’s duty to protect public health and at the same time its duty to refrain itself from abusing and breaching privacy rights, both rights being universal inalienable human rights. Therefore, it is important to understand how we can reconcile and balance the two most important rights: public health and privacy in the times of the global health crisis.

What are Contact Tracing Applications?

Contact Tracing apps, in the times of the pandemic, have become a popular tool as a public health measure, suggested and endorsed by the medical experts. Contact tracing applications are not new. They have been utilized by countries during past infectious diseases such as SARS and Swine flu. Dozens of countries have come up with mobile applications that enable public authorities to engage in surveillance of activities such as tracking infections and community spread, identifying populated areas at risk, and enforcing quarantine orders.

The contact tracing application is a form of digital data collection, enabled with Bluetooth and Geolocation Technology, which helps in tracing the movement of a person and with whom that person has been in contact. This application enables the government authority to trace the number of infections and alerts people of the level of risk of the infection. The application can be based on two types of structure – centralized and decentralized form. In the centralized form of application, the data collected from the phones are stored in the remote server, whereas the decentralized form provides user control over their information in the phone and the data is sent to the central database anonymously provided by the phone.¹

Contract Tracing: More Harm than Good?

The digital/mobile contact tracing applications have the potential to help slow down the spread of the virus; however, for their success, they must be used by the majority of the population.² Various countries have rolled out such technology based on their needs, but the success and efficiency of such applications are still not determined.³

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² Fraser, C. et al. Preprint at GitHub https://go.nature.com/2x2czk9 (2020).
³ Mark Zastrow, Coronavirus contact-tracing apps: can they slow the spread of COVID-19?, Nature, (July 30, 2020, 4:00PM), https://www.nature.com/articles/d41586-020-01514-2#ref-CR1
Although digital contact tracing is for the public benefit, the potential harm caused by such applications also cannot be ignored. The American Civil Liberties Union has warned that the use of location tracking technology will lead to invasion of privacy by becoming a tool for data collection, and that the harm will outweigh its benefits. Applications using geo-locational technology can track the movement and record time stamps, that helps in tracking the spread of the disease. At the same time, it can also invade the privacy of the individual by recording the movement of the person.

When contact tracing applications are used, particularly such applications which invade privacy, there is risk to the citizens from the collection of sensitive data, including personal health, location, and contact data. There is an inherent risk present that the data collected and stored in the central database might be stolen, hacked, and used for other criminal activities. The public authority might make the use of privacy-intrusive applications compulsory. In case the data is made public, it may also lead to forms of discrimination in social and economic life. The surveillance may continue even after the pandemic is over. For the success of the application, public trust is of utmost importance. Trust cannot be achieved if there is no legislative framework governing privacy with effective remedies.

There is uncertainty as to whether the present health surveillance infrastructure provides proportionate safeguards to protect the health privacy and at the same time whether it ensures that the test data uploaded is authentic. Some countries using contact tracing applications do not have specific legislation addressing privacy, which is also a major concern, as the citizens have no grievance mechanism concerning how their data is being used by the public authorities. Without proper safeguards, there is significant risk of privacy violations that has the potential to have impact on government accountability and public trust. When the policy of the application is not clear and transparent, or where specific data privacy legislation does not exist – it dissuades citizens from getting themselves tested for the virus, sharing their location data, which in turn defeats the very purpose of existence and usage of contact tracing applications. For the countries using contact tracing applications, it is inherent to keep in mind that ‘trust’ is the basis for the success of applying a contact tracing strategy. Therefore, the public or governmental institution considering a mobile contact tracing application as a strategy to combat the virus needs to first address privacy concerns to encourage broad usage of the application and protect against privacy harms.

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4 Esha Bhandari et al., Coronavirus 'Immunity Passports' are not the Answer American, Civil Liberties Union, aclu, (July 30, 2020, 4:30PM), https://www.aclu.org/news/privacy-technology/coronavirus-immunity-passports-are-not-the-answer/


A check on the powers of surveillance is a must for democracy. Various countries have initiated different types of surveillance to trace the infected persons. Hong Kong mandated electronic wristbands on arriving passengers for quarantine purposes. South Korea is publishing the movements of the people before they were infected. In some parts of India, private information was made public which included the name, age, and address of the infected person.

Past precedents suggest that when there is a global emergency, the power of the state increases. Amidst the pandemic, the surveillance power of the states has increased, for some in excess without the backing of privacy legislation and transparent policy guidelines. There is also fear that the nature of the “voluntary” usage of an application may after some time become compulsory for the public. India’s Aarogya Setu contact tracing application is backed without any privacy legislation. Some private and public organizations had made it mandatory for employees to install the application, which also violates the individual’s right to control what information it seeks to provide.

Israeli Professor Yuval Noah Harari writes, “This storm will pass. But the choices we make now could change our lives for years to come.” He argues that the decisions taken in the emergency are here to stay and that if we are not careful, surveillance will become the way of life. Therefore, it is important while rolling out surveillance tracing technologies that it is balanced with sufficient safeguards, and that the harm should not outweigh its benefits.

Choosing between Public Health and Privacy: A Balancing Approach

The economy of the world has become data based. Not only the tech giants, but also governments, have become data miners. Bringing technology in the health sector is for the public benefit; however, it remains vulnerable to becoming a surveillance tool. It is imperative that states developing contact tracing tools in the time of the pandemic as a public health measure also keep in mind their duty to protect their citizens’ privacy, which is also a human right.

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12 Yuval Noah Harari, Yuval Noah Harari: the world after coronavirus, Financial Times, (July 31, 2020, 4:30PM), https://amp.ft.com/content/19d90308-6858-11ea-a3c9-1e6fedca75
Protecting the health of the public is a positive obligation of the states. It is the duty of the state to protect the life and health of its citizens and ensure access to healthcare without discrimination. The strategy to roll out contact tracing applications may be justified under its positive obligation to protect the public health. However, it does not entitle the state under the garb of protecting “public health” to harm privacy rights of individuals.

Right to privacy is an internationally recognized human right. Tracing it back to the UN Declaration of Human Rights and The International Covenant on Civil and Political Rights (ICCPR), privacy is the center of human dignity. Privacy as a fundamental right has been recognized either implicitly or explicitly in countries’ constitutions. With the advent of technology, modernization of human rights is inherent. Article 12 of the Universal Declaration of Human Rights has been expanded by the United Nation through United Nations General Assembly Resolution 68/167, to include digital privacy compelling states to “respect and protect the right to privacy, including in the context of digital communication”. States therefore have the duty under international norms to protect digital privacy through the means of “reviewing state procedures, practices and legislation regarding the surveillance of communications, their interception and the collection of personal data, including mass surveillance, interception and collection.”

The contact tracing application is an important tool for public good. However, measures to the extreme must be taken only if the application is scientifically and proportionately justified. At the same time, it should not alienate basic human rights. The duty to protect health and the individual’s right to privacy must be balanced by lawful means, and with necessary and proportionate measures. This is not to undermine the power of the states to protect public health through digital means, as big data is essential to fight against COVID-19. However, what is required is responsible use of the data, collected on a large scale. If digital means to contact trace are not utilized in proportionate manner to fulfill legitimate objectives, they will undermine public confidence, and will have negative impact in fighting against COVID-19.

The principles of international humanitarian law recognize that certain rights granted to individuals are limited to a certain extent, in this case the right to privacy. The Siracusa principles recognize restriction of rights based on protection of public health; however, the measure must be the least restrictive. For contact tracing application utilization in times of a pandemic, the usage must be for legitimate, necessary, and proportionate purposes. The state has the onus to establish that the measure undertaken is necessary, proportionate, and for pursuing a legitimate objective, meaning that using geolocation technology for contact tracing is the least restrictive measure. Along with these objectives in mind, adequate safeguards must be established against limiting the privacy rights of individuals.

When human rights, in this case privacy rights, are restricted to pursue legitimate goals of public health – such measures should be temporary. Sunset clauses are required for policies that aim to restrict fundamental unalienable human rights. The contact tracing applications

must be temporary, and must have an expiry date, which needs to be reflected in the policy itself.

Balancing public health and privacy is difficult when one encroaches upon the other. The balance between the two is difficult, but not impossible. Transparency and accountability go a long way. These elements should be reflected in the policy of the application, based on the existing law governing privacy. If there is no specific legislation, the policy should provide for adequate safeguards protecting privacy of the individuals. An important suggestion by Ashkan Soltani, Ryan Calo, and Carl Bergstrom is that law and public policy have an important role to play in balancing intrusive public health measures. Judicial oversight and the role of the legislature are important checks against privacy intrusive measures, against data retention and for the protection of the vulnerable against discrimination.

**Conclusion**

The harm cannot prevail over the good. Despite the digital contact tracing applications having public benefits, their potential harm on individuals also cannot be ignored. Protection of privacy from digital intrusion cannot be ignored, as it is a basic and fundamental human right conferred upon the individual, whether implicitly or explicitly. Any measure undertaken through digital means must be in proportionate measure that fulfills legitimate objectives behind the policy.

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HOW JAPAN CAN LEARN FROM SINGAPORE AND ISRAEL ON IMMIGRATION

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ABSTRACT

The Japanese immigration system faces several challenges regarding the integration of immigrants into Japanese society. Through a comparative analysis of the immigration strategies and outcomes of Singapore and Israel, this study aims to determine what social factors should be kept in mind when accepting immigrants from a broad range of backgrounds. An analysis of the two countries revealed that by keeping in mind the feelings of your domestic population on immigration and being thoughtful in the approach taken to receive immigrants, especially those from very different backgrounds, a country can ensure the process of immigration will be much smoother.
The Japanese immigration system is not yet ready to fully accommodate and integrate the potentially large amounts of immigrants that may enter the country. Existing systems must turn towards the future to identify potential issues that may arise when looking at immigration through an economic and human lens. While the matter is not especially pressing today, if overlooked, it can cause massive issues, as seen in Singapore and Israel.

In Singapore, immigrants do not tend to come from wholly different cultures than what is found there. They tend to come from countries such as Malaysia, China, Indonesia, India, Pakistan, and Bangladesh, in that order, which is very similar to its existing population1. A major tenet of their immigration strategy under Lee Kuan Yew was to slowly integrate small portions of immigrants into the country as to not upset existing social structures and to retain and strengthen the sense of 'peoplehood' among Singaporeans2. While this is a similar approach to the Japanese, as national identity is and has been a major touchstone of society, the major difference is that hurdles faced in becoming Singaporean are lower, as an immigrant is more likely to find communities that are more in line or similar to their ethnic or religious identity. However, with the fertility rate not high enough to sustain population growth, a more aggressive approach had been implemented. Larger quantities of immigrants were accepted with approximately 2.1 million being foreign-born3. Consequently, issues related to tensions between the existing population and immigrant population have spurred many protests on the side of immigrants and Singaporeans.

In Israel, a major misstep in the intake of Ethiopian Jews, in comparison to other immigrant groups, was that the Israeli government did not have systems adequate enough to integrate this particular group into society4. Where this case differs from the Singapore example is that immigrants brought to Israel were not for expressly economic purposes. Operation Solomon, Moses, and Joshua were major airlifts that flew thousands of Ethiopian Jews to Israel and the intent was to fully integrate this population to its national and religious identity. However, due to several complications that arose, a major lesson was learned following this integration. In order to ensure a smoother intake and integration of immigrants into both societies at large and within a cultural identity, a nation must be intelligent and purposeful in their accommodations to its incoming populations.

In Japan, many of the issues faced are significantly less of a problem as many who immigrate to Japan to stay for long periods of time tend to be brought or come for explicitly economic purposes. Furthermore, due to the shrinking demographics, whether one is a high or low-skilled worker, the sentiment behind the more recent boosts to immigration has been widely felt and understood by those living in Japan and wishing to come5. Though immigration has seen an uptick in recent years, with a record high 2,829,416 foreign residents as of 20196, guidelines

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for visa approval and permanent residency remain stringent. However, the issue lies in some of the more basic tenets of immigration being a bit lacking relative to other developed countries and especially among G7 nations. This, because despite its population and economy being in decline, the Japanese government has remained reluctant to accept the immigrants needed to offset their low birth-rate. Furthermore, when immigrants are accepted, their basis for residency more often than not is for the express purpose of fulfilling a role, and not building a home and/or becoming ‘Japanese’.

An example of this could be seen following the closure of Japan's borders during the outbreak of Covid-19. Among G7 countries, it was the only member to not allow permanent residents and long-time residents who traveled outside the country before the closure to return if they were outside at the time the closure was announced, effectively leaving many in limbo from over 140 countries for an unknown amount of time. Eventually, this was rectified, though only after a great backlash from the international community. The question, however, is whether the move was merely a misstep caused by a lack of experience in accommodating immigrants or whether it was on purpose. Regardless of the motivation, it is symptomatic of a problem that can reap dire consequences in the future if not taken seriously. Issues of discrimination, no matter the motivation, can come with high social costs. This was and is evident in both Singapore and Israel as highlighted by the major protest movements by Ethiopian Jews in Israel and by Singaporean nationals and immigrants. While Japan has fewer issues regarding immigration in comparison to these two and its fellow G7 countries, it is important to remain progressive about current issues that may fester and potential issues that may occur or else you are likely to see unrest in your population.

In addition to systems, governing bodies must take steps to adequately acclimate the existing population to new groups of immigrants and vice versa. If there exists ignorance, it’s best to educate swiftly. If there is hatred or resistance, then specialized strategies must be developed to combat unnecessary damage on the host country's end. When it came to the Ethiopian Jews, the backlash and discrimination found were not only systematic, like the prohibitions on Ethiopian Jews donating blood for decades, but widespread socially within the population. For many, this may have led to feelings of being an outsider. And when it came to the integration of Muslims into Singapore, it was said by Lee Kuan Yew that, “they are extremely sensitive about their customs” and therefore Singapore should “find a middle path between uniformity and a certain freedom to be somewhat different”. And while it is outside the scope

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13 Jta. (2021) Ethiopian Israelis will be able to donate blood without restrictions | The Times of Israel. Retrieved from https://www.timesofisrael.com/ethiopian-israelis-will-be-able-to-donate-blood-without-restrictions/
of this text to pass absolute judgement on Singapore in relation to its Muslim population, rampant and intense islamophobia that plagues many countries in the West color its integration in a relatively positive light. This strengthens the idea that understanding your population in a multi-racial and religious society, which Japan may become in the future, is critical for maintaining a stable social order. Regarding Japan, if one were to give them the benefit of the doubt when it comes to recent decisions on immigration such as the border closure, they do not seem ready yet to implement meaningful immigration policy to maximize the possibility of a smooth and accommodating immigration experience.

The following are recommendations that should be kept in mind when or if immigration is ramped up in the future in Japan, as in the most likely case it will. First, on the systematic level. The strengthening of protected classes with race being the primary concern is vital. From the relatively stringent aesthetic rules followed in schools to the reported cases of employer exploitation in the workplace, Japan should aim to eliminate that which many immigrants will most likely find the most inflammatory. In the case of Ethiopian Jews, many mistakes were made on the premise that because they are Jewish, the integration process would be simple. This proved to be incorrect and should serve as a lesson for Japan if they eventually choose to embrace the immigration option in their future to counteract their aging population crisis.

Lastly, it is important to get a sense of how your populace feels regarding immigrants, prefecture by prefecture, through surveys and ethnographies. While the Japanese have been surveyed to have more positive feelings towards immigrants, if legislators are better able to pinpoint issues these groups may potentially face and know what to compromise on and where to draw their line, they are more likely to have a more nuanced understanding of the existing population's feelings on a micro-level. Ensuring a smooth process involves knowing your own population and those who are incoming.

And while immigration to Japan is no new concept by a longshot, their history of having deep roots in isolationism in the past and the fact that a smooth immigration process is not easy means that they must think carefully about how to best proceed with this process if they so choose.

Singapore and Israel are good case studies for Japan, as they deal with the different extremes of immigration in the sense that issues have arisen when dealing with both the economic and social impacts of immigration. Furthermore, whether incoming populations share similar backgrounds or not, foresight is required when accommodating them to resolve potential issues before they evolve. Nevertheless, as it stands, with COVID-19 bringing immigration to a halt almost everywhere, more time can be afforded to formulate policy and practice that fits Japanese society and can adapt to incoming immigrants from a wide range of backgrounds who wish to work, live, and call Japan home.

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THE ABRAHAM ACCORD: THE ULTIMATE DEAL ON PEACE IN THE MIDDLE EAST?

by Sophia Muina

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ABSTRACT

To analyze the degree to which the Abraham Accord has the potential to bring peace in the MENA region, this paper will look at the content of the UAE-Israel treaty and the context surrounding it, then look into two other agreements between Israel and Arab states. Upon a closer analysis, we see some of the similar language relating to peace in the region and how it failed to materialize due to the Palestinian question. Where we see most success was in security issues, as no parties took up open hostilities like before and there have even been joint ventures between the parties. Due to the rising threat of Iran and its close proximity to the gulf, it makes sense for the UAE, followed by Bahrain, to decide to go public with a formal relationship with Israel, especially given its military strength and close relationship to the U.S. Although the UAE and its citizens appear overall less hostile to Israel, and unlike Egypt and Jordan, don’t have a history of engaging in military hostilities, this treaty will overall have minimal effect on Arab-Israeli relations in the region.
The Abraham Accord between Israel and the United Arab Emirates made the UAE the third state to normalize relations with the Jewish State. The agreement is met with mixed sentiment. Although we may see more states recognize Israel in turn (Bahrain became the fourth, and Sudan announced they will follow suit), the Arab states as a whole and its citizens will still be reluctant to normalize relations with Israel so long as the Palestinian question remains unsolved. Although governments may enter relations with Israel for security reasons, this will fail to extend to the people on the ground.

Introduction

On September 15, 2020, The United Arab Emirates became the third Arab country to normalize relations with Israel. Brokered by U.S. President Donald Trump, his Administration has advertised the deal as a historic agreement and a strong step forward towards peace in the Middle East¹. However, the reality of the situation on the ground may be very different from what is boasted by state officials in public. By looking at previous treaties signed by Israel and two other Arab states, analyzing the relationships between citizens of Arab states and Israel, and looking at the current state of affairs in the region as a whole, we can get a picture of the impact this accord would have in the long run.

Background

Although the accord was only signed late in 2020, the two nations have been moving closer to normalization of relations for a while now. Israel had a diplomatic office in Abu Dhabi and the tensions between the two were practically non-existent. The extent of their conflict was more about political correctness in the Middle East, where there is a consensus not to recognize Israel until Palestine had its own state.² However, as the threat of Iran has taken front and center, working with Israel has become less taboo for the sake of security. A conference in Warsaw in 2019 highlighted how universal the threat of Iran was to the other Middle East states, taking front and center at the event, putting the Palestinian question sort of on the back burner³.

The accord was not welcomed by everyone, as states like Turkey and Pakistan voiced their discontent. Palestinian leadership saw this as a betrayal to the Palestinians who are struggling for autonomy⁴. A point of concern was the language used by the two parties when discussing annexation of Palestinian territory by the Israelis. While the UAE said Israel will end annexation as part of the accord, the Hebrew translation says Israel will halt the annexation, not committing to a permanent end⁵. However, the formalization of relations between Israel and the UAE could lead to others in the region following suit, especially with the threat of Iran being a general consensus. In fact, Bahrain formalized relations with Israel shortly after, and

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joined the two in Washington, D.C. to formalize ties. In October, Sudan announced it would also follow suit in recognizing Israel.

**Treaty Content**

The bilateral treaty between Israel and the UAE listed several obligations for the two states, both aspirational and technical. The purpose of the treaty is to normalize the relationship between them, encouraging understanding and respect for the two peoples and establishment of embassies in each state. One of the first things it establishes is a commitment to adhere to UN provisions that govern relations among states, including a respect of sovereignty, peace, security, cooperation and conflict resolution. The two parties commit to taking the necessary steps towards peace and stability in the region without establishing any concrete steps of how to do that. The treaty also lists other specific areas where the parties are to sign other agreements and cooperate in like education, finance and science. There is a reinforcement of mutual understanding and coexistence with the establishment of a high-level joint forum for peace and coexistence. Cooperation beyond just their domestic affairs is also outlined, promoting peace throughout the Middle East which was developed by the United States. The treaty confirms that any UN obligations the states have under the UN Charter is superior to this treaty and asserts that there were no contradictions between this treaty and others, while promising not to enter into any treaties that do so. The treaty leaves for the respective domestic process for ratification and once it is ratified by both, it will come into effect. There is also a dispute settlement laid out which will center around negotiation. If an agreement cannot be reached, the two parties may refer the conflict to arbitration subject to agreement by both parties.

**Israel and Arab States Treaties and Relations**

**Egypt**

In 1979, Egypt and Israel signed a peace treaty that brought to end 30 years of hostility that saw military engagement like the Six Day War. Israel conducted a full withdrawal of its armed forces and civilians from the Sinai Peninsula, while Egypt agreed to allow Israeli ships free passage through the Suez Canal. Although the treaty led to Egypt being temporarily banned from the Arab League and the Egyptian President, Anwar Sadat, to be assassinated, the diplomatic and commercial ties laid out by the treaty remained intact. While there have been some tense moments (like the second intifada), the two nations retain embassies and consulates in each other’s countries and have avoided engaging in conflict since the signing of the treaty.

The context of the treaty was quite different from what we see with the UAE. The Egyptian/Israeli treaty was far more thorough, as it preceded active hostilities and there were many issues to be addressed in relation to the state of war and military provisions. Whereas Israel and UAE have been working in secret for almost a decade, this interaction between Egypt and Israel fresh off of a conflict that led to this treaty was one of their first. However, the

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8 Abraham Accord, Israel-United Arab Emirates, September 15, 2020, retrieved from https://www.state.gov/the-abraham-accords/

provisions found in the treaty relating to the relations between people are similar in nature. Like the Abraham Accord, discussions of trade and fostering respect and neighborly relations are more aspirational and avoid specifics on how to achieve those objectives. This treaty also called for the promotion of peace in the Middle East, just as the Abraham Accord does.  

While tensions between the governments are at ease, relations are not exactly friendly. Israel is still seen as an outcast in the region, and Egypt is no exception. They maintain diplomats and avoid conflict, yet the Egyptian government endorses negative depictions of Israel and its citizens. Officials continued to show Israel as a belligerent and to highlight their commitment to the Palestinian cause. While Israel wishes to be embraced and accepted by those around her, Egypt prefers to maintain a colder relation with the country, limiting its interaction just enough to avoid interstate conflict as it fears another war with Israel could end in Israel retaking the Suez Canal. The population continued to criticize the treaty on the anniversary of its signing in 2019, with main points of contention being the issue with Palestine, Israel’s expansions, and Egypt’s inability to fully defend the Sinai Peninsula per the provisions of the peace treaty. Trade, an area that is discussed in the treaty, is insignificant between the countries in comparison to other countries, although there is the potential for some growth in the future as seen by the deal made for direct export of gas to Egypt from Israel.

Jordan
In 1994, after a long process of secret meetings and negotiations, Jordan and Israel ended their state of war and normalized relations. Israel agreed to return to Jordan the territory it had captured earlier and Jordan would lease out two plots of that territory for Israeli farmers to continue to use. The two also agreed to trade partnerships, education exchanges, visas and tourism cooperation, and parsing out water rights of the Jordan and Yarmouk Rivers. The treaty also called for the creation of the Conference on Security and Cooperation in the Middle East as a way to curtail the realist take of security and prevent escalations of hostilities.

The reality of the treaty is not as functional as the two would have hoped at the onset of its signing. An analysis almost two decades later emphasized trade relations have been weak, as the stigma surrounding Israeli products makes them undesirable (often they are sold discreetly with labels removed) and Jordan’s products go through a long process of formal accreditation in Israel. Although the treaty laid the groundwork to make trade easier, it never came to fruition. Israel also has custom tariffs in place that reduce Jordan’s profit margins. Jordan may not pay anything beyond that, but the tariffs are in place to make Israeli products at home more competitive, making Jordanian products less desirable. As for tourism, while some progress has been made, the full potential of cooperation to encourage and increase tourism between the

two has not been reached and Jordanians find it difficult to obtain visas to Israel. The education exchange is also weak, as very few Israelis, nearly all Arab, actually study in Jordan and next to no Jordanians study in Israel due to the stigmas in place\textsuperscript{17}. As in Egypt, Jordan entered into agreements with Israel in relation to exporting gas which angered Jordanians as they are against relations with the state until the Palestinian question is answered, reflecting the general sentiment of Arabs\textsuperscript{18}.

Also, more personal to Jordan was the killing of two Jordanians by an Israeli Guard near the embassy who received a hero’s welcome in Israel after President Netanyahu convinced the King to extradite him. And as Jordan is the protector of the Holy Sites, Jordanians and Muslims in general were angered at Jews praying at Holy Sites the treaty reserved for Muslims only and at officials not being proactive in preventing it. Israel held two Jordanians suspected of being members of Hezbollah. All of these issues are points of tension between the peoples.\textsuperscript{19} One area that did see major benefit was the provisions regarding the Jordan River. Jordan was given access to portions of the Jordan River, when originally, they received none, giving them 20 million cubic meters from that River itself on top of large portions from the Yarmouk River (where they receive the majority of their water supply).\textsuperscript{20} Also important to note is Jordan’s close connection to Palestine. Jordan received a large number of Palestinian refugees into their country at the onset of the conflict, granting them citizenship, but creating identity issues in the country. Jordan is pushing hard for a two-state solution because of the domestic issues that arise out of Palestine, and as right-wing Israeli politicians are saying things like “Jordan is Palestine” and moving away from the two-state solution, this creates much anxiety to Hashemite Kingdom that sees the two-state-solution as the only viable option.\textsuperscript{21}

\textbf{Comparison of Treaty Text}

\textit{On neighbourly relations}

All three treaties discuss the aspiration to foster an environment of tolerance and respect between their peoples. The Egypt treaty states:

“\textbf{The Parties recognize a mutuality of interest in good neighbourly relations and agree to consider means to promote such relations. The Parties will cooperate in promoting peace, stability and development in their region. Each agrees to consider proposals the other may wish to make to this end. The Parties shall seek to foster mutual understanding and tolerance and will, accordingly, abstain from hostile propaganda against each other.}”\textsuperscript{22}

\begin{footnotesize}
\footnote{Israel-Egyptian peace agreement signed. (2009, November 24). Retrieved from https://www.history.com/this-day-in-history/israel-egyptian-peace-agreement-signed}
\end{footnotesize}
Whereas the Jordan treaty states:

"The Parties will seek to foster mutual understanding and tolerance based on shared historic values, and accordingly undertake:

1. to abstain from hostile or discriminatory propaganda against each other, and to take all possible legal and administrative measures to prevent the dissemination of such propaganda by any organisation or individual present in the territory of either Party...”23

The treaty between Israel and the UAE also has similar language:

“The Parties undertake to foster mutual understanding, respect, co-existence and a culture of peace between their societies in the spirit of their common ancestor, Abraham, and the new era of peace and friendly relations ushered in by this Treaty, including by cultivating people-to-people programs, interfaith dialogue and cultural, academic, youth, scientific, and other exchanges between their peoples...”24

Jordan’s text goes on to contain more specifics than Egypt’s, containing more explicit instructions, including the creation of a committee to oversee relations, rather than vague, aspirational verbiage found in the latter. That being said, there is no evidence that Jordan and Israel ever created a joint committee to ensure this specific article of the treaty was upheld. The only committee that has been created was one in relation to the waters systems, which happened to be one of the more successful points of the treaty25. As mentioned earlier, Egypt’s government has appeared to encourage anti-Israeli propaganda in the media, contrary to what is found in the section on neighborly relations. The UAE treaty also calls for the implementation of forums to oversee the implementation of these goals. While it would seem more feasible to have committees dedicated to the fostering of neighborly relations between UAE and Israel, there is a chance that just like in Jordan, that provision may take a back burner to more pressing issues, i.e., trade and security.

On regional relations
All three treaties lay out in the preamble the aspiration towards peace in the Middle East as a whole. Egypt’s says “Convinced that the conclusion of a Treaty of Peace between Egypt and Israel is an important step in the search for comprehensive peace in the area and for the attainment of settlement of the Arab-Israeli conflict in all its aspects…””, Jordan’s says, “Aiming at the achievement of a just, lasting and comprehensive peace in the Middle East based on Security Council resolutions 242 and 338 in all their aspects…” and the UAE says “Aspiring to realize the vision of a Middle East region that is stable, peaceful and prosperous, for the benefit of all States and peoples in the region...”. All treaties recognize the higher goal of bringing forth a less hostile region modeled after these subsequent treaties, but the vague language and use of words like “aspiring”, “aiming”, and “important step in the search”, alludes to the parties’ recognition of what sort of daunting task this is. The treaties spend more time focusing on bilateral relations relating to issues that surrounded the parties at the time the treaties were signed.

State Security

Treaty participants
The most successful aspect of the treaties Israel has signed with the two previous Arab states has been security. Direct armed conflict has been avoided between the parties and their borders remained secure. Jordan has protected Israel’s eastern border, refrained from permitting foreign armies from entering their own territory, and has not entered into any treaties with states openly hostile to Israel. The two signatories have worked to find security solutions to religious sites like the Temple Mount, and Israel even gifted Jordan helicopters back in 2015 for border security. There has also been joint military training conducted by the two countries, and Jordan dismissed a pilot who refused to work with Israelis. The treaty is clearly advantageous for security reasons, as Jordan provides a natural buffer between Israel and Iraq and offers support with Syria.

The treaty with Egypt also offers similar security advantages. Both have a common interest in putting down terrorism and political Islam, making finding common ground easier. Egypt approved Israeli anti-terror drone operations in its region which helped against militants in the Sinai threatening Egypt’s security. Israel in turn has given Egypt more military autonomy in Sinai, which the treaty provisions limited. Egypt also sent military helicopters to Israel when it was battling fires at one point. Israel has maintained its part of the treaty that called for a civilian and military withdrawal from the Sinai, and Egypt has allowed unimpeded passage for Israelis in the Suez Canal and the Gulf of Elat. Egypt weathering the initial discontent of its relationship with Israel, and eventually being reinstated in the Arab League, gave other governments, like Jordan, confidence to dabble with Israel themselves.

Threat of Iran
The accord coming at a time where anti-Iranian sentiment is widespread is important to note. The divide has its roots in the Sunni-Shi’ite conflict between Muslims that has been further pushed by Sunni Saudi Arabia and has become a key conflict in the region overall. The bloody history of Arabs and Persians has also created a rift between the two that neither are willing to forget. Iran has been known to make allies with fringe Arab states to counter the others, and even renamed one of its streets in Tehran after the terrorist that killed Anwar Sadat after signing the peace treaty with Israel. Iran has increased its influence and military capabilities over time, putting its neighbors on edge. It has conducted operations in Syria and Iraq and led proxy wars in Afghanistan and in Yemen. Recently, the government has announced its plans to increase its presence in the Strait of Hormuz, the body of water between the Gulf states and

Iran. The increase in presence translates to building up the military and its infrastructure. As the UN arms embargo against Iran expired in October, this gives Iran the ability to expand its military strength. Because of the Trump Administration maximum pressure campaign against Iran, Iran is on the defensive and working to counteract its Gulf allies. It is planning on increasing its military expenditure by 32.5% and is expected to become the fourth largest missile power. Iran supports Hezbollah, a Shi’ite organization categorized as a terrorist organization by 21 countries, including 6 Gulf states, operating in Lebanon. Iran is also backing militias in Iraq and plans to increase its presence in the country as a way to exert more of its influence.

Military capabilities in the rest of the region
In 2018, Forbes ranked the Israeli military as third best in the region, only behind Egypt and Turkey, citing its defense force as one of the best equipped and trained military forces in the region. A report done by Kenneth Brower for the Begin-Sadat Center for Strategic Studies analyzed the military strength of Israel compared to others and found that Israel has a second-tier military and is positioned relatively well in the region. Egypt is dependent on the U.S. for military maintenance, therefore it would not renounce its treaty keeping military peace that could put that in jeopardy. Jordan has a weak economy and although its forces are considered effective, it has decreased in prowess. Although Saudi Arabia outspends Israel on its military budget, its performance is not up to par. Even so, given the threat of Iran, the Kingdom has backed down from its hostilities towards Israel as it focuses on what it considers a larger threat.

Who Benefits?

Given the military capabilities of Israel and its close relation with the U.S., coupled with the threat of Iran, the Abraham Accord provided the UAE with the opportunity to increase its military capabilities and curry favor with the U.S. Although the new Biden Administration may not be as carte blanche with Israel as the Trump Administration, the UAE has already benefited from the accord. The Trump Administration put the sale of F-35 fighters on the table for the UAE in exchange for formalization of relations. In November, the U.S. State Department approved the sale of 50 fighters and other equipment totaling $23 billion. Israel always sees formal recognition as a benefit and this accord has given it extra visible allies in the region. Although Israel was wary of the arms sale to the UAE decreasing its comparative gains in the Middle East, Israel officially dropped any vocal opposition to the sale. Tourism is also looking poised to be a winner in this accord. The two signatories agreed to have regular flights between the countries and analysts predict 1.25 million new tourists going between the...
countries, hotels going so far as to work with Jewish catering companies to ensure they have kosher meals to offer.\(^{40}\)

**Peace in the Middle East?**

The peace agreement is profound in the sense it is chipping away at the taboo idea of Arab states openly working with Israel. That being said, the official relationships forged between governments out of security needs is not the same as friendly relations that sew trust and amity between peoples. As we see in Egypt, there is still overall “otherness” attached to Israel that is even supported by the government itself at times. Relations between Israel and the UAE appear more hopeful and friendly than the other two did. Social media showed positive responses from various individuals on both sides, but is this enough to garner peace in the region? The Director of Strategic Communications for the UAE Foreign Ministry expressed the excitement of the Emirates in this new partnership.\(^{41}\) Individuals on both sides shared on social media their desires to go travel to the other country, a coding company for youths opening an offer for collaboration between Israeli and Emirate children, and even zoos in the two countries had a fun exchange on social media with images of their tiger cubs.\(^{42}\) It should be noted that the UAE actively engages in censorship and suppressing dissent, not tolerating any negative remarks about government actions, so getting a clear, unbiased picture about true sentiment may not be possible. Nonetheless, western countries praised the accord and even other gulf states were excited, going so far as getting Bahrain to sign an accord with Israel as well.\(^{43}\)

But is Gulf acceptance enough to bring peace to the region as a whole, and by extension mend the conflict between Arab and Israeli citizens alike? Bahraini political associations noted this accord would not be popular overall, and petitions were circulated online to show support to Palestine and opposition to normalization.\(^{44}\) Arab countries signed an initiative in 2002, calling for Israeli withdrawal from occupied settlements, just treatment of Palestinian refugees, and the establishment of an independent Palestinian state. Only then, did it state, will there be a general Arab recognition of the State of Israel and normalization of relations.\(^{45}\) Turkey, one of the signatory parties of the initiative, states its feeling of betrayal by the UAE, who also signed the same agreement in 2002, and even threatened to shut down its embassy in the UAE. Palestinians were outraged, protesting against the UAE and fearing the domino effect that this may bring. Israel backed off from more annexation, but this did not put the Palestinian people

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at ease or soften the betrayal they felt from their fellow Arabs.\textsuperscript{46} The UAE vowed to continue fighting for Palestinian interests and work with Israel and reaching a solution between the two peoples, but the treaties that came before this accord vowed to do the same.

As discussed above, at the moment, states in the region have bigger issues at hand, namely Iran. Israel’s close connection with the U.S. and its military capabilities mean governments are willing to be flexible with Israel and forge partnerships to counteract Iran. Although the two have been taking on military endeavors together in secret for a while, the accord gives them a way to be more open and aggressive in working against Iran. Security and autonomy dominate the actions of the governments in the region, and right now, a partnership with Israel is a better alternative to the instability they attribute to Iran.

The provisions in the treaty discussing the more liberal topics that go beyond security appear to be standard and vague, one could even say for pomp and circumstance on the international stage. But this is a first, important step, that cannot be ignored. And neither can the domino effect it could create with others in the MENA region. But as we saw with the twenty-thirty years since the signings of the other two treaties, things on the ground did not foster the friendly relations the text claimed to reach for. Jordanians aren’t lining up to study in Israel, nor are Israelis in Jordan. Egyptian citizens don’t view Israelis as friendly neighbors. Yes, embassies are found in these countries, and there is some (limited) trading going on, but this appears to be more of a cold peace. Egypt understood what was at risk if it got into another war with Israel, Jordan was receiving the brunt of Palestinians refugees and was hoping (like the UAE) that forging a diplomatic relation could lead to a solution of the Palestinian question. The UAE and Israel using different languages in discussing the status of Israeli settlement expansion (cease versus halt) and still continuing to sign the treaty can show the idea of forging a deep-rooted peace of mutual respect and understanding throughout the Middle East comes secondary to the larger picture: counteracting Iran. These treaties have been successful in preventing any armed skirmishes between the signing parties, but that does not equal the aspirational peace that the text alludes to.

\textbf{Conclusion}

So long as the Palestinian question is unsolved, so long as Israel continues to set its eyes on expanding, it can be predicted the citizens in the Arab states will not view each other as equals and in a respectful manner, hindering the vision touted by government officials and the Trump Administration. We saw this same hopeful rhetoric in the signings of the Egypt and Jordan treaties as turning a new page in Middle Eastern relations and bringing forth the desired peace in the Middle East. Each one failed to reach its full potential in normalizing relations, Israel and its citizens have still been isolated in the region in the eyes of the public, and one or two more treaties signed with Arab states will not change what the people on the ground feel: A kin to their Arab counterparts in Palestine and in the diaspora and a negative gut reaction to the Israeli Government.

To truly get “peace in the Middle East” as the accord alludes to, it will take a lot more than official treaties and exchanges of ambassadors. Peace will be achieved through the relationships forged by individuals and the way they are viewed in their homes. Encouragement of working together on issues like education, tolerance, and tourism are all great places to start,

but these issues all fell short in the treaties we see with Jordan or Egypt. However, the sentiment in this case appears to be different, as social media has alluded to, but this likely will not be enough to ease tensions overall when so many feel strongly about Palestine and sympathize with their plight. The text is quite aspirational, not giving specifics to how to achieve any of the goals listed. The protests that broke out and the condemnation of several other international leaders highlights the fact that until the Palestinian question is resolved, true peace in the Middle East will be difficult to achieve.

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INDIA FARMERS PROTESTS: A RAMIFICATION OF MODI’S DEMOCRACY

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ABSTRACT

One of the largest social movements in modern history is taking place in the Republic of India. Whether this unrest is a testament to the legacy of eroding democracy under Prime Minister Narendra Modi, or runs historically and sociologically deeper, one sentiment runs clear: India’s working class people are seeking to reconcile their sovereignty in the democratic system.
For many states, the events of 2020 have largely challenged the dormancy of social order. Contentions that typically provoke protests have become especially abundant: with pandemic oversight and growing economic pressures, even well-established democracies are challenged with growing grievances among citizens. India, who has seen an especially prolonged history of disputes over representative politics, recently passed a series of laws titled the Farm Reforms of 2020 without adequately consulting its democratic process. These new laws, which update the state’s current agricultural regulations, reinforce a resounding call for a solution to India’s egalitarian crisis. The precedence of Prime Minister Narendra Modi’s actions in particular have indicated an unnerving lack of interest in the democratic process, and citizens are often given a passive role in largely important policy changes. Unless deliberate progress is implemented to better mature the nation’s democracy, citizens’ grievances are likely to grow. These grievances could worsen, further weakening India’s current democratic structure and worsening the relationship between the people and state.

The Current Situation Caused by the Farm Reforms

India is currently witnessing one of the largest social movements in history, as farmers are taking to the streets chanting “Dilli Chalo!”, translated to “onto Delhi!”. The controversy erupted after lawmakers proposed to reform the agricultural market with free-enterprise policies, intimidating small farm- and business-owners. Protests, which began in November, started primarily with residents from Punjab and Haryana, two states that provide a large rice and wheat yield under the current system of operations (Bhardwaj, 2020)¹. Though vox populi indicates agronomic amendments are not unwelcome – present laws were established under a food scarcity crisis in the mid-20th century – it is the nature of how lawmakers introduced these changes that aggravated the protests.

2020 has brought a substantial number of protests to India, a sign that political insecurities have been a long-growing issue. Many of these controversies have been a result of abrupt law enforcement; the government, who had been dealing with amassing unrest over contentious citizenship and territory laws, put a sudden stop to protests by announcing pandemic protocols just hours before enforcing them. This in turn further ignited protests among migrant workers who found themselves stranded under the sudden changes (Dhume, 2020)². Correspondingly, India’s citizens were ultimately blindsided by the abrupt Farm Reforms of 2020. Though farmer unions exist, they were never consulted – or given an option to participate – in discussions over drafting these policies. The general sentiment that the government disregards citizen voices is an alarming one, and millions are coming back to the streets to stand in solidarity with the farmworkers. The protests have generally been peaceful, though authorities have attempted to disperse them with the use of water cannons and tear gas (Biswa)³. Though the use of force is not uncommon among protests in India, it could abrade already-fragile government confidence.


A History of the Public Sector’s Agricultural Regulations

Under the current mandi system, an Agricultural Produce Market Committee (APMC) establishes a minimum start price (MSP) (Prahald, 2009, p.96)\(^4\). The government has an active role in regulating the sale of produce and enacting protocols, such as giving a select few candidates from each community some intermediary buying power. By requiring wholesalers and sellers to adhere to their restrictions, all parties involved in the transactions are deterred from misconducts like hoarding and price gouging. Additionally, farmers enjoy a set guarantee that their goods will be purchased – no matter the size or quality of their crop. This is particularly important, as a typical farm in India will be no larger than a few acres (p.277)\(^5\).

Though the present-day processes in place are reliable for farmers, they are inefficient under the context of innovation (Dolsak & Prakash, 2020)\(^6\). A free-market model would potentially boost state agronomics, expressly through economic theories that large-scale developments occur under better market access and competition. As BBC India correspondent Soutik Biswas puts it, “on the face of it, [the] farmers shouldn’t be complaining” (2020)\(^7\). In addition to receiving services such as crop insurance, loan forgiveness, tax exemption, the farmers are given relatively decent protections.

The three bills propose modifications that ultimately withdraw these insurances, deracinate the mandi system, and give agency to the invisible hand. The first law releases APMCs from the equation and converts crop transactions into an open domain (The Farmers’ Produce Trade and Commerce (Promotion and Facilitation) Act, 2020)\(^8\). The second law gives farmers the ability to enter private contracts with “agribusiness firms, processors, wholesalers, exporters, or large retailers” (The Farmers (Empowerment And Protection) Agreement On Price Assurance And Farm Services Act, 2020)\(^9\). The third law amends legislation passed in 1955, and deregulates restrictions such as hoarding (The Essential Commodities Act, 1955)\(^10\). The authorization of these laws, despite promising farmers the capacity to handle their own productions, ultimately provoked a growing frustration that laws are too often passed without proper representative consultation.

Impacts and Effects of the Farm Reforms

Over half of the country’s workforce is employed in agriculture, and farming is an incredibly valuable part of the economy. Most farms are small-scale operations. The risk of privatization is especially dire, as farmers are concerned with the threat that their crops could be rejected.


\(^5\) Prahald, 277


\(^7\) Biswas, 2020.


under heavier competition. A farmer who spoke with Forbes noted that “when large multinational companies…contract with [them to buy, for instance] …potatoes, at the time of harvest, they [could] reject half the produce saying the quality is poor. They [might] say the size of the potato must be exactly 12 inches, or the moisture content must be exact to this specification, and so on, which [farmers] cannot give them. They then reject half the produce” (Dolsak & Prakash, 2020). The modernization of agronomics, even without the 2020 reforms, already indicate the economic peril farmers have to face. Currently, they already struggle with deteriorating incomes and “more than half…don’t even have enough to sell” (Biswas). Speaking as a guest in a Vox Podcast, Irfan Nooruddin emphasizes the crisis at hand with suicide statistics; 2017 and 2018 had an average of about ten daily suicides among farmers; and he asserts the “notion that agriculture is sustainable in its current form is not viable”. (Rameswaram, 2020). These current crises, which already exist under the protection of the private sector, have the capacity to worsen once the agricultural industry is fully privatized.

International Response

Global support for Indian farmers has been relatively influential. Diasporic communities across the US, namely Sikh Americans, have participated; about 10,000 San Franciscans marched to the Indian Consulate in December during the height of protests (Wang, 2020). Prime Minister Justin Trudeau also voiced support for the protesters, though at a potential cost in straining bilateral ties (Miglani, 2020).

The Food and Agriculture Organization of the United Nations may also have a significant role once the laws are implemented. In accordance with the International Treaty on Plant Genetic Resources for Food and Agriculture – signed by India among 146 member states (Food and Agriculture Organization of the United Nations, 2020) – the state is bound by international law to comply with a prewritten framework on farmers’ rights.

The Result

Since the laws had already been passed and proclaimed, protests were unlikely to cause any substantial pushback. However, some promising advancements were made; legislators have agreed to meet with unions. Though the government asserts they will not renge on any laws, they will consider preserving the MSP for the safety of small-farm owners. The movements, despite being behindhand to the laws they are protesting, imply to lawmakers how important representative politics are to the citizens in a democracy.

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