2021
SPECIAL EDITION

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#DefundThePolice: Policy or Platitude

BY ALEXANDER M. WYCKOFF

Amid a year facing a once in a century pandemic and unprecedented weather extremes born of climate change, one major policy upheaval has been the American debate on police brutality and systemic racism. Though the subjects of racial profiling and police disproportionately targeting black Americans have hovered in the periphery of political discourse for many years, the naked brutality captured on video as police suffocated George Floyd to death coupled with the shock and outrage as police gunned down Breonna Taylor in her own home have forced the issue front and center.

Lawmakers from across the spectrum have raced to champion their views amid turbulent protests and large riots nationwide, triggering a national conversation on what can and should be done about U.S. race relations and police brutality. Even the United Nations and the international community have gotten involved, condemning systemic racism and police brutality in the United States.

The discourse around this issue, at current, can be broken down into four camps:

- Far-left, who seek to abolish and replace police departments entirely and whose membership includes socialists, anarcho-communists, and some (though not all) Black Lives Matter activists. These people often differentiate themselves from Democrats, who tend to skew center-left. The far-left consider most Democrats to actually be centrists who believe that flaws within the system can be fixed from within, whereas the far-left believe the system to be inherently broken and unfixable. For this reason,

Photo Source: Nicola Imfeld

the far-left seeks to abolish the police because they consider American law enforcement to be irredeemably corrupt. One key issue, they allege, is an over prevalence of white supremacists within American law enforcement.

- Center-left, who seek to reform police departments and produce new programs to work alongside them and whose membership includes the likes of Senator Bernie Sanders (D-VT) and Speaker of The House Nancy Pelosi (D-CA). The center-left are the typical Democratic lawmakers in government today. Even progressives such as Senator Sanders and Congresswoman Alexandria Ocasio-Cortez, who refer to themselves as Democratic Socialists, are considered center-left because their ideology is only mildly left of center on the international stage. They make up the vast majority of the Democratic Party. Due to their belief that the system can be fixed from within, they prefer to reform the police rather than abolish it because they believe that while the system is flawed, it is still functional.

- Center-right, who believe it is possible both to reform the police and to condemn the protestors. Their membership includes Republican lawmakers such as Congressman Will Hurd (R-TX). This group consists of

average, Reaganite Republicans such as George W. Bush, Colin Powell, and the late John McCain (R-AZ). In other words, the center-right consists of politicians who favor conservative ideology such as family values, religious freedom, and fiscal responsibility. To these center-right conservatives the issue is the same as for center-left liberals, who believe that there is a middle ground for fixing a flawed system. Though center-right lawmakers favor some degree of police reform, they are different from Democrats because they are less sympathetic to the protests and more sympathetic to the police.

- The far-right, many of whom do not believe that systemic racism exists, favor punishing the protestors and are not in favor of police reform. Their membership includes Tea Party Republicans such as Matt Gaetz (R-FL) and Rand Paul (R-KY), as well as former President Donald Trump. This group, like their far-left counterparts, end to feel that the system is broken and that more hardline stances must be adopted to remedy the problem. They are the ones

Photo Source: Nicola Imfeld

behind former President Trump's "drain the swamp" slogan, and tend to have no sympathy for the protestors.

The far-left points out how even after decades of new policies such as racial sensitivity training, stricter gun laws, and trying to better embed police officers as members of the communities that they patrol, the rate of police shootings of U.S. citizens has stayed the same in some states and increased in others. They further discuss that the disproportionate shooting of black Americans has also stayed the same or gotten worse regardless of new policies.

"A lot of people ask why 'Defund The Police,' and not 'Police Reform,'" Black Lives Matter Managing Director Kailee Scales said in July. "It's because we tried that and it didn't work."

For far-left activists such as Scales, it is impossible to resolve this issue without first eliminating police departments. Scales and her allies would prefer to replace all police officers with a network of different departments that each specialize in one of the multiple tasks which police usually handle.

Rather than sending police to address emergency situations, the far-left believes that mental health professionals, counselors, EMTs, and others should be sent instead. Safety, they maintain, can be provided by community self-policing instead.

Photo Source: Nicola Imfeld

The center-left, however, disagrees with leftists and believe that reform is still an answer because not all options for reform have been exhausted. They point out that it's about more than training, and that a number of factors must be taken into consideration. One such factor is that police departments are given too much military grade equipment and weaponry, making them less of a police force for defense and more of a squadron of ground troops.

"The last thing you need is an up-armored Humvee coming into a neighborhood," President Joe Biden said as a Democratic candidate in 2020. "It's like the military invading. They don't know anybody. They become the enemy. They're supposed to be protecting these people."

Center-left figures also point out that compared to other nations, police in the United States are trained too little and are delegated too many different kinds of responsibilities. Though police officers in other advanced nations train for multiple consecutive years, officers in the U.S. train for an average of just over 20 weeks and yet are asked to handle a wide variety of issues ranging from domestic violence to mental health issues to drug crimes to traffic violations. The center-left contends, then, that the best solution is to increase and augment police training, and to delegate some of their existing responsibilities to different professionals and specialists who are better prepared.
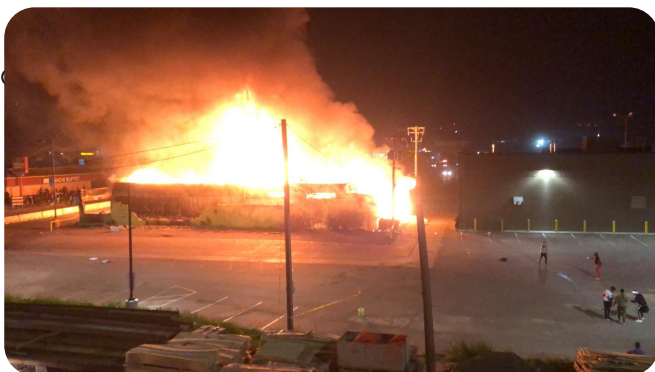

Photo Source: Nicola Imfeld
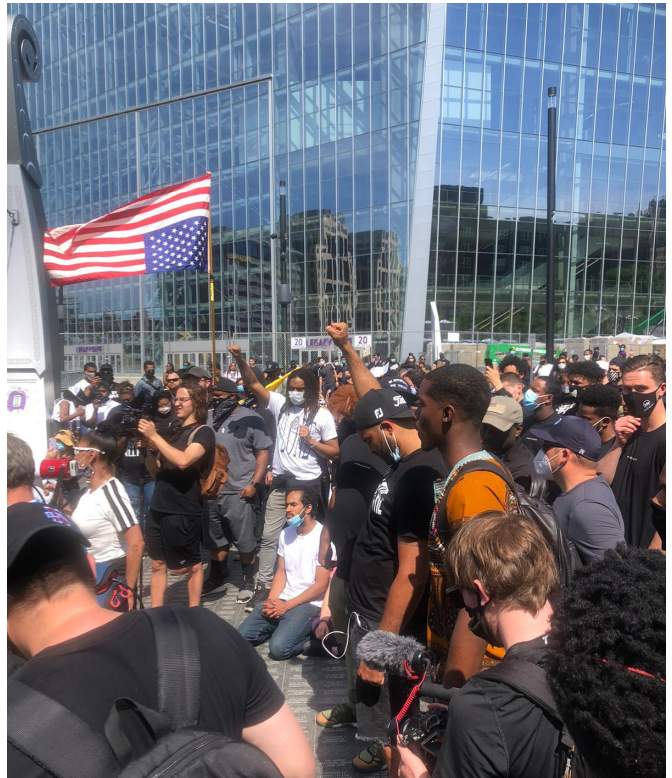
Photo Source: Nicola Imfeld

enter-right policy makers actually tend to agree with this way of thinking, though they are also quick to point out that this does not mean property damage or attacks on the police establishment are acceptable responses.

"You can be outraged by a black man getting murdered in police custody, thankful that law enforcement is enabling our First Amendment rights, and angry that criminals are treading on American values by looting, rioting and killing police," Congressman Will Hurd (R-TX) said.

For reform, most in the center-right crowd point to qualified immunity, a legal principle lending law enforcement protection from civil suits, as being the core of the problem. They suggest that reforming qualified immunity is the best solution to police brutality, and that there should be no sympathy for violent protest.

The far-right is similar to the far-left in that they take a more extreme stance than their moderate peers. Unlike more moderate conservatives, the far-right often considers systemic racism a hoax or a non-issue.

They even suggest that racism has been replaced by reverse-racism, the idea that it is whites who are racially disadvantaged in the modern era. Their focus, then, is on supporting law enforcement and on delegitimizing the protestors and their rhetoric.

Amid all these policy ideas, in 2020 we saw a wide variety of responses across different American cities and states. Preliminary action adopted by California and Nevada has been to ban police chokeholds and begin talks about creating new de-escalation measures and messaging options. In New York City, 50-A, which protects the records of police officers, was repealed, and Mayor Bill De Blasio has vowed to move some police funding to youth and social services.

No major reforms as proposed by any group have yet been adopted, only initial or preliminary policies and compromise policies.

As you engage with the other articles in this magazine, we at the UC San Diego Journal of International Policy Solutions hope that the reading evokes questions about the future. Amid the conversation on police reform, what might race relations look like in the United States in 50 years? How might the other issues you read about in this magazine play out in future? How would you like them to play out?

We commissioned this project to begin a discussion among people outside of academia, regular everyday individuals. As such we would like to thank you for taking the time to read this magazine. We hope that you enjoy reading the phenomenal work by our writers for the first ever JIPS policy magazine, and we welcome any feedback you have to offer.

Sincerely,

The Editors at JIPS:
Mikenna Montgomery, Editor-In-Chief
Alexander M. Wyckoff, Managing Director

Photo Source: Nicola Imfeld

REPAIRING IMMIGRATION IN THE U.S.

By Ben Swearingen

Again and again, the news is filled with brutal images as thousands of migrant children cross the U.S. border alone after a dangerous journey. The Associated Press estimates some 21,000 children are currently housed in facilities overseen by the Department of Health and Human Services. As with his predecessor, political opponents and some media accuse the new Biden administration of grossly mishandling the situation. Deja vu, all over again.

During the Trump presidency, Democrats posted images of migrant children sleeping in cages under metallic space blankets. In a recent night time video shot in a thicket of reeds, Republican Senator Ted Cruz claims he was taunted by migrants across the Rio Grande. As far back as the Naturalization Act of 1790, politicians on all sides have used the issue of immigration to excite their bases.

Donald Trump built his short-lived political career on inflaming the immigration debate. From his signature promise to build a wall along the US-Mexico border, to terminating Deferred Action for Childhood Arrivals (DACA), to the Muslim Ban, to his Zero Tolerance and Family Separation policies – he turned immigration into a flashpoint like never before.

The visceral reaction of Americans of every stripe to the subject of immigration points to the abject dysfunction of the current system. Despite the vitriol, recent Gallup polls show that a majority of Americans support immigration and giving asylum to Central American refugees.

Decades of genuine attempts at immigration reform have eluded both Congress and multiple presidents. Even those with extensive experience dealing with major immigration issues say there is no quick fix. No solution satisfies all the humanitarian, economic, and political issues.

Of course, a single article can't do justice to the depth and breadth of the issue either. What it can do is offer background and analysis to allow one to take a more informed position.

Family units accounted for a majority of southwest border apprehensions in 2019

% of apprehensions at southwest border, by fiscal year and type
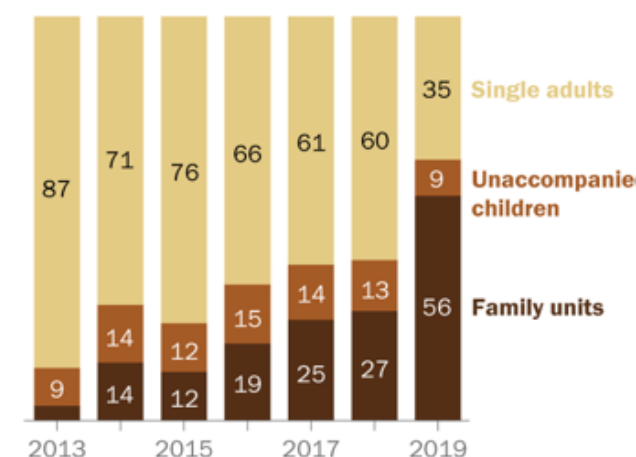
Note: Figures may not add to 100% due to rounding.
Source: U.S. Customs and Border Protection.

PEW RESEARCH CENTER

A DIFFICULT DECADE

The 2010's presented unparalleled challenges to the US immigration system. While immigration overall was declining from the Bush years, surges of unaccompanied minors during Obama's second term and of 'migrant caravans' filled with families seeking asylum under Trump have caused recurring alarm.

There has been a significant demographic shift in new immigrants coming to the United States. In 2018, more immigrants arrived from Asia than from Latin America. And while the early 2000's saw primarily Mexican migrants crossing the southern border, 2010-2019 saw more border apprehensions from Central America and beyond.

In 2011, there was a sudden shift in the population of migrants attempting to enter the US. A large number of children travelling alone began arriving at the southern border from the "Northern Triangle" countries of Guatemala, Honduras, and El Salvador. Before 2011, about 8,000 unaccompanied children had attempted to cross the Southern border each year. By the summer of 2014, their numbers had swelled to 57,000. That same year, the number of unauthorized families trying to enter the US rose to 55,000 from just 10,000 a year earlier.

By 2019, families and unaccompanied children made up 65% of all immigrant arrivals. Many of these new arrivals claimed asylum. They were fleeing gang violence in areas with some of the highest murder rates in the world. Others were climate refugees. From 2012 to 2014, coffee blights and recurring droughts attributed to climate change had driven much of these countries' rural populations into abject poverty.

Although the Obama Administration focused it's deportation efforts on "felons, not families...criminals, not children", it deported more than all administrations of the 20th century combined. By the end of the Obama administration, net migration from Mexico was actually negative. Though immigration enforcement may explain part of this, most experts credit the sluggish US recovery from the Great Recession and improving conditions in Mexico to the leveling off of immigration.

SHOCKING POLICY CHANGES

The Obama administration's response to the rise in unaccompanied minors was to contract companies to detain families together in private facilities. This policy was found to violate the 1997 Flores Agreement, through which the federal judiciary prohibits the holding of children for longer than 20 days. The Trump administration one-upped Obama with "Zero Tolerance", a policy aimed at deterrence by criminalizing all illegal border crossers, including those seeking asylum or traveling with children. The most controversial of part of Zero Tolerance has been the policy of family separation. Scenes of crying children ripped from their mother's arms and locked in chain-link cages have shocked the country.

The most controversial of these policies has been family separation and child detention. Scenes of crying children taken from their mother's arms and locked in chain-link cages have shocked the country. That shock turned to horror when we learned that some 2,500 children were separated and detained for months, well beyond the 20-day limit required by the Flores Settlement Agreement. Even worse, when a federal judge ordered the government to reunite these children with their families on June 26, 2018, it came to light that the government had inadequately kept records of the childrens' parents as they shuffled them between agencies and across the country.

By the end of 2019, the government had some 70,000 children in detention. In the previous year, seven had died in CBP custody after nearly a decade with no deaths of minors. In one especially horrific case, 16-year old Carlos Gregorio Hernandez Vasquez had signs of flu and was transferred to a concrete cell with no bedding other than a space blanket. Security cameras show him dying after collapsing next to the toilet.

Carlos Vasquez, who passed away in CBP custody on May 20, 2019 after being left sick and unattended to for hours

With the onset of the coronavirus pandemic, overcrowded detention centers put immigrants, along with CBP personnel who work in those facilities, at even greater risk. At least 4,444 immigrants tested positive and three died of COVID-19 while in CBP custody (the fatalities are likely much higher since most who test positive are quickly released from custody). On top of this, DHS continuously transferred detainees around the country from the onset of the

pandemic. One report found that the government moved detainees to an overcrowded detention center outside of Washington, D.C., solely for the purpose of bringing detention center guards to help control protests after the death of George Floyd.

STRIPPING PROTECTIONS

Perhaps the most controversial of Trump's immigration schemes was the Remain in Mexico policy, officially named the Migrant Protection Protocols, or MPP. Worked out between Trump administration and Mexican President Andrés Manuel López Obrador (aka 'AMLO'), the policy permits US border agents to return any non-Mexican asylum seeker to Mexico. This often relegated them to overcrowded and dangerous migrant camps, to wait out a decision on their asylum cases without access to legal representation. By late last year, over 56,000 asylum seekers, 16,000 of whom were children, had been sent back to Mexico to await their fate.

This forced thousands of migrants, already exhausted and often in poor health from the treacherous journey across Central America and Mexico, to live in crowded refugee camps where the risk of exposure to gang violence or a coronavirus outbreak was significant. The sprawling migrant camp along the Rio Grande in Matamoros, Mexico had several positive cases of the disease.

The right to asylum is enshrined in Article 14(1) of the Universal Declaration of Human Rights (UDHR) which was adopted by members of the United Nations in 1948 (UNHCR 2002). It guarantees the right to seek protection from prosecution and enjoy asylum in other countries. Many conventions and legal statutes have since affirmed this right. However, the United States, under the Trump administration, brought the asylum process to a virtual

standstill with its Remain in Mexico program. The Remain in Mexico program was also used by the Trump administration to deter asylum seekers through spin-off policies of family separation, stricter eligibility requirements, "metering", asylum cooperation agreements, limitations on work for asylum seekers, and fees for asylum applications.

Though the current surge makes it clear that many people were not deterred by the long wait in Mexico, the question remains whether this roadblock caused many to seek refuge elsewhere. But what do the numbers tell us?

INDIVIDUALS GRANTED ASYLUM AFFIRMATIVELY OR DEFENSIVELY: FISCAL YEARS 1990 TO 2019
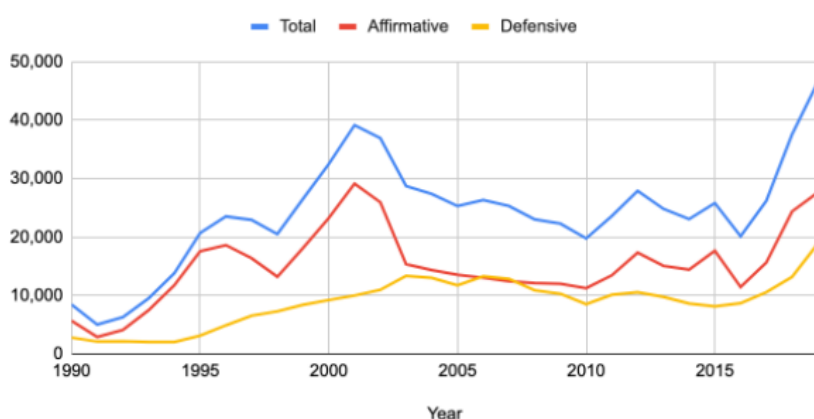
While the number of asylum seekers has declined precipitously since the early 1980's and early 1990's, the number who have been granted asylum status has gone up, especially since 2016. Created by: Ben Swearingen. Data Source: Department of Homeland Security - Immigration Data and Statistics and Department of Justice, 2019.

The Trump administration also decreased the number of legal immigrant visas allowed to be issued. Further stripping the protections of immigrants, a federal appeals court ruled that the President has the authority to end Temporary Protected Status (TPS) for individuals who come to the United States following a natural disaster or conflict in their home countries. This put 400,000 such individuals, many of whom have lived and worked here legally for decades, at risk of deportation.

While Trump's approach to immigration was especially controversial for its seeming disregard for humanity, no administration has found an especially humane or durable solution. To do so will require political will and compromise on a scale rarely seen in Washington, D.C. these days.

A HUMANE WAY FORWARD

The flow of people seeking a better life in the United States will not end anytime soon. Ongoing push factors like gang violence, endemic poverty, and climate-related disasters will continue to make the US a prime destination for desperate emigrants, like so many before them. American farming and industry will continue to demand their cheap labor. A more humane approach that lessens the push factors while honestly addressing the needs of immigrants and American agriculture and industry is possible.

The solution to the US immigration conundrum will undoubtedly involve improving every aspect of the system, including smarter border security, more efficient vetting and visa granting procedures, dramatic expansion of the immigration court system, and better treatment of both those seeking refuge and those who have already contributed their labor and taxes to our society for years.

Table 1: Legal Immigration Projections

Persons Obtaining Lawful Permanent Residence	FY 2016 (Actual)	FY 2021 (Projected)	Decline 2016 to 2021
Immediate Relatives of U.S. Citizens	566,706	269,131	-297,575 (-53%)
Refugees (including Cuban Adjustment Act)	120,216	35,000	-85,216 (-71%)
Asylees	37,209	25,000	-12,209 (-67%)
Family-Sponsored Preferences*	238,087	19,000	-219,087 (-92%)
Employment-Based Preferences	137,893	220,000	+82,107 (+60%)
Diversity	49,865	0	-49,865 (-100%)
Rest of Legal Immigration System	33,529	33,529	0 (0%)
OVERALL LEVEL OF LEGAL IMMIGRATION	1,183,505	601,660	-581,845 (-49%)

Source: National Foundation for American Policy, Dept. of Homeland Security. *Assumes presidential proclamation on suspension of most immigrant visas and other Trump administration immigration policies continue in FY 2021 and a spillover of unused numbers from FY 2020 family-based preferences will be used for employment-based category in FY 2021 up to the highest recent level of approximately 220,000 in FY 2005.
• Get the data • Created with Datawrapper

THE END OF 1 COUNTRY 2 SYSTEMS

By Ayn Hatfield

Photo Source: New York Times

As the People's Republic of China (PRC) grows in power and influence, so too does the complexity of its relationships. Two relationships in particular stand out: Taiwan and Hong Kong.

Both have had complicated histories. Taiwan after China lost the First Sino-Japanese War, when China signed the Treaty of Shimonoseki and ceded sovereignty of Taiwan to Japan in 1895. Japan then ruled over the territory until 1945, when revolutionary Chiang Kai-Shek (the leader of Kuomintang, the opposing party to the Chinese Communist Party) escaped from China to Taiwan. Likewise, Hong Kong was a British territory from the days of imperialism until 1997 when it was returned to China. Even after 1997, Hong Kong enjoyed a high level of autonomy which was not found on the mainland, especially with regard to freedom of expression and trade. When returned, China agreed to allow Hong Kong to continue operating with increased autonomy under the "one country, two systems" doctrine until 2047. For both the Taiwanese and Hong Kong populations, China gaining power is unsettling because of Beijing's ability to influence politics in both Hong Kong and Taiwan.

Photo Source: UCSD JIPS

Take, for instance, the Hong Kong protests. Previously the Hong Kong Special Administrative Region (HKSAR) had an independent judicial system, with its own separate laws from those of the mainland. In 2019 however, a new Chinese law that would allow extradition from Hong Kong to the mainland became the last straw in a contentious relationship between China and Hong Kong about the latter's autonomy. Massive protests against the Beijing government were carried out and continued for months. In response, Chinese President Xi Jing-ping passed a new Hong Kong security law which retracted many of the democratic freedoms enjoyed in Hong Kong. Under the new law, anyone found guilty of terrorism, collusion with foreign forces, separatism, and subversion can be punished by a maximum sentence of life imprisonment. The ambiguity of the law has caused worry particularly because the group charged with execution and implementation is the National People's Committee (NPC), which is notorious for its human rights violations. Since passage of the security law, numerous democratic movement leaders in Hong Kong have been arrested and others have been forced to escape overseas in order to evade arrest.

Yet even in seeking asylum in other countries they are not completely safe, as a portion of the new law allows for overseas indictment for those who are accused of crimes by the NPC.

Although the security law is recent, much of how Hong Kong operates has already changed since passage. Arrests have become far more frequent and the alleged crimes have become, in the eye's of outsiders at least, far more trivial. Earlier in July of 2020, a 15 year old girl was arrested for waving the Hong Kong flag, which was interpreted as a symbol of pro-democracy by the NPC.

In many ways the events in Hong Kong are reminiscent to some of the Taiwanese White Terror, a uniquely brutal crackdown on political dissidence in Taiwan that resulted in 40 years of martial law from the late 1940s to late 1980s.

The implementation of the new security law means an end to China's "one country, two systems" policy towards Hong Kong, leaving Taiwan as the last autonomous region of China in the eyes of the Chinese Communist Party (CCP).

An analysis of the similarities and differences between the two can provide insight into the future of both. esides the "one country, two systems" policy, there are many similarities between Hong Kong and Taiwan, the first being the value placed on freedom of speech and relative lack of censorship. In Hong Kong free speech is protected under the Hong Kong Bill of Rights and in Taiwan it is protected under the Constitution of the Republic of China (Taiwan). In China, free speech is more limited than in Hong Kong and Taiwan. Many popular sites such as Youtube, Facebook, and Google are banned by the CCP and there are Chinese versions of each website made specifically for their citizens to enjoy.
To access the regular websites a proxy connection to the internet is needed. This is against Chinese law and is punishable by a fine of up to $145 USD.

The CCP further regulates free speech through punishing those that criticize the party. An example of this is Ren Zhi-qiang, a Chinese tycoon that criticized Xi Jing-pin's coronavirus outbreak response. After disappearing for a period of time, he reappeared and was charged for slandering the CCP. His assets were also taken and his children were also targeted by the government. In a Hong Kong that falls under the new security law and may no longer necessarily operate on a "one country, two systems" approach, protections for free speech are likely to be reduced.

Taiwan and Hong Kong both use different voting mechanisms in deciding their governing individuals.

In Hong Kong, the Chief Executive is elected by an elections committee of 1200 people and the legislative council is half elected by the public in five constituencies. In Taiwan, the president and vice president are elected every four years by popular vote. With the end of "one country, two systems," it is possible that the Hong Kong leadership selection process will change.

Lastly, if the events in Hong Kong are any indication, a strong China is likely to be successful if it attempts something similar with Taiwan. Despite sentimental pushback from the United States when Beijing was employing overly brutal measures against protestors in Hong Kong, ultimately the pushback did not affect Hong Kong. If China pursued something similar with Taiwan, the same could happen. Additionally, in the interest of keeping the PRC happy, many are unwilling to provide Taiwan with legitimacy on the world stage.

In 1979 for instance, Jimmy Carter decided to cease relations with Taiwan and instead

Photo Source: UCSD JIPS

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Photo Source: UCSD JIPS

establish diplomatic relations with Beijing. This caused an uproar at home which led to the passing of the Taiwan Relations Act, which established unofficial diplomatic ties with Taiwan. Through this the what allows the United States to sell Taiwan weapons as well as train their military in the event of a war while maintaining a stance of "strategic ambiguity," it also indicates that Taiwan has very little diplomatic power on the world stage. The more powerful the PRC becomes, the more this is true.

That said, although there are numerous similarities, the differences between Hong Kong and Taiwan are what will separate their endings. Despite both having voting mechanisms within their governments, Hong Kong is still much more influenced than Taiwan is by the CCP. The 1200 individuals that vote on the Chief Executive of Hong Kong are loyalists to China, and the Chief Executive must be approved by the CCP before taking office. In addition, half of the 70 elected legislature members are selected for their pro-China stances. Meanwhile in Taiwan, the CCP does not have any direct say in the election of the president.

A major obstacle for the protests in Hong Kong was that, like the American Occupy Wall Street movement a few years earlier, it was a leaderless movement with no clear objective. Carrie Lam, the Chief Executive of Hong Kong, openly condemned the protests and sided with the CCP in dealing with the situation. Meanwhile in Taiwan, the current president Tsai Ing-wen has constantly supported the movement for independence and focused her political platform around this. Another difference between the two parties is Hong Kong is its own territory while Taiwan is its own country. Due to this, in international diplomacy Hong Kong does not have its own representation. While most countries do not officially recognize Taiwan as a country due to Chinese influence, it still does maintain some diplomatic ties with other countries. Hong Kong also does not have its own military and must rely on China, while the Taiwan military is its own separate entity.

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From the CCP's perspective, both Hong Kong and Taiwan are a part of China under the "one country, two systems" policy. The recent passage of the security law in Hong Kong which removed many of the freedoms enjoyed in Hong Kong has signified an end of that policy in Hong Kong, making Taiwan the last autonomous region of Taiwan. Before the security law, both Hong Kong and Taiwan possessed freedom of speech, voting mechanisms within their government, and some special relations separate from mainland China.

However, it is the differences between the two parties that may allow Taiwan to avoid the same fate as Hong Kong. Although one of the two main political parties is pro-China, the CCP does not have a direct hand in electing the president as they are able to do in Hong Kong. As a result, the pro-independence movement that those in Hong Kong attempted is much more likely to be successful in Taiwan, where there are leaders and elected officials that support the movement.

Photo Source: Indigenouspeople.net

PRESERVING & PERSEVERING: PROTECTING THE LAND OF INDIGENOUS PEOPLES IN MALAYSIA

By Alana Laanui

As a Native Hawaiian I have witnessed the consequences of land theft and the irreparable damage that severing this connection has on a people. The illegal overthrow of the Hawaiian Kingdom in 1893 was the catalyst for a new Hawai'i that was no longer ran by or for the Hawaiian people. Growing up, I heard stories of colonial coercion that slowly but permanently changed the face of Hawai'i. Then, in 2018 I went to Malaysia to complete a Fulbright grant. Living in Malaysia was like looking into a warped fun house mirror. Native Hawaiians and Orang Aslis (Native people in Malaysia) faced similar struggles. Their cultures have been commodified for tourism and once biodiverse landscape has been replaced with perfectly organized rows of buildings. Yet, the different country context and role of religion distorted this perception. Looking into this mirror showed me that the obstacles faced by the Orang Aslis and other Native peoples are not new, but a repetition of so many other indigenous struggles felt around the world.

The Malaysian case involves a multitude of stakeholders who have competing interests. Private firms look to exploit affordable land and resources, their bottom line often benefitting from cheap land titles acquired through the state. Meanwhile, the federal and state governments in Malaysia look to attract these businesses in an effort to further development. Arcane colonial systems and bureaucratic hoops are used to gazette land that customarily belonged to native peoples. Non-governmental organizations (NGOs) are often the only support indigenous groups have, providing essential services such as housing and legal advice in judicial cases. The incentives and limitations of these actors serves as checks on one another, making external influence vital to effect change.

The indigenous people of Malaysia make up around 12% of the country's overall population (Aiken, 2011). Within the native population there is also immense diversity. On peninsula Malaysia the Orang Asli, meaning the original people, are grouped together under the government's definition of aboriginal peoples. In reality, the Orang Asli make up at least nineteen distinct groups and are disproportionately affected by high infant mortality rates, illiteracy, and poverty. On the island of Borneo indigenous groups live in the states of Sabah and Sarawak.

The largest native groups consist of the Iban, Kadazan, Bidayuh, and Bajau; collectively they are often referred to as Dayak. Although indigenous people are technically a part of the state, they are criticized for being "backwards" and lag behind the national average when it comes to poverty rates.

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Indigenous groups within Malaysia face an uphill battle when it comes to land rights. The land reservation system in each state makes having a formal reservation a difficult process. In fact, as of 2010 not even 15% of the Orang Asli's recognized land had a formal reservation, making it vulnerable for development projects. Meanwhile, rapid development has led to Malaysia's high deforestation rate, which threatens the forests that are used by indigenous groups for sustenance, shelter, and tradition.

Malaysia's inherent diversity makes it a pluralistic society, filled with a wide variety of customs, or adat, that are constantly interacting with each other. The country has adopted many of their British colonizers' perceptions of law. This can be seen in their view of property rights. However, this is in direct contrast with indigenous communal land customs. In the communal system, individuals utilize the land and its resources but are cautious to preserve it for future generations. Additionally, many recognize that there is a unique tie that an individual may have to the land, known as pesaka. Customary law holds that a person has a right to live in their pesaka, which may be where they were born or their ancestral lands. A person's pesaka can be described as; "…the sense of place, that is, the psychological certainty that one belongs to the territory

Photo Source: Indigenouspeople.net

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Photo Source: Indigenouspeople.net

which is marked by certain territorial markers and commonly communicated within the communities in the form of oral stories through generations" (Wook, 2015). Customary law plays an important role in protecting the indigenous claims to ancestral land, especially when it comes to court cases.

The Nor Anak Nyawai v Borneo Pulp case in 2001 brought these issues to the forefront. In this case the Iban community in Sarawak sued the Borneo Pulp company who had plans to clear land that has traditionally been claimed by the Iban. Although the indigenous groups did not get paid any damages, they did get official land rights to their ancestral lands (Dennison, 2007). The case held that, "If the present generation can prove that they are practicing what historians described as having been practiced 200 years ago, then that is sufficient proof that such native customary rights had been practiced 200 years ago" (Nor Anak Nyawai, 2001). Court cases like this provide some optimism for protecting the customary laws that defend native land, but the burden of proof still rests on vulnerable communities. Unfortunately, indigenous groups on the peninsula, who represent a significantly smaller portion of the population, have not seen these same successes.

When looking at the domestic laws that influence indigenous land rights an important place to start is the Malay Constitution. One of the more contentious parts of Malaysia's constitution is Article 153. At first glance, one may presume that this article helps indigenous communities since it serves as a type of affirmative action for native groups. The article states:

It shall be the responsibility of the Yang di-Pertuan Agong [King] to safeguard the special position of the Malays and natives of any of the States of Sabah and Sarawak and the legitimate interests of other communities in accordance with the provisions of this Article (Federal Constitution of Malaysia, 2010).

This Article provides for preferential treatment when it comes to government jobs, scholarships, trainings, and other programs (Khairul Anuar, 2019). However, it is important to note the inclusion of "Malays" in this protection. In this light Malays are being considered an indigenous group, which is a contentious classification given that they make up a robust majority of the population. In practice, Article 153 should uplift indigenous groups who struggle to break cycles of poverty, but in reality, it reinforces the status quo and keeps other minority groups out.

Furthermore, the legislation around land rights is extremely complex and the legalization mechanisms often vary depending on particular states. Nevertheless, the National Land Code (NLC) of 1965 is seen as the, "one piece of federal legislation most guilty of denying of Indigenous peoples' land rights" (Dennison, 2007). This antiquated piece of legislation allows for native lands to be controlled by the state, only after registering for a piece of land can native groups have any substantial claim (Subramaniam, 2016). The NLC allows the individual states a significant amount of power in regard to how land is designated. It requires native groups to jump through bureaucratic hoops in order to apply for land titles that have been occupied by their peoples for generations (Wook, 2015). The NLC adds to the growing legal complexity meant to discourage indigenous groups from making formal land claims.

Malaysia has agreed to international laws that should in theory protect land rights, yet indigenous

groups within the country are still fighting for the rights granted to them in these agreements. For example, Malaysia has signed the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which looks to protect indigenous tradition and land claims. Article 26 clearly states:

Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned (United Nations Declaration on the Rights of Indigenous Peoples, 2007)

The UNDRIP strives to directly protect indigenous land claims that are typically abused by states. However, Malaysia has not adequately protected traditional lands or even acknowledged its fiduciary responsibility in land acquisition deals (Khairul Anuar, 2019). This failure can be seen in the procurement of Kampung Sungai Bumbun, near the capital Kuala Lumpur. An indigenous group known as the Mah Meri were pushed off of this land for a meager RM 2,000 ($450) per person in order to make way for a housing development (Mayberry, 2017). This housing development is expected to make profits that dwarf what the Mah Meri were offered.

The government does not adhere to all of the specifications outlined by the UNDRIP. Instead, the state distorts the Declaration to support objectives to assimilate indigenous groups into the population. In a periodic review done internally for the Human Rights Committee the country reported that, "the most significant challenge which besets Malaysia is lifting indigenous groups from backwardness and as into mainstream society" (Aiken, 2011). This interpretation of indigenous groups perpetuates stereotypes that support violations against them. The country has to do more than just agree to international declarations such as UNDRIP, and instead must work towards enforcing their objectives through concrete actions that support indigenous groups.

The current state of land rights in Malaysia is a product of multiple stakeholders fighting over the same resources. Private industries look at indigenous lands as a way to cheaply acquire land resources to increase their bottom line. Non-governmental organizations (NGOs) look to defend these land claims and address the current needs of indigenous groups by reaching out to supporters. While the government is concerned with overall development of the state, even if this comes at the expense of indigenous groups. Given these competing interests there are specific strategies for restoring land rights when looking at these various sectors. It is essential that the private sector, NGO's, and government actions work together to reinforce indigenous claims to traditional lands.

Multinational Corporations (MNCs) have been playing growing role in countries with the dawn of globalization. Decisions made in corporate boardrooms have lasting effects in the developing countries where fundamental parts of the supply chain reside (Mahmood Monshipour, 2003). Today, these organizations are faced with growing responsibilities not just to their bottom line but to their operations holistic impact. Malaysia hosts around 70 MNCs because its affordability and openness to foreign investment makes it an attractive country to operate in (Loong, 2018). However, these MNC's may take advantage of these resources if left unchecked by governments or consumers abroad. Well-informed consumers have a lot of power to influence these companies to respect land rights abroad or face backlash.

Sime Darby, the world's largest palm oil producer has even implemented technology that allows consumers to track where their palm oil has come from (Das, 2020). Knowledgeable consumers were able to affect the profit of a large company like Sime Darby by shifting the demand of the product. Now strategic firms account for deforestation as part of their business strategy; this same approach can be

used when it comes to land rights. Indigenous communities such as the Orang Asli rely on the forests not just for resources but for a connection to their history (The Forest is Our Heartbeat, 2018). Therefore, advocates can look to link indigenous issues with broader environmental concerns. This linkage will expand the reach of theses transnational advocacy networks (TANs) to effectively pressure companies (Keck, 1998). This external pressure will be key in persuading companies to self-regulate and even agree to various Codes of Conduct.

Firms could also be proactive by actively supporting indigenous groups within Malaysia. The oil and gas company, Petronas, has taken this strategy with the Iban population in Sarawak. The company has funded multiple projects in the state including a film in honor of Gawai Dayak, a native celebration (Tawie, 2019). Today the film has over a million views and has been lauded for the way it represents the Iban people. Strategic investments like this help the company's reputation and can even boost their profits if publicized correctly.

NGO's are a key asset in supporting indigenous claims to land rights. These organizations are crucial in bridging the information gap between the state and indigenous peoples. Externally, they raise awareness for these issues by creating reports that outline human right violations. Internally, they provide critical resources including legal advice for indigenous groups looking to protect their lands. The Centre for Orang Asli Concerns (COAC) is one such organization. It builds homes for communities that have been relocated by the government and tries to provide legal advice to indigenous communities (Blakkarly, 2015). COAC's and other NGO's within the state should utilize their coercive capacity and look to form partnerships.

Outside media platforms can be used to support indigenous groups both on the peninsular and Borneo. NGO's and activist groups can tap into a loud community of indigenous supporters to ensure that state commitments to indigenous groups are kept. This tactic can be used to hold politicians to their promises to repair existing land codes that violate communal titles. In 2018 the Pakatan Harapan party gained power in a historical election. In their campaign they made promises to indigenous communities that included, "delivery of development services, economic opportunities, environmental protection and recognition of, and restitution for, customary lands" (Berger, 2019). However, recent changes in the Malaysian parliament has made passing any

legislation regarding land rights unlikely. NGO's can utilize their resources and their transnational partnerships to bring attention to these government failures, hence creating external pressure on the country.

Existing laws and land codes fuel this cycle of land loss in these vulnerable communities. These structural changes will only be resolved if NGO's work with government partners like the Human Rights Commission of Malaysia (SUHAKAM). As an NHRI, a key part of SUHAKAM is suggesting legislation to the Malaysian Parliament. Local NGO's can utilize this commission as a means for making long-term policy changes domestically. A report done by SUHAKAM in 2013 noted, "The centrality of indigenous peoples' customary lands is vital for their development and cultural survival" (Mayberry, 2017). This report outlines various suggestions to parliament which bolsters the recognition of indigenous groups. NGO's should strengthen their relationship with Malaysia's NHRI. This partnership can work towards combating existing legislation like the National Land Code of 1965, which relies on a colonial system (Dennison, 2007). The groundwork done by NGOs can fuel legislative suggestions by SUHAKAM, thus allowing for concrete change in the country.

The Malaysian government needs to make a lot of improvements to the current system in order to maintain its legal and financial responsibility to indigenous groups. The Department of Orang Asli Affairs (JHEOA) is in charge of land titles within each of the Malaysian states and should serve as a voice

for native populations on the peninsular (Aiken, 2011). However, in practice the Department makes acquiring land titles a complex process. "The Orang Asli consider JHEOA 'distant, unapproachable and irrelevant in representing their interests at the national level', which is perhaps not surprising given that only 35 percent of staff members are from the Orang Asli community" (Dennison, 2007). Clearly, indigenous groups on the peninsular don't trust in JHEOA as an advocate for their community. Therefore, the government should utilize Article 135 to promote hiring of indigenous groups in government organizations that directly affect them. This would give groups like the Orang Asli a direct voice when it comes to policies that effect their everyday lives.

The international community can also be utilized to pressure Malaysia to implement policies in accordance with the UNDRIP. Regional and Islamist states that support the document can push the country towards implementing policies domestically. Additionally, developed nations can "link" foreign aid to the improvement of these departments as a credible way to pressure the state to address indigenous issue (Hafner-Burton, 2013). The United States has already spent nearly 3 million in foreign assistance resources in Malaysia, the U.S. could threaten to stop aid programs if the state did not improve JHEOA or implement changes in existing repressive policies (Malaysia: Foreign Assistance, 2020). This would allow the international community to keep Malaysian leaders accountable to the UNDRIP and other agreements that ensure the rights of indigenous groups.

In Malaysia today we are seeing history repeat itself as indigenous groups continue to be forced off of their land and cut out of development deals. This pattern of land loss has created a society where Orang Asli and other indigenous groups face higher rates of poverty, illiteracy, and have poor health outcomes. By severing these people's connection to the land, the state is perpetuating a system that neglects the rights of native peoples and directly violates the UNDRIP. This complex problem deals with multiple stakeholders with opposing motivations.

Photo Source: Indigenouspeople.net

Trafficking In Mexico

By Kyle Rose

"Welcome" "We miss you" "We love you"

Hopeful messages on balloons and posters filled the home of Deborah Ramírez and María de Lourdes González, anxiously waiting to celebrate the return of their relatives David and Miguel (9). 10 days before on January 5th, 2012, the two minors had been kidnapped on their way to a birthday party in the city of Arcelia, Mexico. After negotiations between kidnappers and police, they had reached an agreement for David and Miguel to be released. Full of hope and joy, Deborah and María waited for them to walk through the door, their hearts filled with joy and relief. But they never did. Days turned into weeks, weeks into months, months into years. Today they are still waiting.

The United Nations defines kidnapping as "unlawfully detaining a person or persons against their will...for the purpose of demanding for their liberation an illicit gain or any other economic gain or other material benefit; or in order to oblige someone to do or not to do something". This definition, while clinical and precise, masks the scope, nuance, and tragedy behind kidnapping. Kidnapping is not just about ransom. It is used by gangs and drug cartels as an additional source of revenue and undermines society by threatening public safety. It is also detrimental to the local economy; no one is going to shop if they fear for their physical safety. Most importantly, however, is the vicious way people are stolen from their loved ones. Even murder often leaves a definitive outcome and thus the ability to mourn. The families of those that are kidnapped and never return, however, are left in a limbo, a world without answers or closure. The certainty of death is replaced by probability, where the victims returning alive becomes all but impossible, yet that small sliver of torturous hope remains.

This paper seeks to analyze the specific problem of kidnapping in Mexico. Before we can analyze the problem for Mexico specifically, it is worth breaking down what kidnapping is beyond its definition. First, kidnapping is not human trafficking. Although they do share common traits such as abduction, the purpose of human trafficking is to abduct people for their labor, whether that be as a sex worker, day laborer, or other something else. In contrast, kidnappers abduct people for the value a person has to a group, whether that be as a relative, friend, coworker, etc. This is exploited by kidnappers in the form of a ransom, usually cash. Kidnapping can also be broken down by length into regular and express kidnappings. Express kidnappings are those that last less than 24 hours, while anything longer than that falls into regular kidnapping. From these it can be surmised that kidnapping is often a financially motivated crime. Though grim, it can be seen as a market.

Based on the breakdowns given above, we can fill in the components of a predictive model. The "supply" in the kidnapping industry are people that are "manufactured" by kidnappers through abduction. Demand is the amount ransom-payers are willing to pay. Through this process, a person is given a price in the form of a ransom demand for a lump sum payment. Costs include the tools used to kidnap people, such as guns, and the labor necessary to abduct and hold people. From these, several things pop out.

We can assume that a person or people will be willing to pay any price within their power to get a kidnapped loved one back safe and sound, since the value of having a brother or father not end up hurt or dead is priceless. It is conceptually and literally a captive market. Thus, kidnappers can theoretically demand any ransom amount they want. This amount can even go above a person's or groups' income, since they can raise the cash necessary by taking loans, selling possessions, or by begging family and friends. This implies that the stereotype of kidnappers going after wealthy individuals is just that, a stereotype. After all, if you ransom a person, it does not matter to the kidnappers where the money comes from, only that they get paid. $20,000 raised by raiding a bank account is just as good to a kidnapper as $20,000 raised by pawning off everything a person owns.

Photo Source: Los Angeles Times

The costs of performing kidnappings is also cheap. All one needs to kidnap someone are a weapon for coercion, materials for binding a victim, and a mode of communication. These can even be further reduced than this if they are combined. Labor is also cheap, since two or three people can kidnap a person just as easily, or even more easily, than larger groups, particularly if they are well-armed. However, the more people a group kidnaps, the more it will cost in labor and tools. Even if the kidnappers can demand whatever they want or can hold many kidnapped individuals cheaply, holding more people means more kidnappers, more vans, more guns, more everything, and that a limit will eventually emerge past which it is simply too costly for it to be worthwhile. It is also simply harder to capture larger groups of people. The cost of kidnappings based on the number of people kidnapped over time fall as they increase, however. After all, it is easier to hold one person than many, and if, for example, ten people's kidnappings are spread out over a 10-day period, one could get just as much money in ransom for lower costs and effort.

Maximining speed makes even more sense if other kidnapping groups are taken into account. Since one cannot be kidnapped by two groups at once, and since a ransom demand is likely to tap out the finances of the ransom-payers, kidnappings are zero-sum and exclusionary. One more person kidnapped for ransom means one less person for other to kidnap. This being said, because the profits from kidnappings are partially determined by time, and since violence costs time and resources, conflict between kidnapping groups is likely minimal, at least during work hours. In short, the limit on the profits kidnappers can make are based on the speed of kidnappings rather than on the total number or the ruthlessness. For kidnappings, time is money. These factors partially explain the rise of express kidnappings, since holding people for shorter amounts of time means they can kidnap more people overall.

Bringing this to Mexico specifically, the number of kidnapping groups has exploded to from cartel fragmentation. This has created an environment where kidnappings have become increasingly competitive. The growth of criminal gangs has turned the kidnapping industry into a perfectly competitive market where the only limit is the number of people that can be kidnapped from any one location. The implications for law enforcement policy are numerous. It means that targeting specific kidnapping groups is pointless, since others will move in to take the now open market share. Furthermore, simply banning the paying of ransoms is not practical since the value of the kidnapped to those paying is priceless. Banning ransom payments also has the effect of further discouraging people from going to the police, since people will face a penalty in addition to having their family member kidnapped. Kidnappings will be more likely to take place in locations where there are more people since it gives kidnappers a larger pool to kidnap from. It also means that gangs will be concentrated in these regions. Fourth, the competitiveness indiscriminate over selective kidnapping, since it is quicker and cheaper to kidnap the defenseless over someone well-guarded regardless of everything else.

thus demographics should largely be in line with the group that is most numerous and the easiest to kidnap in a given area.

Unfortunately, this model has limitations for Mexico, namely in that it is hard to verify due to a lack of reliable data from the Mexican government. Due to severe distrust in law enforcement, kidnappings are severely underreported and thus go unrecorded. For instance, the number of kidnappings reported to police in 2018 were 1,800. In contrast, the actual number of kidnappings in 2018, based on self-reported data from a government survey, is 81,000, or 45 times higher. Even Mexico's statistics office admits in its own data that some of it should be used for qualitative rather than quantitative analysis.

Comparisons to other countries may be useful here. One country that Mexico is commonly compared to is Colombia, and for good reason. The number of kidnappings in the country is relatively large, with 33,000 recorded instances between 1970 and 2016. Some were kidnapped for use as political bargaining chips, but most were done for profit, with the most infamous being mass kidnappings termed "miraculous fishing expeditions", wherein entire buses were kidnapped at once. Both countries have also suffered years of violence and eras where criminal groups have been able to operate with impunity. This, however, is where the similarities end. A plurality of kidnappings in Colombia were perpetrated by two groups, the FARC and the ELN, whose main goals were the overthrow of the government rather than profit. The scale of the problem is also different by orders of magnitude. Mexico had an estimated 64,500 kidnappings in 2016 alone, a much more staggering number than Colombia's.

That being said, as a country with similar demographics and with reliable statistics, Colombia is useful for checking the model's predictions. Using data gathered social scientists on kidnappings between 2002 and 2011, several facts can be gleaned. First, the geography of kidnappings follows an 80/20 distribution, wherein 78% of all kidnappings occurred in 20% of Colombia's municipalities (16). Furthermore, 2/3 of kidnapping victims were rescued in the same area they were kidnapped from (16). Gangs that kidnapped for profit usually abducted people in urban areas, though the FARC and ELN usually abducted people in the countryside (16) because the FARC and ELN both operate primarily in rural areas where lack of police makes kidnapping operations less risky and less costly.

The age and gender demographics of the kidnapped in Mexico are also very close to the gender and age demographics of Colombia in general (16). It also reveals that the most commonly kidnapped are those who travel the most, for instance businessmen or professionals, or are easier to kidnap, for instance minors, while the least commonly kidnapped are those who travel the least, such as housewives, or are harder to kidnap, such as politicians, the military and the police. This supports the idea that kidnappings are opportunistic rather than planned in advance and are based on ease of execution rather than simply on a victim's wealth or class.

In 80% of kidnapping cases, there were no more than two or three victims at one time. In addition, nearly ¾ kidnappings lasted for under 10 days, with almost half lasting less than 24 hours (16). Finally, just over ¾ of express kidnappings occurred in areas where kidnapping for profit were most likely to operate. These support the idea that kidnappers maximize profit by maximizing the speed of kidnappings rather than the number of people kidnapped.

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From all this, we can surmise that the implications of the model are largely correct. Thus, while we must be careful about applying the model that fits the data from Colombia to data-scarce Mexico, it nevertheless fits broadly in line with the data we do have. For instance, the number of reported kidnappings in Mexico largely follow an 80/20 distribution, of which most are urban, and where around 60% last less than 24 hours and 80% last less than three days. Thus, the implications for Mexico and its usefulness as a steppingstone for more guided policy can not be overlooked.

Based on the above, this paper suggests the following policy recommendations for the Mexican government.

Increase Trust in Law Enforcement by Targeted Professionalization and Responsiveness

One of the largest takeaways from the model is not the model itself, but rather the data that goes into it. The staggering gap between recorded numbers and estimates reveal not only how much of the problem is obscured but also how little the Mexican people trust the police and judiciary to solve the cases. This not only makes effective policy difficult to create but also increases the attractiveness of kidnapping by further lowering the risks to kidnappers. This in turn creates a self-perpetuating cycle, wherein lack of trust in the police leads to the emboldening of kidnappers which in turn breeds further lack of trust, and so on. It also undermines other ways of solving the problem. For example, while creating tip lines for reporting kidnappings might be effective in improving police responsiveness, it will not work if no one calls the tip line because they do not trust the person at the other end.

However, creating trust in the law is not an easy task, especially in Mexico. The country ranks 130 out of 198 in perceived corruption and ranks 7th in the world for perceived police corruption. These are attitudes that will not change overnight nor will they improve without the lessening of corruption in general.

One does not necessarily need to change the attitudes towards perceived corruption to address this problem, however. Rather, funding can be targeted so that it improves the trust in police that specifically go after kidnappings. This can be done by creating or reforming units in both federal and state police forces that are dedicated to kidnapping. They would not just be expected to have higher standards and effectiveness but would be compelled and forced to have them.

One way to do this is by increasing their professionalism via stricter requirements for application and admittance, such as having a college degree or having an exemplary service record.

This process has the effect of not only whittling down the candidates to those that have the best qualifications, but also keeps the unit relatively small, which makes audits easier and makes corruption and incompetence more obvious and easier to fix. In addition, one can reward people who enter the units with higher salaries and small bonuses for successful prosecutions. These further reduce the potential for corruption as well as give incentives for other officers in the department to improve themselves so that they can get into the unit.

This can be even more targeted by taking advantage of kidnapping's 80/20 distribution to target specific states. In Mexico's case, most of the reported kidnappings happen in six states: Veracruz, Mexico, Mexico City, Morelos, Tabasco, and Tamaulipas. While the reported data should be taken with a grain of salt due to inconclusive data, it nevertheless can guide where most of the funding for anti-kidnapping initiatives should go. It can also be used to gather more information once the policy has been implemented and studied there.

This targeted increase in professionalism can then be accompanied with a partnership with local media outlets to highlight success stories when they occur. Not only will this show that kidnappers cannot operate with impunity but also show the public that if they do report kidnappings they will be handled in a quick and competent manner. Even if only successful in slightly boosting reporting, it would allow for the creation of more detailed kidnapping demographics and allow law enforcement to identify at risk targets and kidnapping hot spots. It would also create a chilling effect for kidnapping gangs and inject more risk into the trade, which would reduce the overall number of kidnappings.

End Decapitation Strikes against Cartels and Other Gangs.

Another conclusion of the model is that the kidnapping market has so many participants that none of them have an effect on it as a whole. This has created an industry which emphasizes competitiveness, ease of kidnapping, and speed. These aspects can be linked to the arrest or killing of cartel leaders and their lieutenants. While this has been an effective for publicity, it has meant that smaller gangs emerging from the remains of the older, larger gang have exploded in number. While they lack the means to smuggle drugs on a large scale the way their previous organization did, they nevertheless have access to weaponry and possess enough experience in violent crime that they can become kidnappers easily. In other words, the government is unintentionally creating more gangs than there would otherwise be if left on its own when it decapitates large gangs and does not follow through.

This can be fixed by stopping these strikes. If these strikes end, the highly competitive nature of the industry will mean that these gangs will consolidate into larger ones over time, which would decrease the market's competitiveness.

As the number of kidnaping gangs decrease and the size of them increases, the operating costs of these gangs will increase as well as their ability to kidnap people on their own terms. Thus, their business model would shift from one involving kidnapping the most people to one that makes them the most money. Kidnappings will gravitate away from the number of people kidnapped to the quality of people kidnapped i.e. to wealthier individuals from whom they can demand larger ransoms.

While this shifting of risk may seem unethical, wealthier individuals are much more resistant to kidnapping than poorer ones as they can afford better protection in the form of gated communities and guards. They are also a smaller group of people for the police to protect, which would increase the police's effectiveness in stopping kidnappings. This in turn would further raise the costs of kidnapping. Finally, richer targets mean that kidnappers are less likely to kill them, as the potential amount of money they stand to lose is greater and the amount of heat they would generate. In short, less people would get kidnapped and those that get kidnapped would be more likely to come out of it alive.

The most attractive part of the policy, however, is that it is easy to implement. All that would be required is a change in orders from the top. This would be especially effective if combined with the previously mentioned policy.

CHINA'S FUTURE ON THE WORLD STAGE

BY ALEX WYCKOFF AND AYN HATFIELD

Situated between the Malay Peninsula and the Indonesian island of Sumatra, the Strait of Malacca is one of the busiest and most consequential shipping routes in the world. 550 miles long, it connects the Pacific and Indian Oceans and provides passage to more than 100,000 sea vessels per year. The Strait is used by some of the largest economies in the world to transport goods from the energy-rich Middle East and resource-rich African continent, including 25% of all oil exports between the Middle East and Asia.

The Strait is especially crucial for one of the world's largest powers: the People's Republic of China (PRC).

For China, supply lines through the Strait of Malacca represent one of its greatest assets and vulnerabilities. In addition to ferrying 80% of its energy imports through the Strait of Malacca, the PRC also uses it to supply many of their Naval bases. However the Strait of Malacca is a perilously narrow 1.5 miles wide, resulting in over 60 sea vessel accidents each year. It is also a popular place for pirates to raid supply ships.

Reducing this vulnerability is part of the reason for Chinese President Xi Jinping's $8 trillion USD infrastructure plan, the Belt and Road Initiative (BRI).

The plan seeks to diversify China's supply routes through development of the "belt" – new land transportation routes by road and rail, and the "road" – sea routes. Beyond its role in helping to shore up vulnerabilities in the Chinese supply line, the BRI is also intended as one of the largest global economic development ventures ever proposed. As of writing this, 117 nations have signed onto economic partnerships with China through the Belt & Road Initiative, including European powerhouses such as France and the United Kingdom. When the BRI is successfully completed, it will affect cultural and financial interactions between more than three fourths of the global population.

Due to new BRI sea routes in the Indo-Pacific region, in future Beijing will be able to ship supplies around the Strait instead of through it. One such energy transportation route, the Sino-Myanmar Oil Pipeline, is already near completion. It links Myanmar's deep-water port of Kyaukphyu in the Bay of Bengal with Kunming in Yunnan province of China. Another such project, a railway in Pakistan, creates a supply line between the Chinese-owned port in Gwadar, Pakistan and the city of Kashgar, China.

The BRI also augments China's bargaining power on the world stage because it helps take advantage of the massive debt owed to the Chinese government by other nations. Currently for example, Djibouti, Kyrgyzstan, Laos, the Maldives, Mongolia, Montenegro, Pakistan and Tajikistan all owe more than half of all their foreign debt to China. Beijing has been able to leverage this debt, forgiving portions of it in exchange for important land or infrastructure rights in key areas such as new ports,

especially around the Indo-Pacific region. One such location, Ream Naval Port in Cambodia, is an underdeveloped port with limited economic potential, leading naval strategists in the West to postulate that the Chinese intend to use it for a military naval base because it possesses high potential for development of long-range naval and ballistic missile capabilities. This is also not the only port of this nature that China has acquired recently.

China has invested a great deal of time and money into building infrastructure at ports such as Gwadar (Pakistan), Koh Kong (Cambodia), Hambantota (Sri Lanka), and a dozen other sea ports throughout the Indo-Pacific region. Many of these ports are noteworthy for their commercial unprofitability, suggesting Beijing's intent to use them to enhance Navy presence around the world.

China's plans have major implications for the region. Japan for instance wields the third largest GDP on earth, just behind the United States and China, and has largely viewed the BRI as an opportunity to improve relations with China as well as grow the Japanese economy. As a result, Japan has agreed to work hand-in-hand with China on the BRI. During his tenure from 2006 to 2020, Japanese Prime Minister Shinzo Abe worked tirelessly to acknowledge and make amends for Japan's history of war crimes against China, including the infamous Nanking Massacre.

That said, the Chinese and Japanese citizenry still indicate skepticism toward one another, with Pew Research showing that over 70% of both populations still view one another unfavorably. Both countries are skeptical of one another from a military standpoint as well. Most recently in August 2020 the former Defense Minister of Japan, Kono Taro, indicated continued Japanese concern in the face of China's growing military and cyber capabilities and discussed Japanese interest in joining "Five Eyes," an intelligence-sharing apparatus between Australia, Canada, the United States, the United Kingdom, and New Zealand.

Others in the region face the possibility of both economic and military risk as China's influence expands. Taiwan for instance is viewed by the PRC as a rogue state of China, and the Chinese government has vowed that Taiwan remains a part of China. If the Belt and Road Initiative is completed, it enhances the PRC's Naval presence, making military action more feasible for China, and also augments China's worldwide diplomatic power. The latter could be used to pressure other world nations to isolate Taiwan. Already, Taiwan lacks recognition and trade on the world stage with many countries because such engagement would cause political animosity with Beijing.

Chinese progress on the Belt and Road Initiative has also forced the Taiwanese military to rethink their strategy against China. In 2017, the Taiwanese Chief of General Staff, Admiral Lee Hsi-ming, proposed a new defense tactic called the Overall Defense Concept. Whereas previous defense tactics focused on defending the entirety of the Taiwan Strait, this new method focuses on using guerilla warfare tactics and the knowledge of the terrain to survive long enough for third party intervention.

Since 1979 the United States has vowed to protect Taiwan from China through the Taiwan Relations Act. When the United States decided to establish diplomatic relations with the PRC in 1979, it ended its official recognition of Taiwan as a country. However, shortly after establishing diplomatic ties with China, Congress passed the Taiwan Relations Act, stating that the United States would continue to sell Taiwan military weapons and defend Taiwan from China if necessary. Due to the large purchases of American weapons as well as being trained by the United States military, Taiwan's military tactics greatly mimic those of the American military. Although this means that Taiwan is equipped with state of the art weaponry, in recent years these weapons are no longer able to address the needs of Taiwan. Though Taiwan has mimicked U.S. weaponry, U.S. systems are designed to travel great distances and win battles through complete domination. If Taiwan were to be invaded by China, its best chance at winning would be utilizing weapons that work well over short distances and are able to survive an initial attack. Taiwan simply does not have the capacity for a drawn out war with China. As such, while previous military strategies focused on defending the entire Strait, the new approach is more based on attacking the opposition at its weakest points.

That said, the relationship between Taiwan and the U.S. has grown in recent years. Increased anti-Chinese sentiment in the United States has led to some lawmakers calling for improved relations with Taiwan and the need for more counterweight to China in the region.

After Tsai Ing-wen's election victory in 2016, Donald Trump became the first American president in 40 years to accept a phone call with a Taiwanese head of state. Throughout Mr. Trump's presidency, Congress also proposed a slew of bills to strengthen the relationship between the two countries. The most recent of these has been the Taiwan Defense Act, emphasizing the claims stated in the Taiwan Relations Act, as well as specifying how the United States will aid Taiwan if war does ensue between China and Taiwan.

Still, warfare remains an unlikely approach for China. American policymakers often talk about China as an impending military threat, but this is not reflective of reality. Though Beijing is happy to make boisterous statements to avoid looking weak, common consensus among Chinese policymakers is that war is expensive and can be counterproductive to a country's economic growth. Additionally, it is unlikely that China will seek to usurp the U.S.'s place on the world stage. Having the world's reserve currency and being the world's one "superpower" are both responsibilities that come with significant drawbacks and costs, consequences which China would prefer to avoid at this point in time.

It is far more beneficial to China if the PRC simply plays the long game and seizes advantage from a competitive economic standpoint. The Belt and Road Initiative would certainly accomplish this and render China an unparalleled global economic force. That increased economic dominance would allow China to exert greater pressure on the Taiwanese economy and would bolster its diplomatic power on the world stage too, including relative to the United States.

Despite U.S. concern about the Belt and Road Initiative, however, the U.S. has not yet produced a counterplan either under the Obama or Trump administration. The Biden administration has remained silent on the matter, though President Biden has made a greater effort than his recent predecessors at modernizing U.S. infrastructure and economic practices to compete with China and the rest of the world.

Photo Source: BBC

UNDERSTANDING INDIA'S POLLUTION

BY VIDA ZONUNMAWII

Indian coal power contributes to hazardous pollution that chokes 1.2 billion citizens every day. Coal based power plants are known to emit SO2, NOx and other particulate matter that affects the health of residents near the power plants as well as anywhere the pollutants travel. One of the policies through which the Indian government seeks to address this issue is through regulation of emissions by coal-based power plants.

In 2019, Prime Minister Modi announced India's plan to increase renewable energy target to 450 GW from a previously committed target of 175 GW by 2022 under the Paris Climate Agreement at the United Nations Climate Action Summit. Pursuing its objective of positioning India among the leading global renewable energy efficient countries, the Government of India (GOI) released a New National Electricity Plan in January 2018. This new plan projected a decline in the share of coal for generation of power and an increase in renewable energy by the end of the Indian Financial Year 2027.
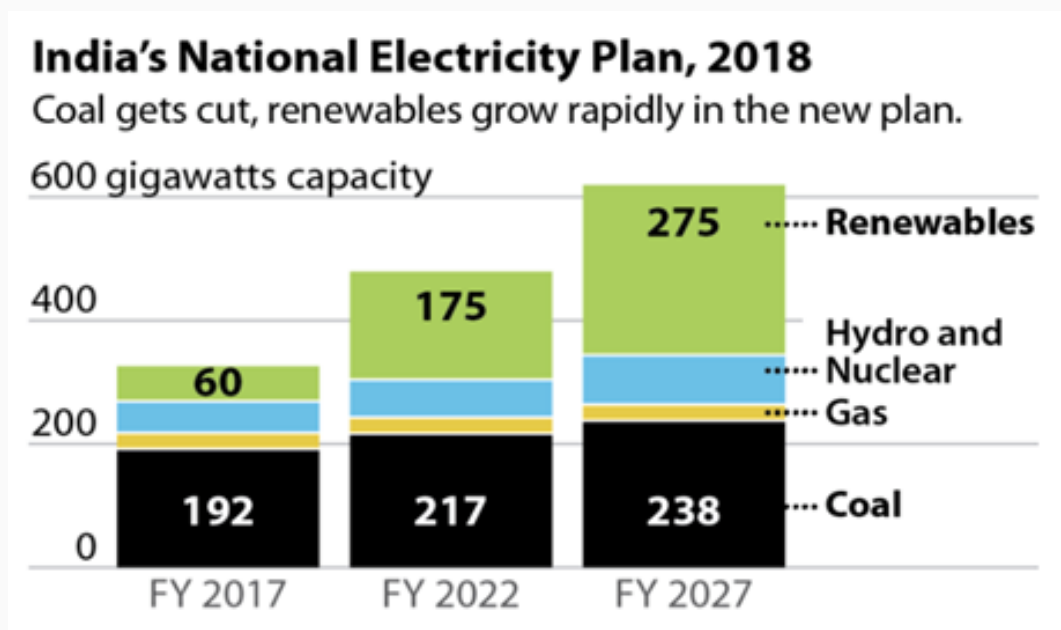
FIGURE I: PROJECTION OF ENERGY SOURCES AS PER THE NATIONAL ELECTRICITY PLAN, 2018. FY STANDS FOR INDIAN FINANCIAL YEAR.

SOURCE: SHAH, KASHISH AND BUCKLEY, TIM. "IEEFA INDIA: NEW NATIONAL ELECTRICITY PLAN REINFORCES INTENT TOWARD 275 GIGAWATTS OF RENEWABLES-GENERATED ELECTRICITY BY 2027".

However, studies released by non-governmental research institutions have contrasting predictions for the consumption of coal for power generation in the future and coal remains the dominant fuel for production of energy in India, although its share in the energy mix declines each year. Based on the projections (See Figure 2) by Brookings India, coal is likely to be the main source for energy production in the Indian electricity sector until at least 2030 . In fact, the Union Minister for Coal and Mines recently confirmed India plans to stop imports of foreign coal in Financial Year 2023-24, instead achieving 1 billion tonnes of local coal production . This indicates the possibility that the 2018 Plan may have been a bit too ambitious and shows that the Brookings prediction might be more realistic. The GOI's 2018 plan seem to overestimate the decrease in dependency on coal for energy production in the next 10 years. Although renewable energy supply is increasing due to vibrant renewable energy industry and a competitive market, it still will not be enough to compete against coal-based power plants in the future as near as 2030 due to a host of challenges.

Given the magnitude of increase in Indian electricity consumption, India needs both renewable energy and coal-based energy sources to meet its growing demand. According to the International Energy Agency (IEA) report , India's energy consumption has more than doubled in the last two decades. With the Modi government placing a priority in increasing access to electricity demand following its election promise in 2014, the Indian government has been striving to provide access to electricity to every village in the country, which it announced that it had achieved in 2018 . This means that at least 10 percent of homes in every Indian village have access to electricity and three-fourths of this demand is met by coal fired thermal power plants.
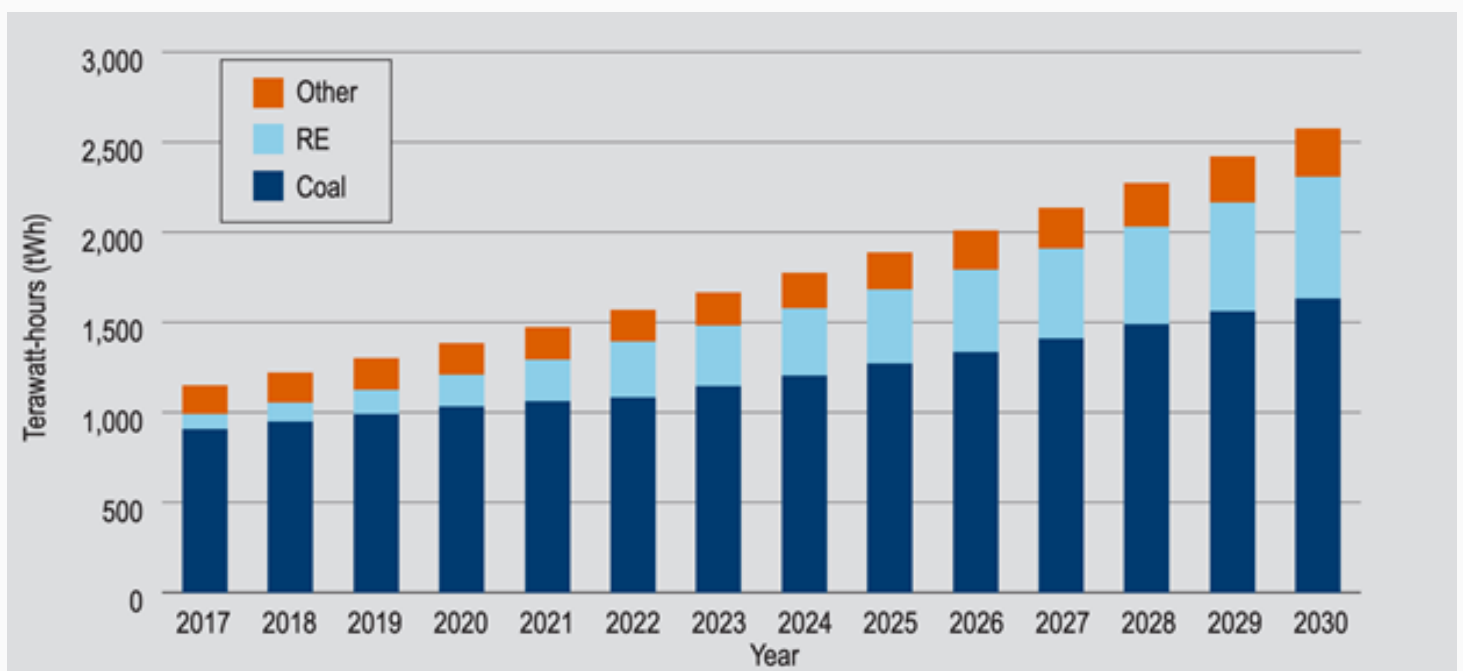
FIGURE 2: PROJECTION OF GENERATION OF ELECTRICITY IN INDIA THROUGH COAL, RENEWABLE (RE) AND OTHER ENERGY SOURCES. 2017 DATA IS BASED ON ACTUAL GENERATION DATA. ADAPTED FROM BROOKINGS INDIA MODELLING FOR INDIA'S RE MEETING 2022 TARGET OF 175 GW AND 350 GW BY 2030.

SOURCE: TONGIA R AND GROSS S. "WORKING TO TURN AMBITION INTO REALITY: THE POLITICS AND ECONOMICS OF INDIA'S TURN TO RENEWABLE POWER", BROOKINGS INDIA. 2019

India is witnessing a rapid progress in electrification and as of January 2019, only 600,000 houses in India are estimated to require electrification. The rapid increase in sufficiency of power may signal progress for India, though providing better quality of electricity is an area India still heavily lags in.

Due to this, transitioning into renewable energy sources for power plants will require some time. It is more feasible to meet the growing electricity demand using both coal and renewable energy during the long transition period from coal-based energy production to completely renewable source of energy production. In order to meet the promise of bringing power to 1.2 billion people in India using renewable energy sources, the current administration must find an alternative clean energy source for electricity generation if complete decarbonization of power plants is to happen.

Indian coal contains low ash level but is high in sulfur content which contributes to coarse particulate matter (PM) emissions in regions around coal fired thermal power plants. Coal based power plants, which produce three quarters of India's electricity, is responsible for about 80% of industrial emissions of sulfur and NOX gases. Combustion of coal by thermal power plants for generation of electricity has contributed to atmospheric emissions leading to hazardous air pollution in and around the areas they are situated in. Coal based thermal power plants in New Delhi are estimated to contribute about 35% of PM2.5 during winter and about 41% during the summer. PM2.5 is considered to be a major source of air pollution, especially in North India . PM2.5 is found in the air mostly due to SO2 and NOX emissions from coal burning thermal power plants. These pollutants are also responsible for the toxic haze covering New Delhi and other North Indian states. Between 2011 to 2012, the Central Electricity Authority (CEA) stated that there were 111 coal fired thermal power plants in India and the emissions analysis showed that PM2.5 pollutants, emitted by these plants, caused more than 20 million cases of asthma and estimated around 80000- 115,000 premature deaths in the country.

The low-grade coal used in power plants has about 30-45% ash content and it creates large amount of fly-ash, which when dumped is poorly managed and disproportionately affects the health of low-income residents whose homes are mostly situated around economically disadvantaged areas attractive for disposal. Fly ash ponds are usually land fillings close to thermal power plants situated mostly on the outskirts of cities and lower-income families who commute to the city for daily work can only afford housing around such areas. It is important to note that fly-ash is one of the easier pollutants, with a specific source that can be effectively handled with proper mechanisms for regulations. In fact, it has a lot of further uses and they should be kept in mind when regulating the disposal of fly ash. Cement industry uses fly ash as a pozzolanic material in the manufacturing of Pozzolana cement. Fly ash can also be used as a substitute for soil when reclaiming low-lying areas. The presence of micronutrients in fly ash also makes it feasible for use as manure.

The Ministry of Environment, Forest and Climate Change issued a notification on December 2015, setting new norms for coal-based power plants by capping emissions standards for PM10, SO2 and NOx gases . The Ministry gave these plants two years to retrofit facilities. However, following an extensive lobbying by the Association of Power Producers and a petition filed in the Supreme Court, the December 2017 deadline was extended in order to retrofit new technologies: electrostatic precipitators to curb particulate matter, flue gas desulphurization (FGD) to minimize SO2 and mercury, and selective catalytic converters and selective non-catalytic converters to reduce NOx.

The MoEFCC's revised standards is based on the recommendations of the Central Pollution Control Board and it contains a phased plan for power plants to comply to the new norms (See figure 3). The Central Pollution Control Board (CPCB) extended the 2017 deadline for two years. However, several reports based on letters to the Indian government show that these power plants flouted the new standards and missed the deadline to cut emissions levels across the country . In the Delhi-NCR, only 2 of the total 33 coal fired units have installed FGD units as of late December 2019.

In June 2020, the Supreme Court of India rejected another request by power producers to extend the blanket deadline to retrofit equipment to curb emissions. However, on 1st April 2021, following suggestions from the Ministry of Power, the MoEFCC issued a new order where power plants will be classified into categories with different time limits for compliance. The new extensions on the deadlines are varied depending on severity of pollution across regions.

Cost of retrofitting and installation of new technologies are estimated to cost US $38 billion and electricity would become costlier, according to Association of Power Producers (APP) . They also anticipated that new technology installation would lead to an increase in production and in turn, would lead to increase tariffs ranging from about 0.50 Indian rupees ($0.0078) to 1.25 rupees ($0.0195) per unit.
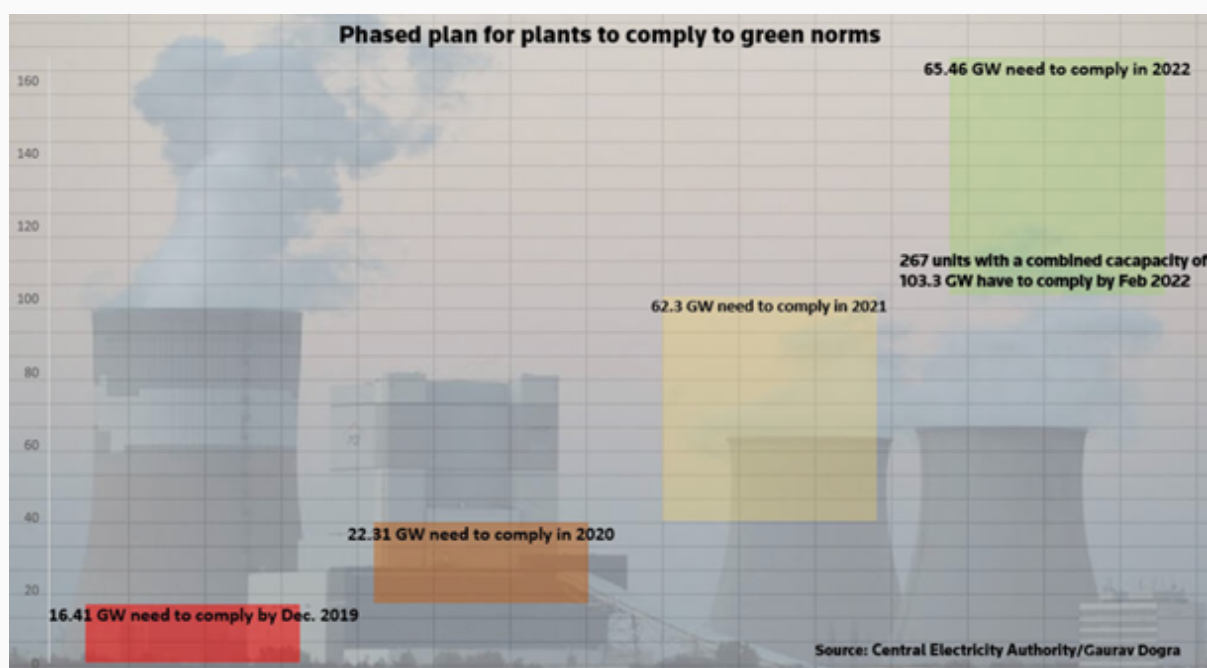
FIGURE 3: PHASED PLANS FOR COAL BASED THERMAL POWER PLANTS IN INDIA TO COMPLY TO THE NEW 2015 NORMS

Power plant companies also expect funding from the government to buy requisite equipment and for installation costs to deter increase in tariffs which they predict will have severe financial implications on DISCOMS and also create a collateral impact on the lenders. However, a 2016 study by the Centre for Science and Environment deferred by stating that total costs of installation of new technology would lead to an increase in less than 3% annually in power tariffs for the following three years.

Also, the 2015 MoEFCC notification does not include how to address issues arising out of fly ash content such as air pollution for residents around ash dumps. Although the GOI started an initiative called the Fly Ash Mission in 1994, which promotes a 100% utilization of fly ash, lack of proper transportation of fly ash has led to long duration of fly ash in open dumps, giving it enough time to become airborne as the temperature rises and affecting the health of residents nearby. The first notification issued jointly by Ministry of Power, MoEFCC, and Department of Science and Technology, called for 2007 as the deadline for 100% utilization of fly ash but only 50.86% was utilized by the end of 2007. Based on the latest 2016 amendment to this project, every agency engaged in construction was supposed to use fly ash-based products for construction but due to limitation in transportation, it has never been fully utilized.

Policy Recommendations

- Given the lack of coordination among key government agencies and the lack of clarity on the bigger and unified goal of achieving lesser emissions through installations of emissions control equipment, India needs to have a multi-stakeholder discussion. The discussion must lead to an agreed roadmap and realistic timeframe and a commitment by all Union Ministries involved to meet the new standards. Non-compliance, after agreed roadmap, should result in a hefty penalty or shut down.

- The MoEFCC needs to set a hard deadline for each State to meet the new emissions standards. The Northern states have varying contributions to air pollution depending on the amount of emissions by coal plants, each state and city should be required to set targets for their respective states and cities. Each State Pollution Control Boards must report to the Central Pollution Control Board before the multi-stakeholder meeting to accurately determine the timeframe required for each States and set the timeline on a stone. The CEA recommended that plants that cannot accommodate the retrofitting be closed. Retrofitting is too expensive for most old plants and they reported not having enough space to fit in new equipment due to the design of the plant. For such plants, it would be better off shutting down than meeting the new standards. Most of these old plants are under State control so each respective State Pollution Control Boards will have to negotiate with their respective state governments in shutting down these plants. However, there is no legal requirement for these States to shut down old plants that cannot accommodate retrofitting of new equipment and the current phased plan/standards have weaker requirements than the new plants. Therefore, if negotiation fails, compliance of the new agreed standards must be ensured by the State Pollution Control Boards.

- Each State Pollution Control Boards must be required to submit a monthly report to the Central Pollution Control Board describing how each State is faring in regard to compliance with the new emissions standards as agreed in the multi-stakeholder meeting. Non-compliance should result in an issuance of a warning slip to the companies in the States that fail comply. Multiple strikes should require drastic measures and the State Pollution Control Boards levy hefty fines or order their shut down.

- The Central Pollution Control Boards should require each State Pollution Control Boards with a comprehensive plan on how each State Government plans to meet the new emissions standards in their respective required timelines. This new plan must be submitted to the MoEFCC before the multi-stakeholder meeting.

- In order to ensure compliance with the new emissions standards, India needs to accelerate continuous emissions monitoring systems (CEMS) deployment. CEMS is a real-time air quality monitoring system and it allows the operator to take mitigation measures on time and assists in process optimization by providing accurate and credible real time data. The Central Pollution Control Board must issue directions to State Pollution Control Boards and Pollution Control Committees to mandate installation of CEMS near industries. Since compliance is contingent upon monitoring and enforcement, proper manpower is required for physical inspection of CEMS in statutory pollution control boards.

- There is a need to increase air quality monitoring sites not just in major cities but outside big cities too. Real time data must also be made public and not just available to concerned authorities at the Pollution Control Board. India's Air Quality Index sensors are mostly found in urban areas but as we mentioned above, there are Northern Indian towns where coal based thermal power plants are found so this emphasizes the need to install proper and more monitoring systems covering rural areas too. This will also allow the Pollution Control Board to accurately estimate pollution patterns by developing full source data.

Ultimately, India is on the right track to meet its committed target of 450 GW of renewable energy capacity by 2022. But that is not enough to fight the imminent issue of air pollution affecting not just the Northern states but the 1.2 billion people in the country. Although Northern India's air pollution is noted to have various sources, coal-based power plants are measurable and specific sources with only a few hundreds of them to deal with. This makes them an easier target to act upon, compared to other sources of pollution like crop burning and vehicles. Therefore, it is in the best interest of the various Indian Government Ministries to have a unified goal of lessening air pollutants by aggressively regulating and monitoring emissions from coal based thermal power plants. If all the relevant Central Ministries could prioritize this goal above all else and agree on a roadmap with a strict timeline that they could all get behind, that would solve majority of the issues with regulation. Once the Government of India gets out of its own way, regulating emissions from coal based thermal power plants and implementation of regulation standards should be an easy target to achieve.

LETTER FROM THE EDITORS

By Alex Wyckoff and Mikenna Montgomery

We began this project during summer 2020 in the wake of an unprecedented pandemic and months of civil unrest. We were merely two academic quarters into our graduate program and had only just begun to lead the Journal of International Policy Solutions at UC San Diego, and suddenly everything was put into lockdown and our education became an online experience.

In the midst of this chaos we noticed that many of the people in our lives had question after question about the pandemic, the upcoming U.S. elections, the state of affairs around the world, the Black Lives Matter protests, and many more topics. We realized that while it was a confusing time for us, it was all the more so for anyone that does not study policy and politics for a living as we do. We also realized that as editors for this esteemed publication, we had an opportunity that many others do not.

Our hope as the editors was to expand the audience of JIPS beyond academia, to folks who might not have the same opportunities and time to learn about these topics as we do. So we devoted the year to that end, to creating more accessible information. Thus in lieu of our regular academic journal, produced once a year, we decided to produce this magazine - a magazine with less abstract graphs and more creative content. The topics discussed are still complex in nature but are devoid of much of the academic jargon one might normally find in our work.

We recognize that it is impossible within the scope of a single magazine or even a single year of work to dispel all misconceptions or inform on all topics. Nevertheless it is our duty as editors for JIPS to provide transparent and informative content to the best of our ability.

We'd like to thank all of our tremendous writers for the blood, sweat, and time they sank into this project. Amid a year of setbacks, tension, and seemingly endless chaos and stress, it is the passion and enthusiasm of all of these hard working individuals that kept all of this going. We hope you have enjoyed reading their work and that you will renew your interest by reading next year's content as well.

If you enjoyed this publication and would like more of our content, visit our website at JIPSBlog.com and check out our podcast, RealTalk, on Spotify. We appreciate the time you took reading, and hope you will check out next year's edition as well.

Sincerely,
The Editors at JIPS