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Resolving Jurisdictional Conflicts

Parental Rules in Middle Childhood

Highlights

Parental Rules in Middle Childhood

Social Housing Complex of Ciudad Verde

Discovering Thoughts, Inventing Future

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An Accessibility Limbo: Learning from Formal-Informal Practices in the Social Housing Complex of Ciudad Verde, Soacha

By Natalia Meléndez Fuentes

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Abstract: In Latin America, accessibility is increasingly becoming a priority in urban planning. Yet, looking closer and multidimensionally, its application tends to perpetuate socio-economic-spatial imbalances and segregation in the region by concentrating in few cities only. In addition, accessibility research and literature at the global scale usually over-focus on spatial and statistical analysis to the disregard of the concept's social and intangible dimensions—as is digital accessibility. Through the case study of the social housing complex of Ciudad Verde, Soacha—to the southeast of Bogotá, Colombia—, I contribute qualitative depth to the 'accessibility' concept by looking at it through its intersection with sustainability and the 'formality-informality' continuum (Lévy, 2020). Within the framework of a larger research project on urban sustainability in Ciudad Verde (which conducted focal group interviews and map-based surveys), I also place due attention on digital accessibility through Facebook. I recognize the platform as an accessibility tool for residents and use it as a research methodology. This diverse range of evidence revealed limbic elements hindering accessibility in Ciudad Verde. By using the resulting accessibility limbo as an analytical lens, this dissertation extracts lessons on how the Colombian complex can unleash its accessibility and sustainability. I argue that local (in) formal practices of access hold the clues for this; since they point at the missing pieces from a multi-scalar and multidimensional standpoint.

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An Accessibility Limbo: Learning from Formal-Informal Practices in the Social Housing Complex of Ciudad Verde, Soacha

Natalia Meléndez Fuentes

Abstract: In Latin America, accessibility is increasingly becoming a priority in urban planning. Yet, looking closer and multidimensionally, its application tends to perpetuate socio-economic-spatial imbalances and segregation in the region by concentrating in few cities only. In addition, accessibility research and literature at the global scale usually over-focus on spatial and statistical analysis to the disregard of the concept's social and intangible dimensions—as is digital accessibility. Through the case study of the social housing complex of Ciudad Verde, Soacha—to the southeast of Bogotá, Colombia—, I contribute qualitative depth to the 'accessibility' concept by looking at it through its intersection with sustainability and the 'formality-informality' continuum (Lévy, 2020). Within the framework of a larger research project on urban sustainability in Ciudad Verde (which conducted focal group interviews and map-based surveys), I also place due attention on digital accessibility through Facebook. I recognize the platform as an accessibility tool for residents and use it as a research methodology. This diverse range of evidence revealed limbic elements hindering accessibility in Ciudad Verde. By using the resulting accessibility limbo as an analytical lens, this dissertation extracts lessons on how the Colombian complex can unleash its accessibility and sustainability. I argue that local (in) formal practices of access hold the clues for this; since they point at the missing pieces from a multi-scalar and multidimensional standpoint.

Resumen: En América Latina, la accesibilidad está tornándose una prioridad en la planificación urbana. Sin embargo, si se mira de cerca y de forma multidimensional, al concentrarse en tan solo algunas ciudades su aplicación tiende a perpetuar desajustes y segregación socio-económica-espacial en la región. A su vez, las investigaciones y la literatura sobre accesibilidad a escala global normalmente se centran excesivamente en análisis espaciales y estadísticos, a expensas de las dimensiones sociales e intangibles del concepto — como lo es la accesibilidad digital—. A través del caso de estudio del complejo de vivienda social de Ciudad Verde, Soacha — al sudeste de Bogotá, Colombia—, aspiro a contribuir profundidad cualitativa al concepto de 'accesibilidad' al analizarlo a través de su intersección con la sostenibilidad y el 'continuo de formalidad-informalidad' (Lévy, 2020). Dentro del marco de un proyecto de investigación de mayor envergadura sobre sostenibilidad urbana en Ciudad Verde (que condujo entrevistas de grupos focales y encuestas de base cartográfica), también adjudico la importancia debida a la accesibilidad digital mediante el uso de Facebook. Reconozco la plataforma como una herramienta de accesibilidad para los residentes y también la aplico como metodología de investigación. Este diverso abanico de evidencia reveló elementos límbicos que obstaculizan la accesibilidad en Ciudad Verde. Mediante el uso de este limbo de accesibilidad como enfoque analítico, esta disertación extrae lecciones sobre cómo el complejo de vivienda social colombiano puede desencadenar su accesibilidad y sostenibilidad. Argumento que las prácticas locales de acceso, tanto formales como informales, contienen las claves para esto, ya que señalan a las piezas faltantes desde una perspectiva multi-escalar y multidimensional.

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I. Introduction

An emerging priority in urban planning (Martens, 2017), accessibility is the interaction between land use, transportation and communications systems, individual and household characteristics and the temporality of services and opportunities (Geurs & van Wee, 2004; Oviedo *et al*., 2020). Access to these can be granted or acquired by one's own means—with formality and informality working in a 'continuum' (Lévy, 2020) that enables such access. In turn, this continuum reproduces layers that can either be sustainable or not. Correlated with accessibility and (in) formality, sustainability is a social process that yields synergies between communities and their supporting ecosystems (James *et al*., 2013). Therewith, this dissertation tackles the intersection among accessibility, (in) formality and sustainability because, for formal-informal accessibility practices to be sustainable, their designs and operation mechanisms must engender a symbiosis among residents, livelihoods, and ecosystems.

Within this framework, social housing stands out for its transitory nature: into formal tenure, homeownership, different living typologies or an allegedly better life. Yet, when detached, disconnected, and underserved, these complexes can constitute accessibility limbos that frustrate this transition—fixating a deficient accessibility. Against this backdrop, my focus is Colombia's first-generation Macro-project of Social Housing (MISN) of Ciudad Verde (CiV), Soacha—to the southeast of Bogotá. By exploring CiV's accessibility practices along the formality-informality continuum (Lévy, 2020), this article aims to extract lessons on how to circumvent accessibility impasses and create more sustainable social housing.

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To offer a larger-scale background, Latin America's unequal distribution of inhabitants, opportunities and transportation (Vecchio *et al*., 2020) has yielded embedded inequalities, exclusionary mechanisms and threatened ecosystems. Nonetheless, in recent decades, mobility, and accessibility projects to tackle socio-spatial imbalances have increased. The progress achieved notwithstanding, this concentrates in few metropolises—perpetuating socio-economic-spatial inequalities and segregation in the subcontinent (*Ibid*.).

Moving on, research on accessibility—in LatAm and globally—tends to overrely on spatial and statistical analysis (Pérez *et al*., 2017; Oviedo & Titheridge, 2016), oftentimes at the expense of social and less-tangible nuances. This over-focus usually omits or treats as secondary the more qualitative accessibility strategies—as those recorded by Oviedo & Titheridge (2016) and Vecchio (2020). Along their work-lines and without disregarding space and statistics, I contribute qualitative depth to the concept of 'accessibility'—reclaimed by Lucas (2013), Lévy (2013) and Lucas & Uteng (2018). Furthermore, this dissertation also gives due importance to digital accessibility—significantly underexplored in the accessibility literature (Tranos *et al.*, 2013). In the 21st century and particularly in the physically-distant 2020, digital accessibility is essential for urban living and remote analysis—field research ruled out. With this, I apply an innovative information source and method for urban accessibility analysis: Facebook. An accessibility tool of Citoverdinos, the platform also lends itself as an invaluable research method (*Section 5*).

For its part, my context of study, Bogotá's unofficial Metropolitan Region (BMR), is not alien to regional accessibility trends. Since the 2000s, strong mobility and accessibility investments have been consecrated to improve the 8-million-inhabitants megacity. Nonetheless, these efforts were confronted by long-encroached urban trajectories (Lévy *et al*. 2017): exclusionary growth, privatization and metropolization. Sequentially, heavily dependent on the capital, adjacent Soacha was particularly affected by these. A national favorite for social housing, Soacha juggles with insufficient resources, exorbitant population growth, scarce opportunities, predominant informality, deficient connectivity, mobility and accessibility systems and a precious, yet threatened ecosystem.

Zooming in, CiV is set within these urban trajectories, perpetuating unsustainable tendencies that prejudice life quality, systematically disregard people's needs, and overload ecosystems. With over 200,000 residents (Acosta & Henao, 2011), CiV was planned as a city within a city. However, its unidimensionality hindered its accessibility (Escallón, 2011). CiV's untapped potential bred a rare urban ecosystem engulfed by an accessibility limbo in which residents' agency over the formality-informality continuum—*i.e.,* maneuvering over deficient access—is significantly undermined as against Soacha and other metropolitan municipalities. Pondering over how to unlock this limbo, this work argues that local (in)formal practices of access hold the clues for CiV's sustainability.

Departing from the above, this dissertation is organized as follows. The literature review (*Section 2*) discusses accessibility—including digital—, (in)formality and sustainability, framed within LatAm and Bogotá. Next, *Section 3* introduces CiV's limbo, locating it within metropolitan urban trajectories. After that follows the accessibility limbo as an analytical lens for more sustainable social housing (*Section 4*). Then, *Section 5* elaborates on the process followed to achieve my research objectives. Later, *Sections 6* and *7* elaborate on the specific and general lessons of the accessibility limbo, examining limbic elements and strategies to navigate these. Finally, *Section 8* culminates by stating practical and academic implications, limitations, and further research pathways.

II. Literature Review

a) *An intersection: accessibility, sustainability and (in) formality*

Scholars James *et al*. (2013) argue that the dimensions of sustainability—*i.e.*, ecological, economic, political and cultural—are all dependent upon a coalescence between the social and the natural. They argue that these dimensions are as-a-matter-of-fact social; with ecological sustainability understood as humans' integration in the environment. The understanding of sustainability as a social rather than a technocratic or economic issue (*Ibid*.) dissolves the tensions and contradictions arising across sustainability discourses—which often disguise neoliberalist logics (Flint & Raco, 2012; Bramley *et al*.: 2006; Burton, 2003; Polese & Stren, 2000). Rather, this social approach aligns the ecology with the economy, alongside cultural and political aspects. This enables a refined urban analysis that reciprocates the complexities thereof.

For its part, sustainability and accessibility are explicitly linked through the distribution *vs.* accumulation debate. Sustainability cannot coexist with the inequality excess that results from lacking access. Framed by scarcity laws and the needed nature-human balance; sustainability requires a careful consideration of resources distribution (James *et al.*, 2013). Current global levels of inequality come hand-in-hand with violence, mental and physical health repercussions and inefficient uses of environmental resources. Moreover, intersectional inequalities—across genders, ethnicities, and religions—frame unfair institutions, livelihood modes and results. Additionally, global imbalances impact citizens' opportunities, national action scopes, and international socio-environmental patterns (Pelletier, 2010; Holland *et al*., 2009; Boyce, 2008; Anand & Sen, 2000).

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This is how accessibility comes in. The ability to overcome space and get to a destination easily (Lévy *et al.*, 2017), accessibility also encompasses the capacity to fulfill one's own needs and aspirations through the inhabited environment. Thus, it relates to capabilities and equity (Oviedo & Guzmán, 2020). Matching sustainability's multidimensionality, accessibility operates at four interconnected scales (Oviedo *et al*., 2020). First, its macro scale entails land-use structures: locations, features and reproduction of demand and opportunities. The city and meso scale comprise transportation and communications: passenger and freight, travel demand by mode, digital connectivity, and locations, characteristics and reproduction of infrastructure and services. The micro scale covers individual and household characteristics: social position and reproduction of relations of class, gender, age, ethnicity, (dis)abilities, transportation mode selection, household composition, disposable household income and tenure security. Finally, services opening hours and available time for activities by identity markers and gender labor distribution belong to the temporal scale (*Ibid.*). A synergy between these four scales unequivocally leads to more sustainable urbanities.

This scalar nature elucidates that deficient accessibility translates into spatial, socio-political, economic (Heinrichs & Bernet, 2014) and psycho-emotional segregation. Against this, land use, activity clusters and access obstacles—*i.e.,* affordability, gender discrimination, disability, or age—should be targeted (Dávila, 2014). Aligned with sustainability, accessibility needs to address the roots of inequity and segregation. Thereby, sustainability and accessibility are correlated; affecting each other at each accessibility scale and sustainability dimension. That stated, there are many difficulties in devising reliable indicators to measure both concepts' contributions to cities (Miller, 2018).

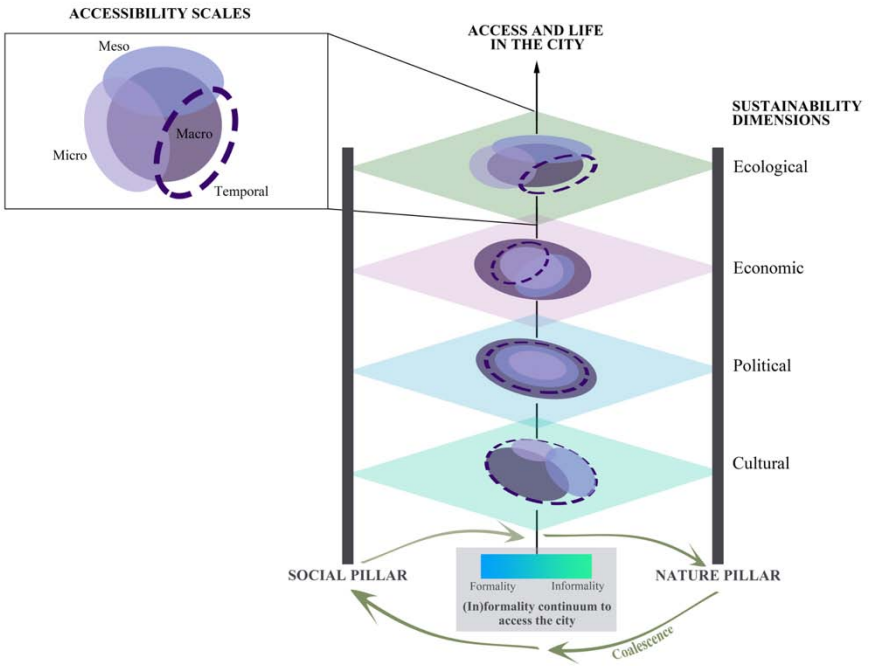
Nonetheless, the sustainability-accessibility correlation cannot be understood without accounting for (in)formality. Contained in one another (Tonkiss, 2013), formality and informality are intrinsically related to accessibility. To be comprehended, they should be analyzed in a continuum in which access to the city is granted or acquired by one's own means (Lévy, 2020). This continuum relates to the accessibility-sustainability correlation by pointing to systemic cracks and filling through them to render access—for there is no such thing as sustainable inaccessibility (James *et al*., 2013).

Additionally, a holistic outlook of sustainability enables it to transcend 'formal' legalizations, certifications and labelling as sustainability hoaxes. For formality withholds informal sustainabilities that simply cannot compete with formality's high verification costs (Vorley, 2017). Informality is usually condemned as inefficient, unsafe, tax-avoiding—and it can be so. Yet, oftentimes, it also offers accessibility and sustainability opportunities obscured by formality (*Ibid*.).

What is more, informality can contribute to inequality reduction, keeping many out of extreme poverty (Rogan & Cichello 2017). Insomuch as it fosters a mixed-use urban composition and accessibility through vicinity or networks, informality may also support sustainable urbanities. Regarding ecological sustainability, the (low-income) informal economy's footprints tend to be smaller than formality's: less electricity, packaging, and vehicular transportation to save on costs; in turn, reducing waste. Moreover, waste pickers and recyclers reuse and decrease greenhouse gas emissions (Chen, 2017). Yet, clouded by formality, informal sustainabilities tend to be disregarded. Thereby, the multi-scalarity and -dimensionality offered by the intersection between sustainability and accessibility, might be crucial to analyze the formality-informality continuum and learn from it—transcending the usual silos-based approach to (in)formality (Figure 1).

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Figure 1: Intersection among Accessibility, Sustainability and Formality-Informality



Source: Own elaboration.

b) Placing due importance on digital accessibility

Within the accessibility literature, only a few authors have addressed the digital realm (Tranos *et al.*, 2013). Outside digitally-developed countries, the disregard for digital accessibility is further exacerbated (Nagelhus, 2018). However, as opportunities and services, ICTs and the Internet are not evenly distributed among populations nor across space (Malecki & Moriset, 2008). Ours an increasingly digitalized world, this poses additional barriers to accessing city—all the more in a rapidly digitalizing, physically-distancing planet. Paradigmatic exceptions to this gap are found in Janelle & Hodge (1998), Wheeler & O'Kelly (1999)—who studied the early cyberspatial implications for accessibility—, and van Wee *et al.* (2012)—who revendicated the digital realm to strengthen accessibility. In 2000, Couclelis & Getis argued that the radical technological and societal changes brought by ICTs required a reconceptualization of urban accessibility at all scales.

Therewith, digital accessibility considerably matters when it comes to urban contexts and, especially, megacities. According to the literature, the digital world can reduce spatial frictions and distance costs (Cohen-Blankshtain & Nijkamp, 2004), optimize transportation (Sumalee & Ho, 2018), assist travel impendance (Dijst, 2004), reduce energy requirements for commutes (Noussan & Tagliapietra, 2020), benefit the environment through zero-emissions accessibility (van Wee *et al.*, 2012), increase supply efficiency to repurpose road space (Fernández-Redondo, 2016), among others.

Along this line, this dissertation places due importance on digital accessibility by using Facebook as a research methodology. In general terms, a careful literature review reveals that Facebook has been used to analyze participant retention in longitudinal research (Mychasiuk & Benzies, 2011), political engagement (Mallén, 2013; Tufekci & Wilson, 2012), access to education (Ciuffoli & López, 2010), to e-diasporas (Diminescu, 2012), and how the elderly and people with disabilities could better access the city (Rodríguez-Porrero & Gil-González, 2014). In LatAm, Facebook has been applied to research migrants' integration (Melella, 2016); access to environmental education (Badillo, 2017) and to culture (Laudano, 2016).

Yet, previous use of Facebook as a research method for the specific area of urban accessibility was not found, which constitutes a novelty of this work and a solid starting point for further research. The platform offers a lens into what scholars Tranos *et al*. (2013: 59) designate: "the accessibility of places from a digital perspective". Not only does Facebook lower the transaction costs of trading information and ideas (Cieślik & Kaniewska, 2004), but it also stands as an accessibility strategy to circumvent multidimensional lack of access (*Section 6*).

c) Accessibility in Latin America and Bogotá

Latin America the world's most unequal region; its disparities are marked by socioeconomic status,

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gender, ethnicity, age, and rural-urban gaps. These are owed to structural imbalances resulting from the uneven distribution of inhabitants, opportunities, and transportation systems (Vecchio *et al*., 2020). Despite advances since 2000 (Székely & Mendoza, 2015), there are deep-seated forms of inequality and exclusion, particularly related to mobility and accessibility (Deneulin & Sánchez-Ancochea, 2018).

In this context, mobility projects and research have recently been applying accessibility to tackle socio-spatial shortcomings and disparities (Vecchio *et al.*, 2020). These are consolidating LatAm as a blueprint for inequality-reduction (*Ibid.*). Relevant examples are the public transportation initiatives of Medellín (Dávila & Lévy, 2017; Brand & Dávila, 2011), Bogotá (Guzmán *et al.*, 2017; Rodríguez *et al.*, 2017), Santiago de Chile (Vecchio, 2017), Curitiba (Boisjoly, 2020) and Buenos Aires (Pucci *et al.*, 2019)—though inequality-reduction outcomes have been ambiguous (Vecchio *et al*., 2020). In fact, entire territories of the subcontinent are not object of accessibility-based research and indicators to inform policies, especially small-size countries (*Ibid*.). Also, accessibility and mobility data tend to concentrate in big cities, disregarding smaller, rural, and remote areas (Keeling, 2008; Vecchio *et al.*, 2020). What is more, most policies and research operate in the 'universal accessibility' dimension, which neglects aspects related to gender, age, ethnicity and (dis)ability (*Ibid*.).

In contrast to most of LatAm, Colombian cities had scant time to balance out migration, urbanization, and growth. Other cities (*e.g*., Buenos Aires or Santiago) grew slower and had more time to address issues as they emerged. Nonetheless, since 2010, Colombian cities like Medellín (Brand & Dávila, 2011) and Manizales (Escobar-García *et al.*, 2013) have considerably invested in accessibility, which now drives many of their infrastructure projects (Gutiérrez *et al*., 2012). For its part, Bogotá's mobility investments since the 2000s were committed to address socio-spatial imbalances (Vecchio, 2017) and improve the lives of its 8 million citizens—10 million in the metropolis (UN, 2018). In fact, over time mobility has been interlinked to the capital's identity and self-vision. For instance, the recognizable red BRT-system TransMilenio has contributed an image of an innovative, regenerated Bogotá, while becoming a beacon for other global metropolises (Vecchio, 2017; Wood, 2015).

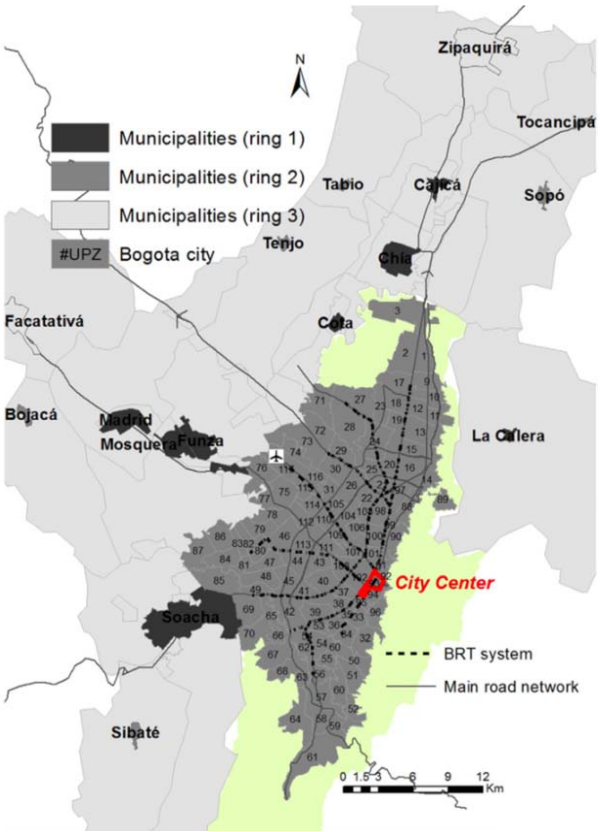
Nonetheless, Bogotá's mobility has failed to ensure accessibility for at least half of its residents (Bocarejo & Oviedo, 2012). This is all the more critical in a city with a consolidated and imbalanced distribution of inhabitants vis-à-vis opportunities: the south-southeast has the densest areas, while most opportunities concentrate in the north-centric zone (Oviedo & Guzmán, 2020). Furthermore, the political constraints precluding the officialization of the BMR entail that Bogotá continues to be planned independently from its adjacent municipalities. These are *de iure* independent, but most of them *de facto* dependent on Bogotá for operations, services, and opportunities—as is Soacha (Bocarejo & Oviedo, 2012; Vecchio, 2018).

III. Contextualizing CiV's Accessibility Limbo

a) *Soacha's accessibility disadvantage vis-à-vis the BMR's Inner Ring*

To the southeast of Bogotá and the BMR's Inner Ring (Figure 2), there is the municipality of Soacha—Colombia's eighth largest. With an official population of 634,660 (DANE, 2019), the municipal door-to-door census actually recorded over 1.3 million residents (El Espectador, 2019). The majority are low-income people coming from Bogotá after affordable housing (Maldonado, 2019). With exorbitant population growth rates, Soacha is also one of Colombia's main receptor cities of IDPs (55,000) and Venezuelan migrants (12,300) (Cortés-Ferrández, 2019). The city is further overloaded by disproportionate social housing (VIS); recently welcoming over 305,000 units (Periodismo Público, 2020).

Figure 2: The BMR's Inner Ring municipalities



Source: Guzmán et al., 2016.

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I have conceived a color-mapped accessibility comparison of the BMR's Inner Ring. With basic average calculations, Table 1 maps the municipalities highly above average (green), above average (yellow), below average (orange), and highly below average (red) for accessibility-related positive indicators (the lower the worse). Color-mapping is inversed for negative indicators (the higher the worse) (*e.g.,* unemployment rate). In contrast to the Inner Ring, Soacha is at a visible comparative disadvantage at many spheres: *e.g.,* job informality, total Unsatisfied Basic Needs (UBN), housing deficits or transportation cost to Bogotá. Soacha's comparative disadvantage illustrates the precarious accessibility context in which CiV is set.

Table 1: Sample of the color-mapped accessibility comparison between Inner Ring municipalities

	Total population	% Unem-ploy-ment	% Job in-for-ma-lity	Total UBN	Housing deficit		Ha. allocated to housing complexes		Popu-lation density (/km²)	% Houses with energy	% Houses with aqueduct	% House s with Internet	Net Primary education coverage	# Daily trips to Bogotá	Mini-mum time for car trips to Bogotá	Average daily transpor-tation expendi-ture to Bogotá (COP$)
					Qnt.	Qlt.	VIS-VIP	No VIS-VIP								
Cajicá	80,117	12.3	53.2	3.15	859	207	11.84	33.16	18,115	100	99.1	54.82	99.13	15,001-25,000	34-58 min/28 km	$4.100-$6.500
Chía	128,038	12.7	58.6	2.93	2,451	624	6.28	1067	18,717	98.8	99.4	66.52	94.44	25,001-45,000	28-42 min/22 km	$3,600-$6,100
Cota	31,102	9.3	60.5	4.02	629	195	0	95	6,884	100	91.7	65.67	254.96	25,00-145,000	32-40 min/16 km	$4,700
Funza	90,732	9.5	47.5	3.24	1,613	885	20.63	23.37	15,002	100	99.3	50.37	108.40	15,001-25,000	41-50 min/22. 6 km	$3.446
La Calera	28,225	14.4	63.9	3.08	122	136	1.7	27.3	1,008	100	99.1	61.98	131.27	5,001-15,000	38-45 min/23. 3 km	$3.500-$7.000
Madrid	109,414	12.2	73.2	3.51	1,257	1,262	0.58	20.42	10,632	100	100	54.65	98.68	15,001-25,000	54-60 min/-9.8 km	$5,900
Mos-quera	78,658	17.7	65.3	3.40	1,165	1,005	12.83	29.17	14,196	100	100	45.00	118.61	25,001-45,000	47-59 min/26. 1 km	$3.446
Soacha	634,660/1. 3 m	14.8	70.4	5.30	15,431	8,703	263.4	37.63	40,200	99.6	89.01	39.15	90.35	>251,000	60-90 min/25. 9 km	$5,000-$7,000
Bogotá D.C.	7.413 m	10.6	42	3.36	161,558	105,889	NF	NF	47,791	99.9	99.5	74.6	97.9	>521,000	N/A	N/A

Source: Own elaboration based on governmental statistics.

With insufficient public funds and predominant informality (Oviedo & Dávila, 2016), Soachans have precarious access to health, education, transportation, culture, and nearby jobs (Espinosa-González, 2014). Moreover, connections to Bogotá are limited, and overcrowded by over 251,000 daily commutes to the capital for work or day-to-day operations. The lack of efficient, affordable, and accessible mobilities, a deteriorated road network, and big commuting distances (25.9 km) further hinder these trips (García-Pulido, 2015). Therewith, Soachans are socio-economically excluded, with constrained access to cognitive, organizational, and physical skills (Oviedo & Dávila, 2016).

In parallel, national and Bogotanian imaginaries associate Soacha with poverty, bad governance, and pollution (Dávila, 2012). Nonetheless, as one of Colombia's largest industrial hubs, Soacha's vision is set to change. The city's new mayor Juan Carlos Saldarriaga aspires to increase local accessibility and decrease the excessive dependence on Bogotá. Thus, he rejected the CiV II project and its 200,000 VIS units (El Tiempo, 2020), since Soacha already lacks schools, roads, security, transportation, and other public equipment (El Tiempo, 2020). He intends for the project's 900 *fanegadas* to house an industrial corridor instead—increasing local services and jobs. Nonetheless, the environmental impact of such project, which would expand over neighboring ecosystems, should be taken into consideration (Section 6.4).

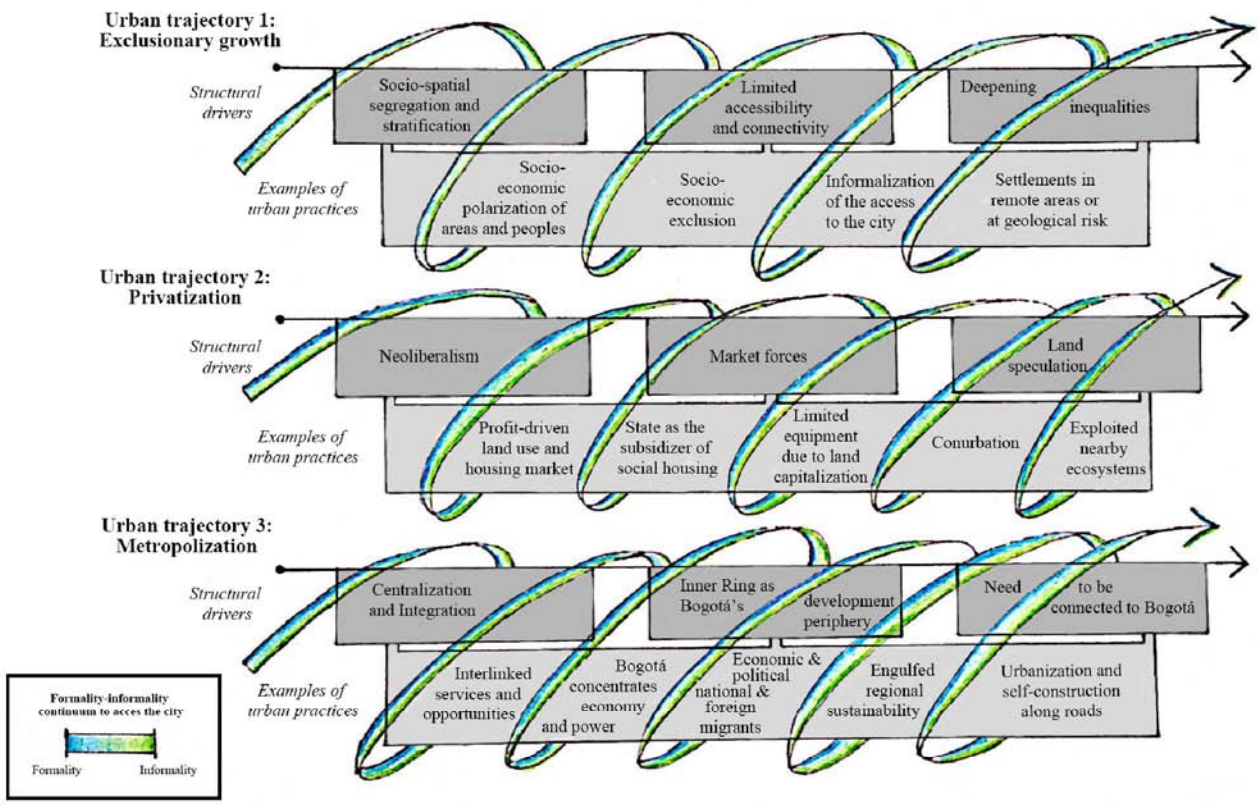
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b) The BMR's urban trajectories and their impact on CiV

Concerned with sustainability, the BMR's urban trajectories, structural drivers and urban practices should be identified (Lévy *et al.*, 2017). Moving beyond 'sustainability fixes' (*Ibid.*: 7), this will elucidate the gaps that CiV reinforces—enabling a deeper analysis of the posited accessibility limbo.

That stated, the weight of informality on Colombia's economies (33.5% GDP (≈COP$294 trillion/ USD$80.5 million) (Anif, 2017) rules out divorcing urban trajectories from the informality that significantly feeds them. With powerful vested interests, urban trajectories determine the course of cities—in the benefit or prejudice of sustainability. Yet, the informality-formality continuum carries forces that interact, influence, and morph those trajectories (Figure 3).

Figure 3: Interaction of the BMR's urban trajectories, drivers, practices and the formality-informality continuum



continuum

Source: Own elaboration.

The author identified three BMR's urban trajectories that have been taking and giving shape for decades: exclusionary growth, privatization and metropolization (Figure 3). First, the *exclusionary growth* trajectory is driven by remarkable socio-spatial segregation and exacerbated by Colombia's stratification system, which has polarized—and hierarchized—citizens and neighborhoods within collective imaginaries.

Yet, this trajectory needs to be explained together with *privatization*. Predominantly driven by market forces, Bogota's growth has engendered structural problems across the BMR (Tarchópolus & Ceballos, 2003). The city-region seems to follow an incongruous path of integration paired with exclusion and informalization (Bayat, 2004). This is further exacerbated by deepening inequalities and predatory neoliberalism—as was the privatization of social housing in the 1990s, with the State assuming a subsidizer role (Alfonso, 2019). Moreover, land speculation has reduced public space, equipment, and road networks to a minimum to derive the maximum benefit (Tarchópolus & Ceballos, 2003). Sequentially, these profit-oriented trajectories and their spill-over effect across the Inner Ring come at the cost of regional ecosystems and sustainability.

Thirdly, changes in the 1970s national economic and demographic structures affected the shape and course of Colombian cities through *metropolization*. Since then, neuralgic centers like Bogotá have gained ever-more importance by concentrating economic activities, opportunities, and people (León & Ruiz, 2016). In fact, Bogotá attracts unparalleled economic and political migrants from

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Colombia and neighboring countries (*Ibid*.). It is also the unrivalled decision-making seat of the centralized Andean nation—accumulating power. These dynamics have constituted the Inner Ring as Bogotá's 'development periphery' (Amin, 1997). In turn, dependence pushes the Inner Ring to focus on its connectivity to the capital, oftentimes at the expense of local networks and accessibility (Oviedo & Dávila, 2016).

Common to these three trajectories, since the 1940s, low-income families resorted to peri-urban self-construction to access opportunity-providing Bogotá. This was driven by profit and the need of connection to the capital—urbanization mainly happening along or near roads (Tarchópolus & Ceballos, 2003). In this manner, formal and informal housing have interacted in developing the BMR—according to the course set by urban trajectories.

Interestingly, Bogotá's and Soacha's urban trajectories are at odds with their visions. There is a tension between the metropolis' aspirations and its residents' needs. Indeed, Bogotá's self-vision as modern, democratic, and inclusive, still leaves many behind. It is only through informality that many can access the city. For its part, Soacha aspires to become a burgeoning industrial center, but its structural drivers and practices have been extreme poverty, informality, accelerated population growth and urbanization, settlements in geological-risk areas, corruption, weak governance, and tax-base, and technical-financial scarcity (Dávila, 2012).

With this, CiV operates along these three trajectories; adversely affecting its own accessibility, sustainability and (in)formality dynamics. The MISN disregarded criteria in land-use planning and harmed the territory—breaking away from its original ecological vision (Méndez *et al*., 2014). Furthermore, its neglected accessibility and unidimensional approach to housing locked residents in an accessibility limbo (Section 6). Social housing should seek to tackle the BMR's widening inequalities between socio-economic strata. Yet, by disregarding accessibility's multi-scalarity and sustainability's multidimensionality, CiV perpetuates structural conditions that determine who benefits and who bears the burden of Bogotá's urban development—with the leveraging of the formality-informality continuum eroded by CiV's design, location, and under-equipment.

c) CiV's Accessibility Limbo

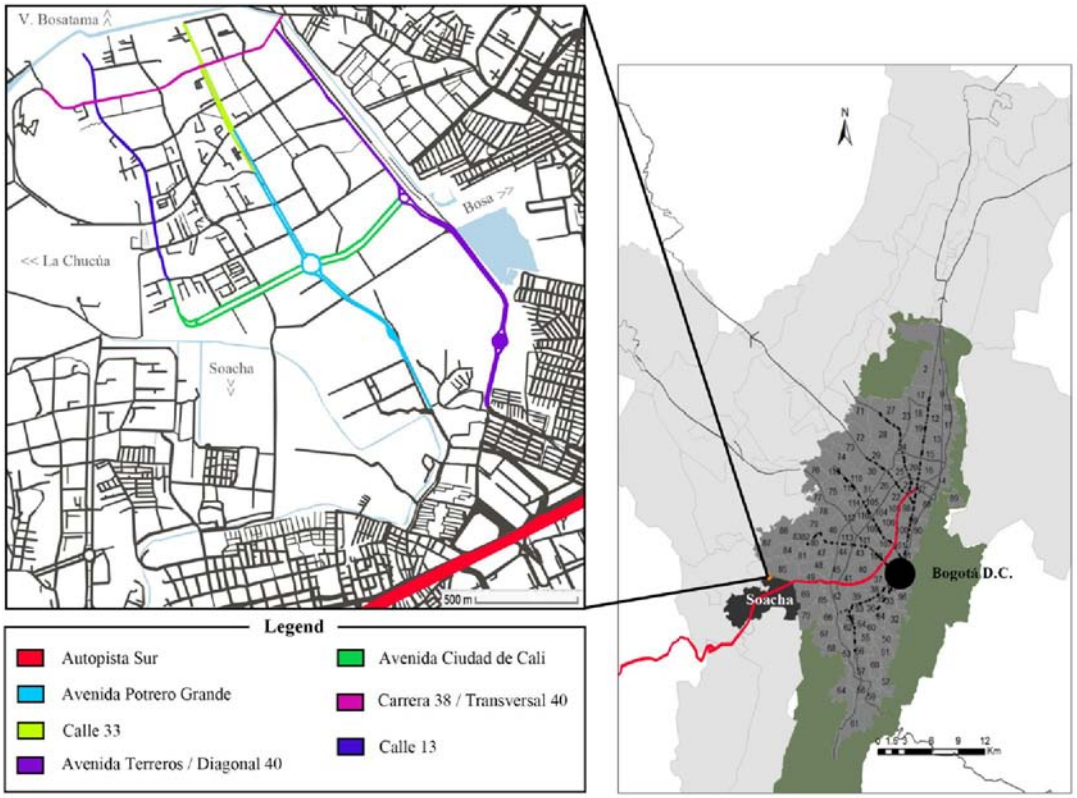
The MISNs were a national-level response to the 2008 financial recession (Alfonso, 2019) and to Colombia's target on social housing provision. They combined planning instruments, land management and financing to affect the territorial development of geostrategic areas (Law 1151, 2007). Despite a strong social policy and political momentum, the MISNs were declared unconstitutional in 2010, for they contravened municipal competences and other legal considerations (Méndez *et al*., 2014). However, due to retroactivity, unconstitutionality could not stall the already-adopted 13 MISN.

Mostly located in peripheries, first-generation MISNs are also practically disconnected from urban centers, offering monotonous, serial housing (Escallón, 2011). They share flaws regarding financing, execution, and equipment. Market-guided, the MISNs only benefit households with a minimum purchasing power—disregarding where housing deficits concentrate. This partially explains why they have only marginally affected housing deficits (*Ibid.*). A decade later, most MISNs have accelerated gentrification, migration, and conurbation, since they break many territorial logics and do not consolidate structuring complexes (Escallón, 2011). Overall, they have also negatively impacted land-use planning, promoting urban expansion beyond the carrying capacity of ecosystems (Méndez *et al.*, 2014).

For its part, the CiV MISN is in Comuna 3, northern Soacha. Adjacent to Bogotá's locality of Bosa, CiV covers a 328-hectares area between Calle 13 westwards to Terreros Avenue (including Carrera 38 into Bosa and *vereda* Bosatama), and from Ciudad de Cali Avenue northwards to Carrera 40 (Figure 4). Driven by neoliberalist logics, the Macro-project has been developed (2009-2020) by a corporate conglomeration led by the Amarilo construction company—its total cost undisclosed.

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Figure 4: CiV's location within the BMR and its main roads



Own elaboration, adapted from Guzmán et al., (2016) and Google Earth.

By law, CiV had to allocate 50% of its terrain to VIS and 25% to priority-interest housing (VIP). Instead, 65.61% of CiV is residential (c.200,000 people in 55,000 apartments in 25 compounds), yet only half are VIS or VIP (Acosta & Henao, 2011). As other MISNs, CiV minimally impacted quantitative housing deficits (*Ibid.*). The project considered Soacha's and Bogotá's total deficits (24,134 and 267,447 respectively) (Sisbén, 2015), but leaving out the lowest-income families precluded more compelling results (Escallón, 2011). For its part, CiV disregarded Soacha's significant qualitative housing deficit (8,703) and overcrowded homes (20,649) (PNUD, 2009).

Regarding urban equipment, 57 hectares have been used for public and green areas including a boardwalk network and 9-km of cycle-routes. In addition, CiV has three small shopping centers, two public schools and a private one—overall insufficient for the 30,000 people in schooling age (Pulido-García, 2015) (Figure 5). Moreover, by mid-2021, CiV will welcome a National Learning Service (SENA), which will train 122,000 apprentices/year (Alcaldía de Soacha, 2019).

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Figure 5: Land use in Ciudad Verde

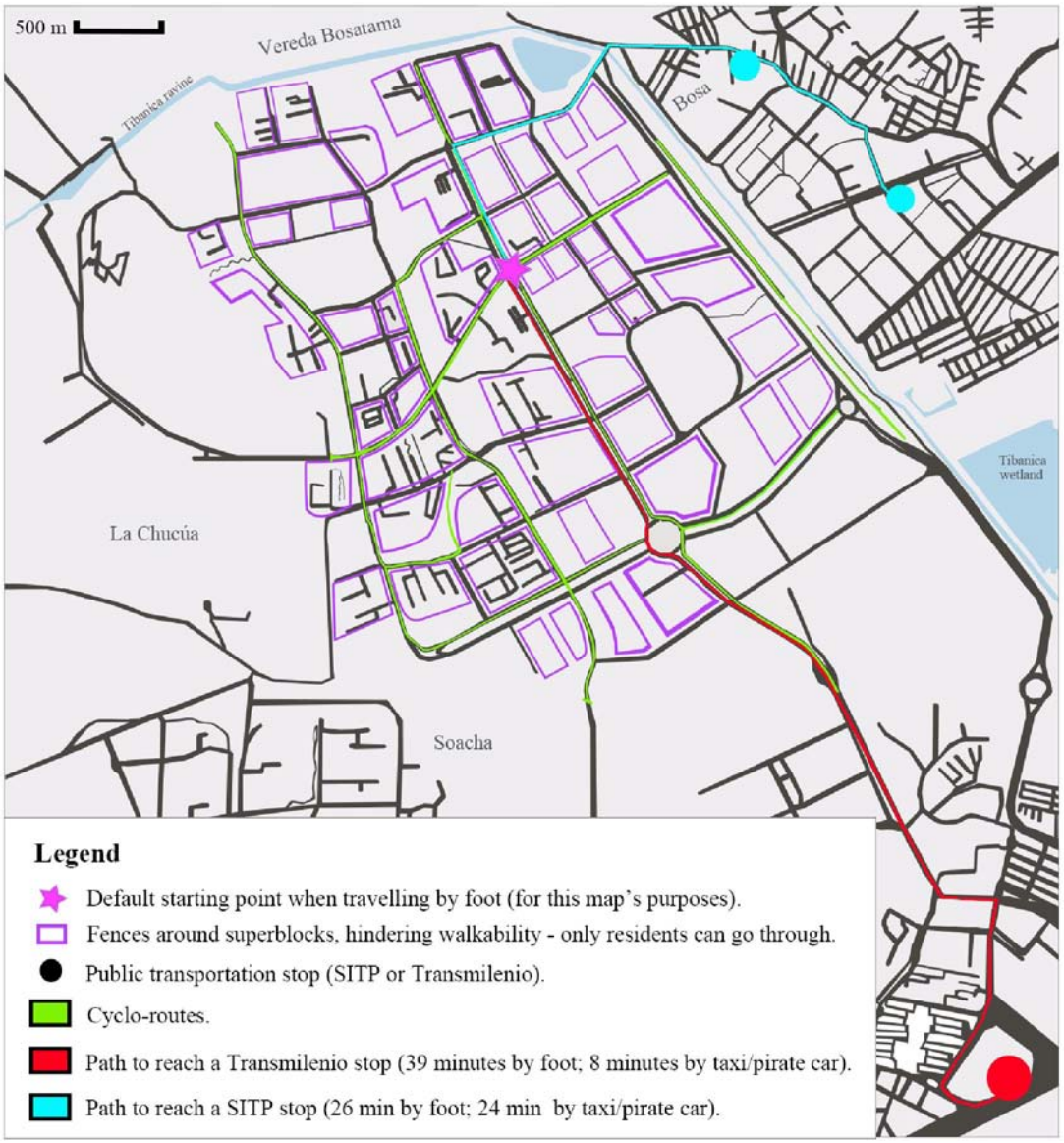


Own elaboration, based on Maptionnaire Survey (Section 5) and Google Maps.

In terms of connectivity, CiV is poorly connected to both Soacha and Bogotá. Residents need to walk over 30 minutes or take a taxi or pirate transportation to access the Transmilenio in Autopista Sur or the Integrated Public Transportation System (SITP) in Bosa (*Figure 6*). However, by 2024, the widening of both Avenida Ciudad de Cali and Terreros could welcome TransMilenio backbone services (El Espectador, 2019).

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Figure 6: Mobility in CiV



Own elaboration. Sources: Ibid.

As have other MISNs, CiV stimulated urbanization over farming and flood-prone areas, which considerably impacted the city-region's ecological structure (Méndez *et al*., 2016). Strategically located between Bogotá and Soacha, CiV was partly designed to forestall potential self-building (Espinosa González, 2014). Yet, it strengthened conurbation tendencies, setting new *de-facto* borders. Moreover, its surface area (previously rural) increased by 23.5% the urbanization of Soacha, imposing significant duties upon an already-overwhelmed municipality (Acosta & Henao, 2011).

In line with this, prior to the declaration of unconstitutionality, Amarilo and Bogotá had agreed to assume the costs of basic public services and equipment. Capitalizing on this absorption, the project became denser with housing. Despite Sentence 226 (2014) allowing to complete MISNs in-progress, the breach of municipal competences was reversed. This meant that Soacha—financially unstable—remained solely responsible for basic and urban services provision for a project of such scale (Pulido-Moreno, 2014). Delayed delivery and deficient quality and design engendered an accessibility vacuum—set by the

IV. Analytical Framework: A Multidimensional Accessibility Limbo Ensnaring CiV

This analytical basis will guide the testing of my hypothesis which sees CiV as ensnared by an accessibility limbo, to thus understand what we can learn from (in)formal practices of accessibility and unleash the sustainability potential of the MISN. In the feminist literature, 'limbo' is used to describe a fixated

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and locked situation in which a group of people wait for a better life (Conlon, 2011; Mountz, 2011). I use the term 'limbo' conscientious of its establishment of a settled relationship between fixity and motion, which lets me better observe the intersection among accessibility, (in)formality and sustainability in CiV.

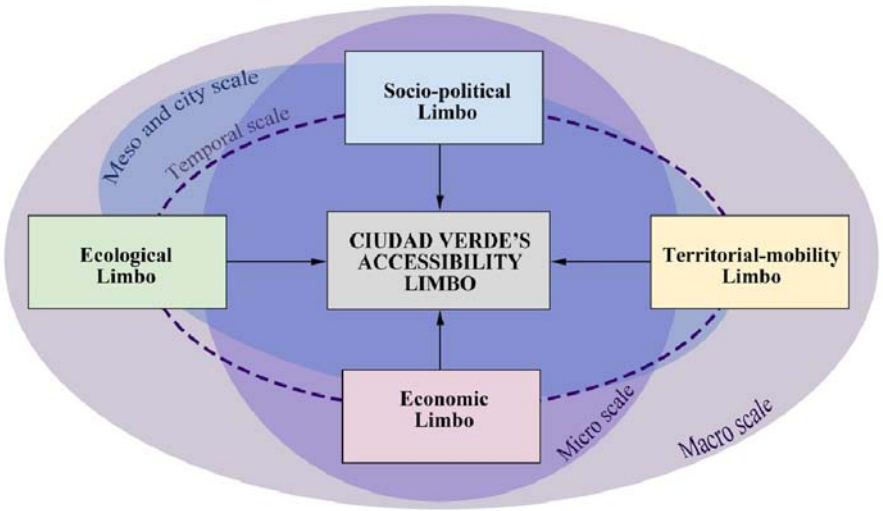
Other metropolitan and Soachan residents—be them in formal or informal areas—have relative maneuvering over the formality-informality continuum, using it to their own advantage and, need it be, redefining their access to the city (Lévy, 2020). Due to their isolated location, low incomes, deficient accessibility and mobilities, ownership burdens and insufficient community organization; Citoverdinos' agency over the continuum is limited—their formality-informality practices constrained. Therefore, the limbo ensnaring CiV is, indeed, a *multidimensional accessibility limbo*.

In anthropology, liminal forms of living—between accepted social categories, norms, and expectations—are interpreted as threatening to the social order (Cresswell, 1996). "Their embodied roles are in a process of uncertainty, transformation and flux, and powerful social actors are not entirely able to exert control" (Brun & Fábos, 2011: 10). This reflection offers insights about society's general dismissal of informality, with its anxious lack of control manifested in different forms: marginalization, criminalization, segregation, disregard, paternalism, among others. Threatened by liminality, states strive to regulate, eradicate, or allow (on their own terms) such forms of living and acting. The social housing figure in Colombia is part of those instruments, and its narrow understanding of informality—disregarding its multidimensionality and the continuum in which it operates—constitutes exceptional urban geographies. Fixating informalities in space—allegedly *formalizing*—, CiV's unidimensionality engenders a limbo, where the multiple dimensions in which informality may ensue to respond to lacking access go unaddressed.

Such an approach overrides the catalytic properties of social housing (Escallón, 2011). It fixates families in environments non-conducive for them to access the city, its opportunities, and the lives they have reason to value (Sen, 1999). A relevant caveat to make is that my theorization of limbo represents a *collective handicap*. It is not to say that no individual would succeed or is succeeding to materialize good quality of life there, but that *some of CiV's designs and structural conditions* are a hindrance in themselves. With vigilance, this work aims not to reproduce a passive and voiceless subjectivity of CiV's residents or other MISNs'. This is an urban issue to be addressed due to residents' entitlement to social housing that constitutes a springboard.

Furthermore, a feminist view of informal accessibility practices does not only allow to identify gendered distortions—*e.g.*, access to resources and opportunities, division of labor and use of urban space––but also accounts for their creativity and lessons taught in the face of exclusionary urban forces (Brun & Fábos, 2011; Conlon, 2011; Mountz, 2011). With this, to unlock limbo, one must first unpack it. Intrinsically related to Lévy's continuum, the author identifies different dimensions to CiV's accessibility limbo: territorial-mobile, socio-political, economic, and ecological (Section 6). These negatively interact with sustainability dimensions and the formality-informality continuum to constitute a limbo.

Figure 7: Ciudad Verde's Multidimensional Accessibility Limbo



Own elaboration.

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V. Methodology

As aforementioned, this research seeks to provide insights on the intersection among accessibility, (in)formality and sustainability in CiV in the face of a limbic design and context. With that, the main research question underlying this dissertation is: *What can be learnt from CiV's formal-informal strategies of accessibility, to unlock the accessibility limbo and constitute more sustainable social housing?*

Table 2: Methods applied

Evidence	Type	Producer(s)	Time frame	# of respondents	Method of Analysis
Literature	Secondary-Academic	Bibliography	1962-2020	N/A	Literature review (Pacheco-Vega, 2019)
Newspaper articles	Secondary-Informational and investigative	El Espectador, El Tiempo, Periodismo Público, Soacha Ilustrada	2015-2020	N/A	Idem
Grey literature	Secondary-Statistical and cartographic	Government statistics	2005-2019	N/A	Cross-tabulation (Momeni *et al.*, 2017)
4 Focal group interviews	Secondary-Qualitative	University of Los Andes and UCL	2019	7-10 per group	1) Narrative (Holstein & Gubrium, 2012) and discourse analysis (Gee, 2010); 2) Classification by limbo dimension; 3) Identification of elements, strategies and proposals; 4) Photoshop graphics
14 public Facebook Groups	Secondary-Qualitative, spatial, photographic and video	CiV residents	01/2019-08/2020	N/A	Idem
4 private Facebook Groups	Idem	Idem	Idem	N/A	Idem
"Descubriendo Ciudad Verde" Maptionnaire Survey	Secondary-Quantitative and spatial	Idem as focal groups	2020	367	Descriptive and inferential analysis (Blaikie, 2003)
Metropolization and Residential Segregation Survey	Secondary-Quantitative	Moreno & Rubiano, Universidad Piloto de Colombia	2014	245	Idem
Interviews to urban and housing experts	Primary-videocall	Author and interviewees	2020	3	Collation of results to date

At an early stage, this work was fed by a wide range of sources including academic, newspaper articles and grey literature—examined through literature review and cross-tabulation, respectively. This also enabled to establish Soacha's comparative disadvantage vis-à-vis other Inner Ring municipalities (Section 3.1). Second, I examined four focal group interviews and a Maptionnaire survey conducted for a UK-Pact project led by University of Los Andes and University College London. Interviews were analyzed through narrative and discourse analysis—identifying limbic elements, accessibility strategies and proposals. Additionally, this was complemented by the quantitative-based Metropolization and Residential Segregation Survey (Moreno & Rubiano, 2014). Both surveys were analyzed through a descriptive and inferential process.

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Although recently, Facebook has been used as a research methodology (Section 2.2). However, to the extent of my literature review, it has not been applied as a methodology or source for analyzing urbanities and accessibility thereof. A review of usages for other fields of study informed its translation into this dissertation's scope. Therewith, I reviewed 18 Facebook Groups of Citoverdinos (Annex 3)—analyzed as the focal group interviews. These displayed significant strategies, which allowed me to grasp—to an extent—the everyday accessibility experience in CiV and test the validity of the limbo.

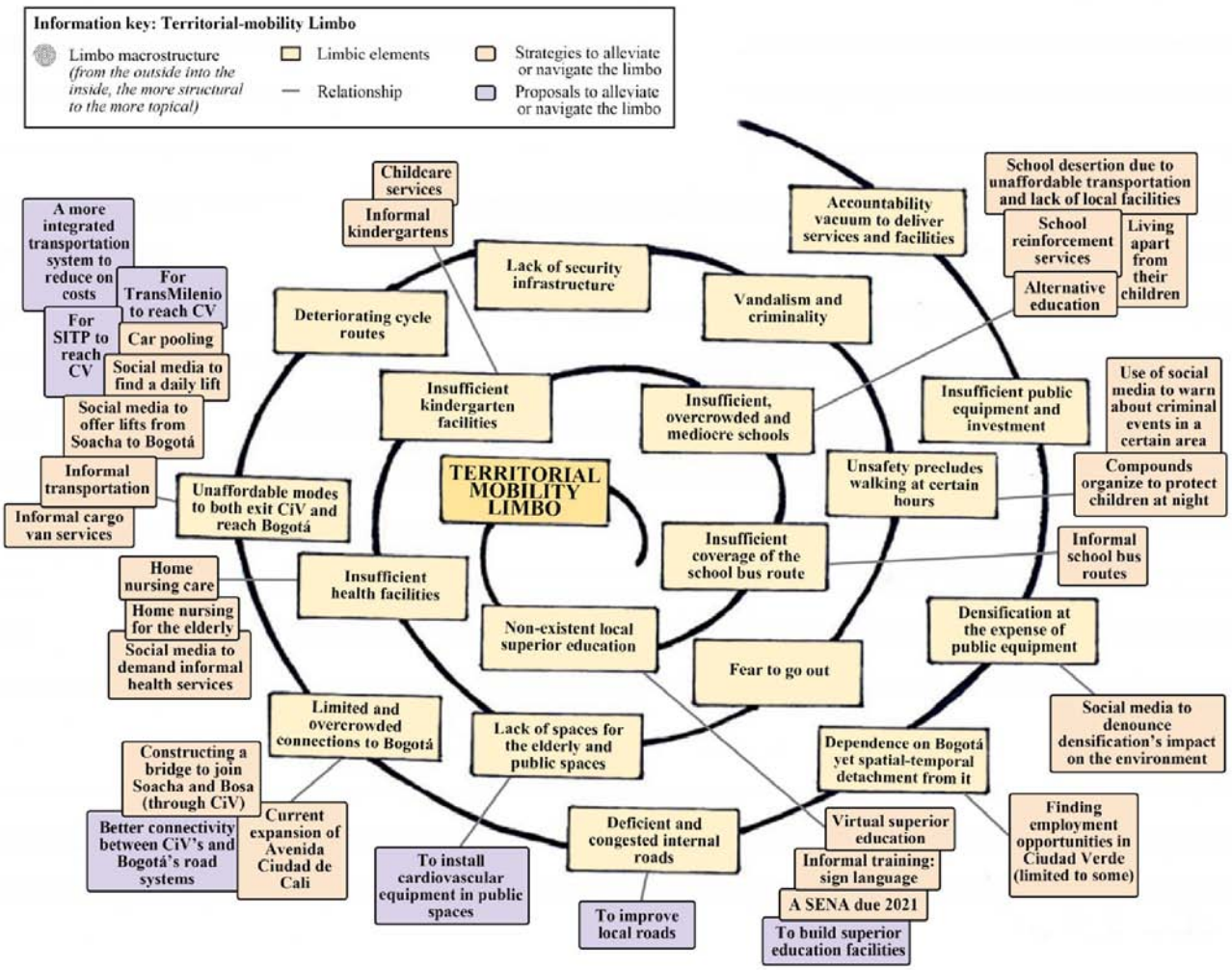
Moreover, maps, graphics and tables were conceived to better display my analysis, narrative, and findings. Last, interviews with three urbanism and housing experts were conducted. The interviews lasted an average of 50 minutes, were anonymized, audio recorded, and transcribed in Spanish. They included conceptual questions to collate results to date.

VI. Findings: Roots and Routes to Unlock CiV's Accessibility Limbo

The following subsections will introduce the findings for each limbo dimension (territorial-mobile, socio-political, economic, and ecological), elaborating over their constitutive elements and Citoverdinos' strategies and proposals to alleviate these. All limbo-relevant information and direct quotes throughout these subsections were said by anonymized residents on the 18 Facebook Groups or at the 4 focal group interviews (Section 5). The most illustrative quotes have been included in the body text to bring their voices to the fore (own translation Spanish-English). For its part, each limbo graphic is based on the aforementioned information, and has been represented through spirals; whose outsides build from structural into topical limbic elements.

a) Territorial-mobility Limbo

Figure 8: Territorial-mobility Accessibility Limbo



Own elaboration.

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The MISN's declaration of unconstitutionality yielded an *accountability vacuum* that kick-started a territorial-mobility limbo (Figure 7): "Bogotá builds the road up to a certain point; then, it's Cundinamarca's responsibility". Without a clear delivery authority, most projects stall or suffer considerable delays. Moreover, the overcharging of Soacha with providing urban fittings translated into *insufficient equipment and investment.* That stated, CiV satisfies proximity access to banks, supermarkets, restaurants, and local shops (Figure 5).

For its part, CiV's *excessive densification* emanates from the privatizing trajectory, yielding a segregated space within a peripheral municipality. Residents report: "they filled all the space and only afterwards they started to provide for needs," and "they keep selling apartments here despite the problems we face daily". Residents warn through Facebook about densification's repercussions: "[The POT] doesn't include the municipality's ecological structure […] and ignores strategic ecosystems like the high-Andean forest and the sub-xerophyte enclave". They also oppose the CiV II project and demand present issues to be tackled before further building.

Furthermore, *CiV's dependence on Bogotá reaches an impasse due to its disconnection and distance* (27.63-km) from it: "From here to Bogotá, I need 2-2.5-hours". This is aggravated by the high centralization of opportunities and services in north-centric Bogotá, and by CiV's poor local accessibility and *road system,* where "everything ends up jammed". Such spatial-temporal detachment hampers integration both internally and within Soacha.

With *only two exits into main roads* (Figure 10), *overcrowded connections to Bogotá* (Figure 11) have some residents "[leaving] the house at 3-4 am so as to go to work". Ongoing yet slow projects are the direct link CiV-Bogotá (extension of Ciudad de Cali Avenue) and the additional connection CiV-Bosa to relieve the San José exit (bridge over the Tibanica ravine). Moreover, many seek employment in CiV, but nearby jobs are very scant (Section 6.3). Thus, residents propose a local employment hub, improved roads to avoid bottlenecks, and better connections with Bogotá's transportation system.

The deficient connectivity has also yielded *unaffordable transportations to both exit CiV and reach Bogotá,* since "you always need to take two transport modes, at the very least," and "the outward trip to Bogotá alone is almost $7,000". Citoverdinos spend an average of 20-25% of their incomes on transportation only (Moreno & Rubiano, 2014); which considerably contrasts with the transportation expenditures of 5-6 strata (6.5%) and 1-2 strata (12.2%) housing in Bogotá (SDM, 2011).

To navigate this territorial-mobility limbo, residents use strategies such as carpooling, informal transportation and cargo vans. Many use pirate transportations for lack of other options, which usually comes with reckless driving, old, polluting, and unsafe cars, and fluctuating fares. They state: "we are too many in CiV and legal transportation cannot keep up". A further strategy is to offer and find lifts to Soacha or Bogotá via Facebook. Residents propose more integrated fares to reduce costs and for TransMilenio and SITP to reach CiV: "with that, we would get rid of these many cars, and this much pollution".

Currently, CiV's *cycle-routes are deteriorating*—with maintenance accountability unclear. Moreover, commuting distances and criminality impede biking from becoming predominant. Residents declare to also *lack security infrastructure* (policemen and firemen). Connected to this, *vandalism and criminality* have increased over time—equipment frequently damaged. Along this line, residents assert that *after a certain hour, one cannot walk* through Terreros Avenue, "because one would not arrive home". Likewise, some people assert a *fear of going out* at night since "insecurity is very high". To tackle this, some compounds "set up sirens, and after 8 pm no kids are seen around". Additionally, through Facebook, they report crimes in a certain area or advice about dangerous routes.

Furthermore, there are *scarce areas for the elderly and public spaces,* and as some declare, "the fact that we're over 50 doesn't mean we live stuck at home". Conceived as the sum of closed compounds, CiV's spatial morphology with large public spaces was nullified by the precluded articulation between residential and public spaces. Its fenced superblocks of up to 200 meters in length thwart community interaction, permeability, accessibility, and walkability (Méndez *et al.*, 2014) (Figure 6). Moreover, the design of residential units disregarded mobility-impaired persons: "the spine, the heart… something that doesn't let them climb the stairs". As a result, many stay at home. With this, some elderly residents express a feeling of abandonment and lacking social integration, and propose that cardiovascular equipment be installed outside, for them to take care of their health.

Regarding services, CiV also suffers from *insufficient health facilities.* A hospital was projected in 2012, yet "8 years have passed, and no first brick has been layed down". This extends to Soacha, which lacks health infrastructure to provide for its population. To alleviate this limbic situation, residents find home nursing care and informal health services through Facebook.

With regards to education, *the existing kindergarten is not enough.* Some residents have resorted to childcare services, while others "rent the social areas on the 2nd floor and set kindergartens there". However, these do not satisfy the demand. In terms of schools, facilities and coverage are scarce in both CiV and Soacha, with *some schools being considerably overcrowded:* "only one teacher for 55-56

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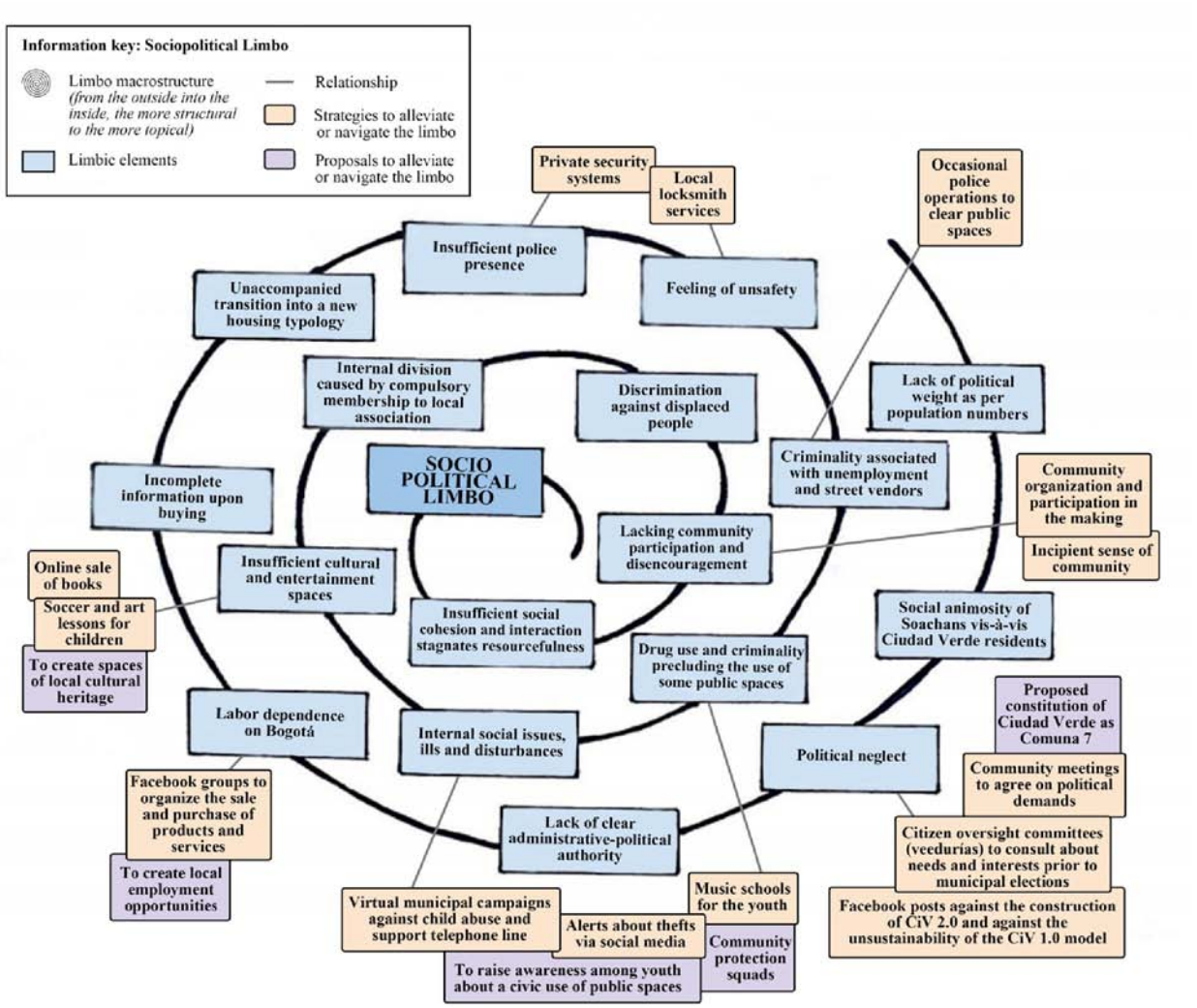
kids". The combination of these factors has constituted a *mediocre local education system.* Furthermore, an important mismatch was the opening of a bilingual private school (Figure 6), which most residents cannot afford.

Nonetheless, residents have designed strategies for this. First, some parents have opted for having their children live and attend school in Bogotá: "one must break off from their kids and goodbye. Deal is to be a parent on Sundays". Second, there are alternative education options (sport or artistic training), yet not formally recognized. Third, should a place at a local school be available, some choose to compensate its low-quality with tutoring. Conversely, certain families take their children out of school due to the unaffordable transportation costs (COP$7,000-8,000/day). In this line, the *school bus route offer is also meager.* When places are filled, parents must pay extra for independent services or mainstream transportation. Advertised via Facebook, some bus drivers and car-owners organize informal routes to fill in the accessibility limbo.

With this, the higher the education level the lesser the local opportunities. According to the CiV-relevant data of the Metropolization and Residential Segregation Survey (Moreno & Rubiano, 2014), only 5% Citoverdinos have had superior education, which compares to Bogotá's 13.7% (ME, 2006). CiV *lacks local superior education centers,* and the youth are constrained to Soacha's scarce offer, or to travel expensive distances to Bogotá. Alternatively, Facebook groups advertise trainings for youth and adults (*e.g.*, sign language education) and virtual superior education. Moreover, a vocational training facility (SENA) is projected for 2021. Nonetheless, residents still demand for a university to be built *in situ*. With education, "we'll be capable of mitigating many other issues".

b) Socio-political Limbo

Figure 9: Socio-political Accessibility Limbo



Own elaboration.

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CiV's sociopolitical limbo (Figure 10) originates in its profitability maximization through additional housing. This increase was not matched with *the pertinent political weight:* "they hardly take us into account [in Soacha], especially regarding mobility, security and education". Thereby, residents push for CiV's constitution into "Comuna 7 as a binding territorial entity within the municipality". This would not bring political clout but could potentially create arenas to address CiV's issues (Gómez-Flórez, 2020). Moreover, CiV's infrastructural housing advantages vis-à-vis Soacha have generated *social animosity.* This impacts Citoverdinos' sense of belonging and misrepresents their social fabric—myth having it that CiV "is inhabited by Soacha's jetset".

The lacking political weight goes hand-in-hand with *political neglect.* Residents declare that CiV is disregarded under the mistaken belief of being a sustainable city. This limbic situation is marginally addressed by *ad hoc* community meetings and pre-electoral citizen oversight committees (*veedurías*) to consult and discuss needs. Moreover, some denounce CiV via Facebook as "an unsustainable, non-productive city, merely created to sell houses". Additionally, residents demand more political representation, yet reflect an *unclear idea about their political-administrative authority*.

Aligned with the territorial-mobility limbo, CiV's insufficient local accessibility has led to *high labor dependence on Bogotá,* where "at the lowest, over 75% of our population has its job". To untangle this, Facebook Groups enable to purchase and sell products and services, access to informal employment, among others (Section 6.3). Naturally, residents aspire to local employment being generated, for "everything works out when people have good financial sustainability and time available".

Overall, Citoverdinos express discontent at the *incomplete information received upon buying* their apartments. They claim that: "no one mentioned the administration fee" and neither the expensive public services. The later resulted from the privatization, stratification and legal changes undergone by CiV. In line with this, *residents were not accompanied* at the socio-technical, psycho-emotional, legal, economic, and environmental dimensions required by their transitions: "the atmosphere changes by 100%, so we've had some difficulties to adapt". Together with the lack of vicinity or connectivity to employment and of access to solidarity ties and neighborhood heritages, this yielded a limbic arena where residents feel lost about the logics guiding their lives and livelihoods.

The socio-political limbo is further intricated by CiV's *insufficient police forces* ("Police presence, it is a weakness here"); *unemployment rates* ("Almost always, the main reason for criminality is unemployment"); and *excessive street vendors* ("They've damaged our public space, particularly the cycle-routes"). This has partially led to significant *criminality rates, drug use and micro-trafficking;* which poses significant perils as safety is essential for sustainable neighborhoods (Shaftoe, 2000). Against this, residents install informal security systems (*e.g.*, alarms). Others want to organize protection squads: "it's urgent that we organize security fronts, install alarms, arm ourselves, even with clubs". Moreover, occasional police operations oust informal vendors, who are sporadically related to crime: "many vendors sell their products, others are involved in drug micro-trafficking".

Public spaces are not accessed at certain times due to *internal social issues* (crime, drug use, child and women abuse, noise, prostitution: "from around 9-10 pm to 4 am, these people offer all kinds of pornography"). Residents' agency against this is limited. Yet, they have started initiatives such as sports and music training "aimed at the occupational and ethical recovery of youth" —who are usually associated with the above issues. Also, through Facebook, they alert each other about crimes, and post about support lines for abuse victims. What is more, social ills might also be related to CiV's *scant cultural and entertainment venues.* Residents propose "to create spaces to recognize the local cultural patrimony," which intimately relates to nearby ecosystems.

A further cause for the sociopolitical limbo is the *compulsory membership to the Amarilo-led maintenance/participation association: Agrupación Ciudad Verde*. This costs each household COP$ 5,000/month and was not made explicit at the time of purchase. Many manifest that it partially releases Soacha from its duty and violates their right of free association (Pulido-Moreno, 2014). From the onset, "the community was divided into two sides, which I'd say are irreconcilable by now".

Adding to the limbo, the significant share of CiV's *IDPs* was fully located in the Acanto compounds (Figure 11), partly conducing to their *socio-spatial stigmatization:* "A small percentage stigmatized Acanto, but within Acanto there are good people… there are professionals". With this, CiV's urban design precludes a healthy social mix, which in turn provokes long appropriation and adaptation processes (Méndez *et al.*, 2014).

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Figure 10: Socio-spatial stigmatization

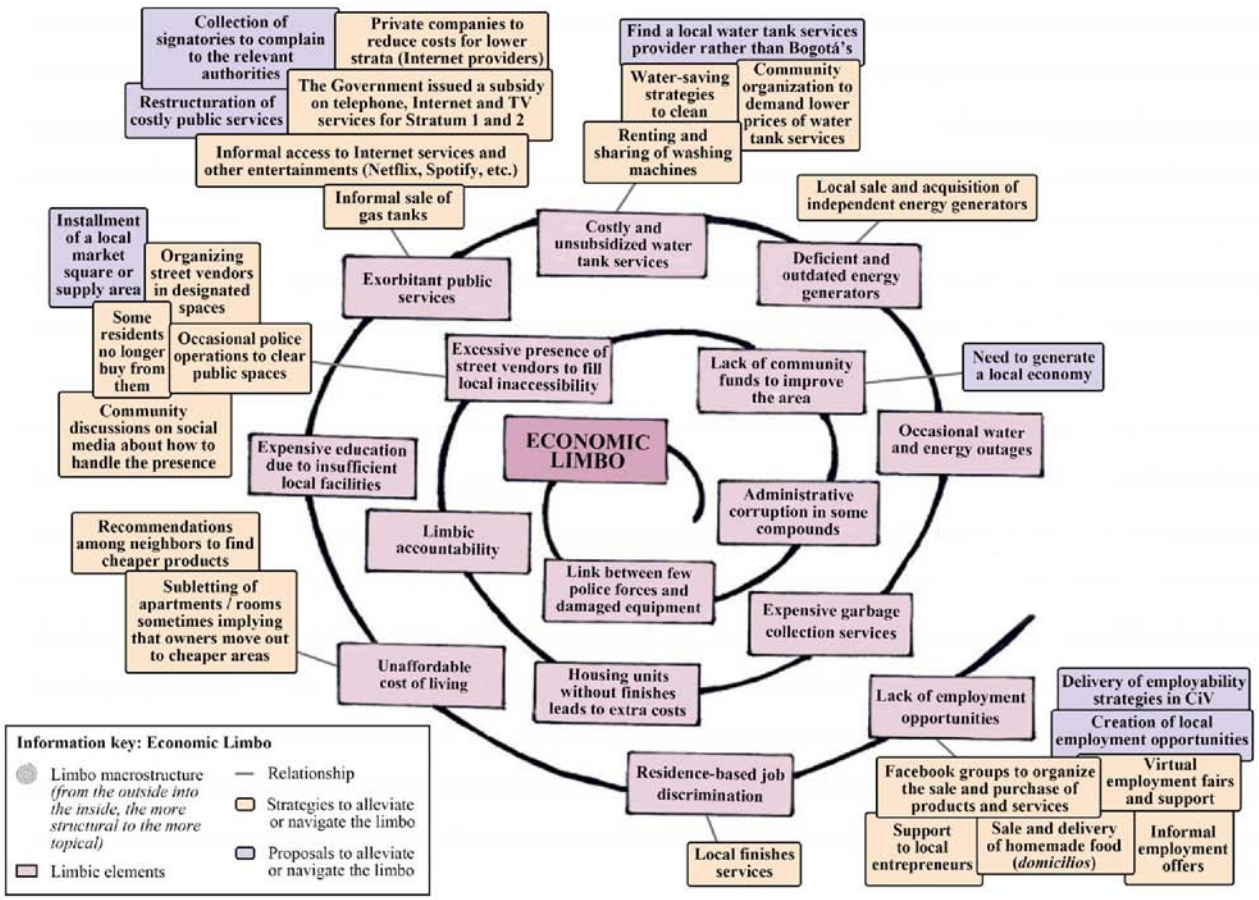


Source: Google Maps.

All the above culminates in *insufficient community participation and social discouragement.* Participation levels fluctuate, with no overall commitment to improving and maintaining the area: "Each family closes itself within four walls and the rest of the people here are of no interest whatsoever". Also, some see the division over the *Agrupación* as a hoax that hampered CiV's improvement. What is more, the *missing social cohesion has stagnated the resourcefulness and solidarity* that emerge within organized communities. To alleviate this, a small minority has started to organize, forging an incipient community spirit.

c) *Economic Limbo*

Figure 11: Economic Accessibility Limbo



Own elaboration.

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Together with CiV's detachment and disconnection, the roots of its economic limbo (Figure 12) are the *lack of local employment* and the *residence-based job discrimination* usually faced in the capital: "'You live in Soacha, that's a problem'. They'll think: 'he'll be late all the time'". To alleviate this, via Facebook, residents sell and access products, services and homemade foods, informal job offers, and employment-seekers fairs. A resident narrates: "I knew how to make sanitary products. I said let's sell them through those groups. […] now I work on that". Citoverdinos also demand that "employability strategies be implemented," and for the Municipality to "to generate jobs".

The above entrepreneurialism responds to *unaffordable living costs,* which are complemented by *expensive education* (Section 6.1), *exorbitant public services, costly unsubsidized aqueduct services, deficient and outdated energy generators,* occasional *water and energy outages, expensive garbage collection* and *housing units coming without finishes,* which makes residents spend extra: "All of us came here thinking that our finances would improve, but instead: our home ownership dream has become a nightmare".

Over 50% of Citoverdinos have a monthly income lower than COP$500,000, which is below the current minimum salary (COP$877,803). Approximately 30% disclosed incomes between COP$500,000-1 million; 15% between COP$1-2 million; and only 5% over COP$2 million (Moreno & Rubiano, 2014). Combined with the unaffordable living costs, this reflects that Citoverdinos are imposed a life beyond their means, with many deciding to leave because of that.

However, residents use some strategies to improve the situation. Many rent rooms or their own apartments—moving out to affordable areas. Also, they exchange recommendations on cheaper products and services through Facebook. Regarding the insufficient education coverage, they provide informal services, support lessons, or have their children live in Bogotá (Section 6.2). As to the expensive public services, via Facebook they acquire informal gas tanks, Internet, and other entertainments (*e.g.,* Netflix, Spotify). Recently, the government issued a subsidy on telephone, Internet, and TV for strata 1 and 2; so those on VIP housing were able to benefit from cost reductions. However, since most housing in CiV are stratum 3, residents are organizing to request a restructuration of public services costs to the relevant authorities. Aligned with this, "[stratum 3] subsidies are for Bogotá residents […], and all we do in Soacha is buy water from Bogotá at full fares". Residents express that construction companies had ensured that housing was going to be stratum 1-2––through which they could have accessed subsidies and afford living costs.

Nevertheless, to pay less for water, they rent washing machines and apply water-saving cleaning strategies, "lowering the bill by COP$20,000". Furthermore, to reduce costs, they propose for water services to come from Soacha instead of Bogotá. The outdated energy generators and the occasional outages lead residents to buy and sell informal generators: "you don't have to suffer anymore when there's no light". Section 6.4 elaborates further on how they are navigating the fact that "Soacha at large has […] the most expensive garbage collection services". Last, some residents who know masonry have started to offer informal finishes. Such an expensive service-provision scenario is further embroiled by the *limbic accountability* (Section 6.1).

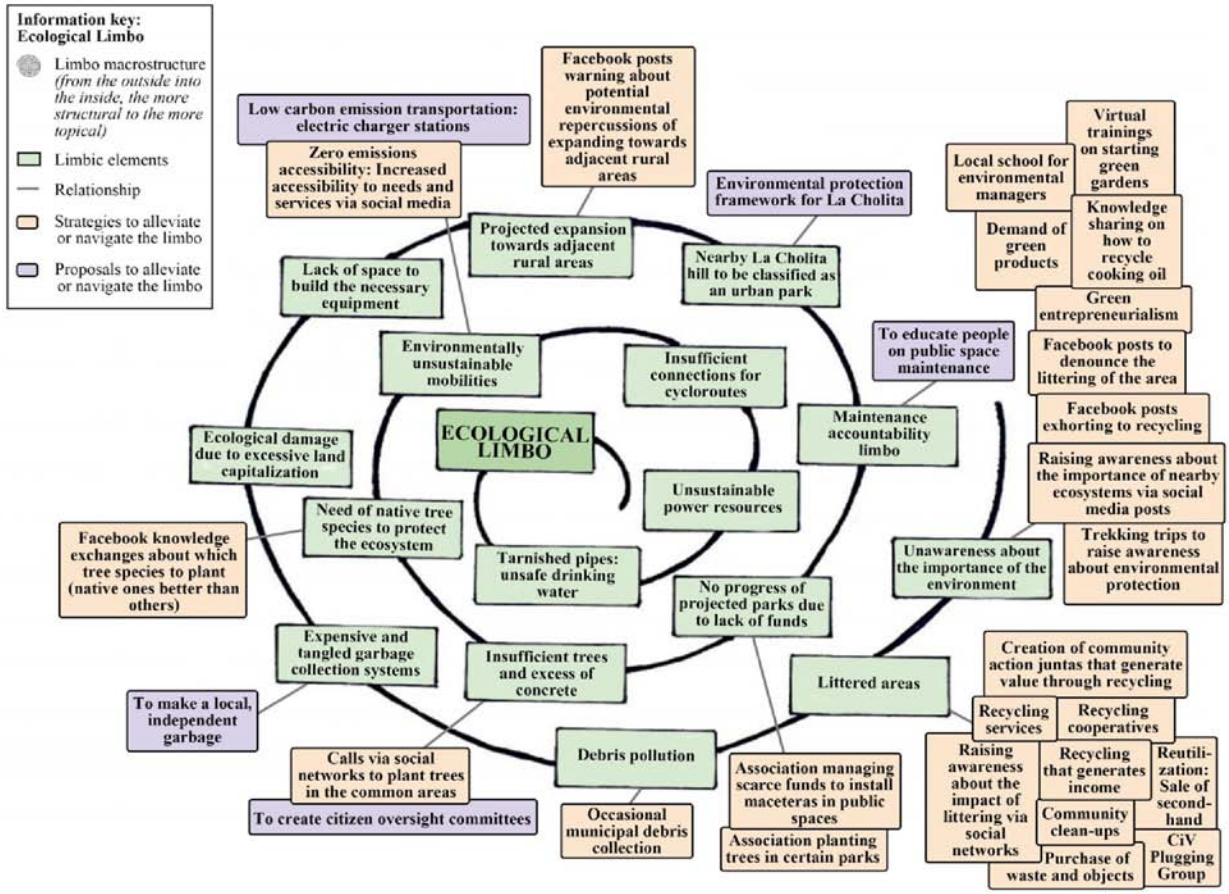
The economic limbo reflects a significant degree of *inaccessibility that street vendors have tried to fill in.* Nonetheless, due to residents buying from them, their presence has "exceeded the formal activity—that's shopping centers" and "pedestrian transit is more and more complicated" (Section 6.1). To address this, some residents have stopped buying from them, others are having Facebook discussions about how to handle the situation, and specific sale points have been designated. Moreover, occasional police operations clear public spaces; but this is not effective nor lasting, for vendors come back. Residents propose "the creation of a commercial passageway". Yet, this could imply some formalization that many might not be willing or able to comply with.

In line with this, *the community lacks funds to improve and maintain common areas:* "we don't have savings nor anyone to give us money". For this, some residents expressed the need for a local economy: "We all have needs and if I had a way to provide for them and not go to Bogotá to get them…". Yet, CiV still lacks community cohesion for this (Section 6.2). Additionally, some claim a *corrupted administration of certain compounds,* which further threatens the scant funds available. However, not only there is scarcity for maintenance and improvement, but some equipment is being *damaged,* which partly links to the *lack of sufficient police presence* (Section 6.2).

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d) Ecological Limbo

Figure 12: Ecological Accessibility Limbo



Own elaboration.

CiV's ecological limbo (Figure 13) originates from a *deep unawareness about the importance of protecting the environment:* "Sadly, there are zones in CiV that have become landfills". This unawareness has resulted in *extensive littering* and *debris pollution* across CiV's common and surrounding areas—a situation further exacerbated by the *expensive and intricate garbage collection system.*

Residents counter this through Facebook posts fostering recycling, the protection of nearby ecosystems and sharing eco-friendly knowledge: "Recycling used oil […] A liter of oil can pollute up to 1000 water liters". Others use Facebook to denounce CiV's frequent littering: "now there are very little trees, no birds, there was a ravine, but it dried up". Complementarily, some residents offer informal recycling services, while others have recycling collectives to generate community income. Moreover, some Citoverdinos are doing green entrepreneurism (*e.g.*, selling biodegradable and reusable products) or demanding ecological items (*e.g.*, diapers).

In parallel, the *Agrupación* organizes a school of environmental management and protection, while the Facebook groups display virtual permaculture trainings. Also through Facebook, others organize trekking trips "to clean up the mountain […]. We'll hike the mountain to learn more about the ecosystem and the importance of the wetland, so kids are welcome". Additionally, the *Ciudad Verde Plugging Group* collects littered garbage while exercising. Moreover, Facebook allows to purchase waste, objects, and second-hand clothing.

Moving on, apart from causing *ecological damage, the Macro-project's excessive land capitalization has led to insufficient spaces for the necessary equipment* (*Fig.6*). CiV incorporated rural land into Soacha's urban fabric and was located within an area of rich hydric resources and fragile ecosystems. It was built near three rivers, the Tibanica ravine, and the Tibanica-Potrero Grande wetland—now polluted and contaminated (Méndez *et al.*, 2014).

As if this was not enough, *CiV is projected to grow towards neighboring rural areas,* but residents "won't have the need to expand towards *vereda* de Canoas because that could generate ecological and social damages". Several Facebook posts warn about the potential repercussions of expansion, though without generating much reaction. Along these lines, a *bordering rural zone was designated as an urban*

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"ecological" park, yet residents "believe that the archeological and ecological richness of the area should constitute it as an *ecological* park instead".

Furthermore, the *maintenance accountability limbo* (Section 6.1) has an environmental print: "CiV's pondage is polluted. Neither the aqueduct company or the *Agrupación* take care of it. We're suffering the severity of mosquitoes, rodents, and fetid smells". For this, Citoverdinos propose to educate people on upkeeping, raising the collective responsibility over CiV. Within this context, the lack of funds is *stalling the progress of some projected parks:* "We've been here for 7 years and Logroño park has failed to make sufficient progress". Also, there is *excessive concrete and few trees:* "CiV is a city but without the green because what they're rather doing is paving". Against this, the *Agrupación* is incorporating flowerpots and planting trees in some areas. Additionally, via Facebook, several people beseech others to plant seeds. In this sense, the *need of native species to protect local ecosystems*—given invasive species damaging the soil—is partially addressed through Facebook knowledge exchanges, since "it's not planting seeds and that's it".

For its part, CiV's detached location and lack of jobs prevents bikes from becoming predominant. This is further hindered by *non-interconnected cycle-routes* (*Figure* 7). Residents want "to connect Bogotá's cycle-routes to Soacha's, because we don't have adequate and productive connectivity". However, this might only benefit those who can find a local job or afford a bike. Meanwhile, criminality levels and insecurity perception deter walking at certain hours (Section 6.2). With this, most residents use motorized transportation, constituting *environmentally-unsustainable mobilities* (Section 6.1)—which is specially concerning given Soacha's alarmingly bad air quality (El Espectador, 2020). Residents state: "transportation should be improved and linked to the environmental part: the implementation of bike use". They partially alleviate the unsustainable mobilities through Facebook. A zero-emissions accessibility system, it connects them to needs and services: "I use it for communication and to look for whatever I need". Nonetheless, sometimes Facebook merely provides information, leading to motorized trips.

In this line of unsustainability, residents attest that *energy resources are not sustainable* either. Some compounds still depend on the construction companies' sodium-based lighting, and most of them do not have emergency plants nor replacement electric fluid. This yields occasional power outages and damaged household appliances (Section 6.3). What is more, some Facebook posts denounce that their *buildings' pipes are heavily tarnished,* making it unsafe to drink water from there. This drives people to buy bottled water and incur on additional costs and plastic consumption.

VII. Discussion: Unlocking Limbo? A Local Ecological Economy

As Vecchio *et al.* (2020) stated accessibility-based progress concentrates in a few areas of LatAm. In the BMR, the centralization of accessibility not only disregards but adversely spills-over dependent peripheries like Soacha and limbic social housing like CiV. When lacking accessibility, non-limbic locations at least offer: proximity, connectivity or networks—people leveraging the formality-informality continuum to their advantage. Yet, *Section 6* confirms that CiV's accessibility practices along the continuum are constrained by inadequate territorial and mobility design, sociopolitical neglect, economic limitations and insufficient ecological integration.

Observed through its graphic representation, the territorial-mobility limbo displays the most limbic elements, reflecting CiV's structural hindrances in services, design, and disconnection (*Figure* 7). For their part, the few strategies identified to soothe the socio-political limbo underscore the need for meso, city and macro-scale institutional reforms—evoking Dávila's (2014) call to address the roots of inequity and segregation when tackling deficient accessibility.

Conversely, the economic and ecological limbos present the most strategies. The correlation between accessibility and sustainability (James *et al.,* 2013; Pelletier, 2010; Boyce, 2008; Anand & Sen, 2000) makes clear that a sustainable CiV would need to improve its accessibility. Residents' entrepreneurialism and green initiatives educe that the unlocking of all four limbos could progressively be achieved through a local ecological economy that emulates the principles of a social enterprise (Vargas-Sáenz, 2016). As a resident hints: "First, we need to take charge and understand the importance of recycling from the source; but also, regarding employment, there are many opportunities with all these compounds and the amount of waste we generate".

Working along accessibility logics, a more financially-autonomous and ecological CiV would positively affect its multi-dimensional sustainability. In parallel, such a model could enable the transition that social housing purportedly facilitates (Escallón, 2011); tying social mobility to the existing entrepreneurialism. What is more, it would fill the maintenance vacuum, favoring the improvement of equipment and bringing more transparency. As it grows, an ecological economy would organize and increase the community's political weight; allowing residents more maneuvering over out-of-agency limbic elements.

That stated, Section 6 illustrates the role of informality in rendering access to essential services that CiV's design and structures do not (*e.g.,* health, affordable products, jobs, and income). However, do

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these informalities engender a more sustainable CiV? It depends. For instance, most of its informal mobilities are neither affordable, ecologically sustainable nor safe. Nevertheless, learning from informality, policies must be based on evidence rather than perception (Section 2.1), so that they can target risk and vitiated dynamics yet benefit from informality's guile. Lévy's continuum (2020) teaches that informality and formality cannot be approached in silos, but holistically, which—as the limbo framework has aspired to show—offers a more rigorous approach to both accessibility and sustainability.

Drawing from the feminist literature (Brun & Fábos, 2011), informal processes can also teach new and creative ways towards sustainability, accounting for economic and resource efficiency (Dreifuss-Serrano, 2015). This outlook allows to "build on [informality's] inclusiveness while addressing its shortcomings" (Vorley, 2017). Therewith, CiV's informality reflects a taste for local and creative solutions, with solidarity and support networks incipiently being built through Facebook and arenas beyond this analysis. Since informality's nature most likely precluded some strategies from being reflected in my research sources.

Along these lines, informality in CiV is also a resilience hub in the face of climate change (Chen, 2017). In generating income, informal recycling services or collectives might be able to tackle many limbic elements at once—contributing to long-term behavioral changes like community clean-ups and plugging. Moreover, the trading of waste and second-hand items via Facebook indicates an incipient digital ecological culture—though motivated by financial reasons. On another note, exorbitant services costs have engendered strategies that can benefit the environment (*e.g.*, water-saving cleaning strategies). Should these costs be restructured, mechanisms to keep such ecological initiatives alive ought to be conceived.

Echoing Wee *et al.* (2012), this work has also aimed to contribute to the filling-in of accessibility's digital gap. Digital access unevenly distributed (Malecki & Moriset, 2008), only 39.15% of Soachan households have Internet connection (GC, 2017b). This figure unavailable for CiV, assumptions can be made that many lack access to Internet and Facebook—constituting a somewhat exclusionary system. Nonetheless, when accessible, these tools are indeed instrumental to alleviate multidimensional inaccessibility. Their careful and humanized use in contexts like CiV can begin to unlock: economic limbos through decreased costs (Cieślik & Kaniewska, 2004); sociopolitical limbos via increased political engagement (Mallén, 2013); and territorial-mobility and ecological limbos through lower- or zero-emission accessibility (van Wee *et al.,* 2012).

The benefits of Facebook and an ecological economy notwithstanding, community organization and cohesion are still low. As residents express, sustainability requires community participation (*Annex 5*). The stronger the community, the better equipped to protect its needs, interests, and neighboring ecosystems. With this, CiV's lacking community cohesion also exposes the repercussions (*i.e.,* social division) of 'participation fixes' like Agrupación Ciudad Verde. However, backed by social cohesion's strength and resourcefulness, an autonomous ecological economy would gain political leverage to affect ingrained limbic elements. In any event, this model should be complemented by institutional and structural support to attain long-lasting sustainability and accessibility in CiV.

What is more, CiV's unidimensional spatial use undermined what would have been an excellent sustainability feature: proximity (Cutini *et al.*, 2020). CiV's local accessibility to banks and supermarkets, should be extended to health, education, employment, and safe leisure spaces. Through strategic design, CiV should leverage the insufficient space and diversify the local satisfaction of needs; supporting inhabitance's multi-dimensionality (Escallón, 2011). In parallel, dependence on Bogotá should be decreased by further relying on Soacha and Bosa to access what CiV's limbo precludes. This could reduce emissions, the ecological damage of expansion to provide equipment, and promote non-motorized transportation—though local safety improvements would be needed. However, security levels can increase with social cohesion, through 'eyes-on-the-street' mechanisms (Jacobs, 1961). Moreover, cultural events and spaces are crucial to foster the much-needed internal social-mix, increase self-steem and avoid social stigmatization; but also, to attract Soachans into CiV and boost their mutual integration.

If CiV is to unlock its accessibility limbo—be it through an ecological economy or not—, the outcome should be scaled-up to Soacha. The advantages of unlocking CiV's limbo could and should tackle Soacha's structural issues—creating a constructive synergy between the MISN and its home municipality. This would ensure that sustainability dimensions, accessibility scales and leveraged (in)formality practices coalesce in tackling structural issues, without developing limbos instead. Sustainability approached as a social process, socioeconomic and ecological tensions dissolve (James *et al.,* 2013). In this manner, this outlook on sustainable logics could enable CiV to leverage these tensions as an opportunity and differentiating factor for the future.

VIII. Conclusions

This dissertation endeavored to extract lessons from Citoverdinos' accessibility practices on how to contribute a more synergic approach to accessibility, sustainability and (in)formality in CiV. The diversity of

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evidence reviewed (Section 5) unveiled territorial-mobility, socio-political, economic and ecological limbic elements. Accessibility's multiscalarity (Oviedo *et al*., 2020), sustainability's multidimensionality (James *et al*., 2013), and the formality-informality continuum (Lévy, 2002) have been essential lens to grasp CiV's limbos. Therewith, the intersection among these three concepts, the setting of CiV within the BMR's urban trajectories (Lévy *et al.*, 2017) and my accessibility limbo framework contribute to the literature to date and could be applicable to analyze other contexts and cities.

CiV's accessibility limbo is the translation of the territorial discrimination, socio-economic dissociation and discursive segregation underlying the BMR. Yet, the limbo framework revealed invaluable lessons through residents' formal-informal accessibility strategies (Section 6). Section 7 wraps these up by offering a way out of limbo: an autonomous ecological economy to potentially harness the intersection among accessibility, sustainability and (in)formality in CiV. Along this line, accessibility planning should start building upon those informal strategies that are valuable, for the *continuum in its full form* contains indispensable clues for sustainable urban accessibilities. The full continuum enables to listen to people, places and their needs attentively and attuned with the complexities thereof.

For its part, this work faced significant limitations. First, the inability to *talk with* Citoverdinos and read through oral nuances. I had visited CiV three times during July-August 2019, but not with a research purpose nor this project's idea in mind. Second, relevant data upon which this work is based was not fit for accessibility purposes. Third, information extracted from Facebook, focal group interviews and Maptionnaire was self-referenced, which might involve accuracy limitations. Fourth, the incapacity to analyze many informal practices from afar, for their nature is very elusive and usually unrecorded. Fifth, the MISN being still underway might (hopefully) outdate this dissertation's outcomes in due time.

Methodologically, this work's main innovation is its use of Facebook as a research method and information source for urban accessibility purposes. There is wider scope for leveraging this platform in accessibility analyses, especially in contexts that, as CiV, are detached and disconnected. Moreover, accessible from afar, Facebook offers considerable opportunities for researchers during COVID-19 times. In parallel, such zero-emission technologies can be fostered to reduce transportation-associated emissions in areas that cannot afford potentially-expensive retrofittings for local accessibility. This dissertation also aimed to contribute to filling in the qualitative gap of accessibility (Lucas & Uteng, 2018)—as did Oviedo & Titheridge (2016) and Vecchio (2020). Such qualitative approach allowed a more integral view of accessibility, bringing forward its social and intangible implications.

This dissertation has also identified gaps of knowledge that would benefit from further research. For instance, work that purposely targets CiV's multiscalar accessibility through focal groups and examines the impact of Facebook or similar digital technologies on people's daily accessibilities would be beneficial. Should this path be undertaken, it would be relevant to examine how intersectionally accessible the digital realm is to Citoverdinos or to residents of similar contexts. Particularly, in-depth exploration about how to generate social cohesion within detached, disconnected areas with accessibility-non-conducive design could contribute to the eventual constitution of autonomous ecological economies or other, self-defined grassroots initiatives.

At a practical level, planning and design need to ensure that accessibility progress in one area (*e.g.,* Bogotá) does not erode or feed off the deficits of peripheral others (*e.g.,* Soacha or CiV). Therewith, multiscalar accessibility, multidimensional sustainability and the full formality-informality continuum are a solid base to address socio-spatial-economic imbalances. Latin America's momentum in establishing itself as a blueprint for accessibility-based projects should not be let turn into a Catch-22 scenario in which metropolises and their inhabitants thrive at the cost and burden of their peripheral areas—which essentially contribute to their development. Rather, accessibility should be a restorative tool, and we should make justice to it by contributing planning, design and research that acknowledge its full complexity. In turn, if done integrally, accessibility will most certainly yield inclusive, sustainable, and happier urbanities that coalesce with natural ecosystems.

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Bibliography

1. Acosta Restrepo, P., Henao Padilla, M. J. (2011). Ciudad Verde: Los Macroproyectos en Acción. *Alarife, No.22*, pp. 26-45.
2. Amarilo, S.A. (2015). Ciudad Verde: Aprendiendo de la experiencia. Retrieved from: https://docplayer.es/13509181-Ciudad-verde-aprendiendo-de-la-experiencia-ivan-camilo-caicedo-gerente-desarrollo-de-negocios-amarilo.html
3. Amin S. (1973). *Le développement inégal. Essai sur les formations sociales du capitalisme périphérique*. Paris: Editions de Minuit.

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4. Anand, S., Sen, A. (2000). Human Development and Economic Sustainability. *World Development, 28*(12). 2029–49.
5. Alcaldía de Bogotá, Secretaría Distrital de Planeación, Cámara de Comercio de Bogotá, Secretaría de las Naciones Unidas, Centro para el Desarrollo Regional de las Naciones Unidas (UNCRD) (2014). Comité de Integración Territorial de Bogotá y los municipios circunvecinos. Documento Técnico de Soporte. Bogotá: Alcaldía Mayor de Bogotá D.C. Retrieved from: https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwiMrO_zsrjqAhVRKBoKHS7YBGgQFjABegQIBRAB&url=http%3A%2F%2Fwww.sdp.gov.co%2Fsites%2Fdefault%2Ffiles%2Fdocumento_tecnico_de_soporte_para_la_constitucion_del_comite_de_integracion_territorial_de_bogota_y_los_municipios_circunvecinos.pdf&usg=AOvVaw2J1NUP-BBRbPYoTI1wibyi
6. Alcaldía de Soacha (2008). Plan de Desarrollo de Soacha 2008-2011. Retrieved from: https://www.alcaldiasoacha.gov.co/seleccione-la-opcion-deseada/plan-de-desarrollo-municipal/file/856-plan-de-desarrollo-municipal-2008-2011
7. Anif, Asociación Nacional de Instituciones Financieras (2017). Reducción del efectivo y tamaño de la economía subterránea en Colombia. Documento realizado por Anif para la Asociación Bancaria de Colombia. Bogotá: Asociación Nacional de Instituciones Financieras. Retrieved from: https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwik2MHgrffpAhUECRoKHY7BA4UQFjAAegQIAxAB&url=https%3A%2F%2Fwww.anif.com.co%2Fsites%2Fdefault%2Ffiles%2Finvestigaciones%2Fanif-asobancaria-efectivo0517.pdf&usg=AOvVaw34HTjWgNqfeN0_DVTabxMd
8. Arango Escobar G. (2001) La Vivienda en Colombia en el cambio de siglo, Herencia y retos. In: Brand P. C., (Ed.) *Trayectorias urbanas en la modernización del Estado en Colombia*. Medellín: Universidad Nacional de Colombia.
9. Badillo M., M. (2017). Propuesta de comunicación y educación ambiental a través del Facebook y el uso de narrativas digitales. *Entramado, 8*(1), 128-139. Revista de la Universidad Libre de Colombia. Retrieved from: https://revistas.unilibre.edu.co/index.php/entramado/article/view/3419
10. Blaikie, N. (2003). Inferential Analysis: From Sample to Population. In *Analyzing Quantitative Data*. London: SAGE Publications.
11. Bramley, G., Dempsey, N., Power, S., Brown, C. (2006). "What is 'social sustainability', and how do our existing urban forms perform in nurturing it?" Paper for presentation in the 'Sustainable Communities and Green Futures' track. Bartlett School of Planning, University College London.
12. Bayat, A. (1997). *Street Politics: Poor People's Movements in Iran*. New York: Columbia University Press.
13. Bocarejo, J. P., & Oviedo, D. (2012). Transport accessibility and social inequities: A tool for identification of mobility needs and evaluation of transport investments. Journal of Transport Geography, 24, 142–154.
14. Boisjoly, G., Serra, B., Oliveira, G., & El-Geneidy, A. (2020). Inequality in transit: Evaluating public transport distribution through accessibility measurements in Sao Paulo, Rio de Janeiro, Curitiba and Recife, Brazil. *Journal of Transport Geography, 82*, 1-11.
15. Boyce, J. (2008). Is Inequality Bad for the Environment? *Research in Social Problems and Public Policy, 15*. 267–88.
16. Brand, P. and Davila, J. (2011) Mobility Innovation at the Urban Margins, Medellin`s Metrocables. *City, Vol. 15*(6), pp 647-661.
17. Brun, C., Fábos, A. (2011). Making Homes in Limbo? A Conceptual Framework. *Refuge, vol. 31*, no. 1, pp. 5–17.
18. Buendía, V., Gagan, O. (2012). *Infrastructure Journal Infrastructure Investment Guide: Colombia*. London: Infrastructure Journal, British Foreign Commonwealth Office (FCO), UK Trade & Investment, Agencia Nacional de Infraestructura (ANI).
19. Burton, E (2003). Housing for an urban renaissance: implications for social equity. *Housing Studies, 18*, 4, 537-562.
20. Burton, E. (2000). The potential of the compact city for promoting social equity. In Williams, K., Burton, E., Jenks, M (Eds.) *Achieving sustainable urban form*. Routledge: London.
21. Cátedra Gerardo Molina (2009). *Derechos económicos, sociales y culturales*. Bogotá: Universidad Libre de Colombia.
22. Chase-Dunn, Ch. K. & Grimes, P. (1995). World-Systems Analysis. *Annual Review of Sociology, 21*: 387–417.
23. Chen, M. A. (2017). The Informal Economy in African Cities: Key to Inclusive and Sustainable Urban Development. *OECD Development Matters*. [CrossRef]
24. Cieślik, A., & Kaniewska, M. (2004). Telecommunications infrastructure and regional economic development: The case of Poland. *Regional Studies, 38*, 713–725.
25. Ciuffoli, C. & López, G. (2010). Facebook como paradigma de la alfabetización digital en tiempos de barbarie cultural. En Piscitelli, A., Adaime, I., Binder, I. (Eds.) *El proyecto Facebook y la posuniversidad: sistemas operativos sociales y entornos abiertos de aprendizaje*. Barcelona, España: Ariel.

© 2022 Global Journals

26. Cohen-Blankshtain, G., & Nijkamp, P. (2004). The appreciative system of urban ICT policies: An analysis of perceptions of urban policy makers. *Growth and Change, 35*, 166–197.
27. Conlon, D. (2011). Waiting: Feminist Perspectives on the Spacings/Timings of Migrant (Im) Mobility. *Gender, Place and Culture 18*, no. 3 (2011): 353–60.
28. Cortés Ferrández, P. (2019). Resilience spaces: rethinking protection. *Forced Migration Review, 62*(October, 2019). Retrieved from: https://www.fmreview.org/return/cortesferrandez
29. Couclelis, H., & Getis, A. (2000). Conceptualizing and measuring accessibility within physical and virtual spaces. In Janelle, D., Hodge, D. (Eds.). *Information, place and cyberspace* (pp. 15–20). Berlin: Springer.
30. Cresswell, T. (1996). *In Place/Out of Place: Geography, Ideology and Transgression*. Minneapolis: University of Minneapolis Press.
31. Cutini, V., Di Pinto, V., Rinaldi, A. M., Rossini, F. (2020). Proximal Cities: Does Walkability Drive Informal Settlements? *Sustainability, 12*, 756. doi: 10.3390/su12030756
32. DANE (2005). Censo General 2005. Departamento Administrativo Nacional de Estadística Retrieved from: https://www.dane.gov.co/index.php/estadisticas-por-tema/demografia-y-poblacion/censo-general-2005-1
33. Dávila *et al*. (2006). *Suelo urbano y vivienda para la población de ingresos bajos. Estudios de caso: Bogotá-Soacha-Mosquera; Medellín y Área Metropolitana*. Cities Alliance and The Development Planning Unit, University College London: London. P.1-274.
34. Dávila, J. (Ed.) (2012). *Urban Mobility and Poverty: Lessons from Medellín and Soacha, Colombia*. London and Medellín: Development Planning Unit, UCL and Universidad Nacional de Colombia.
35. Deneulin, S., & Sánchez-Ancochea, D. (2018). Urban inequality, youth and social policy in Latin America: Introduction to special section. *Oxford Development Studies, 46*(1), 3–9.
36. Dijst, M. (2004). ICTs and accessibility. An action space perspective on the impact of new information and communication technologies. In M. Beuthe, V. Himanen, A. Reggiani, & L. Zamparini (Eds.). *Transport developments and innovations in an evolving world* (pp. 27–46). Berlin: Springer.
37. Diminescu, D. (2012). E-Disporas Atlas. Exploration and Cartography of Disaporas in Digital Networks (online). Retrieved from: http://www.inter-disciplinary.net/at-the-inter-face/wp-content/uploads/2012/06/diminescudpaper.pd
38. Ministerio de Vivienda (2008). Resolución 2363 de 2008, Documento técnico de Soporte, por el cual se adopta el Macroproyecto de Interés Social Nacional Nuevo Occidente "viviendas con corazón hacia territorios equitativos". Archivo Veeduría Pasión por Nuevo Occidente. Resolución 0340 de 2012, por la cual se aclara y modifica la resolución 2363 de 2008. Retrieved from: http://www.minvivienda.gov.co/ResolucionesVivienda/0340 - 2012.pdf
39. El Espectador (2020, marzo). La CAR declaró nivel de prevención por calidad del aire en Soacha y Mosquera. *El Espectador*, Redacción de Bogotá. Retrieved from: https://www.elespectador.com/noticias/bogota/la-car-declaro-nivel-de-prevencion-por-calidad-del-aire-en-soacha-y-mosquera-articulo-908050/
40. El Espectador (2019). Listos prepliegos para construir la troncal de Transmilenio en la Av. Ciudad de Cali. *El Espectador*, Redacción de Bogotá. Retrieved from: https://www.elespectador.com/noticias/bogota/listos-prepliegos-para-construir-la-troncal-de-transmilenio-en-la-av-ciudad-de-cali-articulo-894608
41. El Espectador (2019). Alcaldía de Soacha pide al DANE claridad con cifras del censo. *El Espectador*, Redacción de Bogotá. Retrieved from: https://www.elespectador.com/noticias/bogota/alcaldia-de-soacha-pide-al-dane-claridad-con-cifras-del-censo/
42. El Espectador (2020). Congreso proclamó reforma constitucional que oficializa la Bogotá Región. *El Espectador*, Redacción de Bogotá. Retrieved from: https://www.elespectador.com/noticias/bogota/bogota-tendra-area-metropolitana-congreso-proclamo-reforma-constitucional-que-la-decreto/
43. El Tiempo (2020). ¿Por qué el alcalde de Soacha no quiere más viviendas VIS? *El Tiempo*. Retrieved from https://www.eltiempo.com/bogota/por-que-el-alcalde-de-soacha-no-quiere-mas-viviendas-vis-449332
44. El Tiempo (2019). Transmilenio desde Soacha hasta Portal del Norte. *El Tiempo*. Retrieved from https://www.uniminutoradio.com.co/transmilenio-desde-soacha-hasta-portal-del-norte/
45. Escallón G., C. (2011). La vivienda de interés social en Colombia: Principios y retos. *Revista de Ingeniería, 35,* pp. 55-60. Retrieved from: https://www.redalyc.org/articulo.oa?id=1210/12102276 3010
46. Ernste, H., Martens, K. and Schapendonk, J. (2012). The Design, Experience and Justice of Mobility. *Tijdschrift voor Economische en Sociale Geografie, Vol.103*(5), pp. 509-515.
47. Escobar-García, D. A., García-Orozco, F. J., Correa-Calle, O. (2013). Evolution of accessibility Manizales (2000 - 2009) and its relationship with the transport infrastructure construction. AVANCES Investigación en Ingeniería Vol. 10 - No. 1, pp.35-41.
48. Espinosa-González, C. I. (2014) *Los Macroproyectos de Interés Social Nacional como operaciones urbanas integrales para la política pública de vivienda. Caso Ciudad Verde, Área*

© 2022 Global Journals

Metropolitana de Bogotá. MSc Thesis on Urban and Regional Planning.Bogotá: Pontificia Universidad Javeriana, Facultad de Arquitectura y Diseño.
49. Fernández-Redondo, L. (2016). Shaping Urban Accessibility: Technology's Place in a Sustainable Future. DG Cities Ltd. and GATEway. Retrieved from: https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwifprT4g8jrAhVqD2MBHcudCHsQFjABegQIARAB&url=https%3A%2F%2Fwww.dgcities.com%2Fs%2FGATEway-White-Paper.pdf&usg=AOvVaw35Xn_MECdvWU7BVyeSmlTB
50. Figueroa Martínez, C., Hodgson, F., Mullen, C., Timms, P. (2018). Creating inequality in accessibility: The relationships between public transport and social housing policy in deprived areas of Santiago de Chile. *Journal of Transport Geography, 67*, pp. 102–109.
51. Flint, J., Raco, M. (Eds.) (2012). *The Future of Sustainable Cities: Critical Reflections*. Bristol: Policy Press.
52. Gandy, M. (2005) Learning from Lagos. *New Left Review, 33*, pp. 37-53.
53. García Correa, C. B. (2019). La segregación territorial y la revisión general de la estratificación socio-económica en Medellín. (Tesis de maestría - Derecho Urbanístico). Universidad de Antioquia, Medellín.
54. García-Pulido, J. J. (2015). *Una aproximación a la movilidad urbana desde la perspectiva de lo social: un estudio de caso de Ciudad Verde, Soacha*. B.A. Thesis on Sociology. Bogotá: Pontificia Universidad Javeriana.
55. Gee, J. P. (2010). *Introduction to Discourse Analysis*. London: Taylor & Francis Group.
56. Geurs, K., & van Wee, B. (2004). Accessibility evaluation of land-use and transport strategies: Review and research directions. J*ournal of Transport Geography, 12*(2), pp. 127–140. doi: 10.1016/j.Jtrangeo.2003.10.005
57. Gil Solá, A., Vilhelmson, B., Larsson, A. (2018). Understanding sustainable accessibility in urban planning: Themes of T consensus, themes of tension. Journal of Transport Geography 70 (2018) 1–10.
58. PND - Plan Nacional de Desarrollo 2006-2010 (2007). *Ley 1151 de 2007*. Función Pública: El Gestor Normativo. Retrieved from: https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=25932
59. Gómez-Pérez, D. P. (February, 2020). Ciudad Verde quiere ser la comuna siete de Soacha. *Periodismo Público*. Retrieved from: https://periodismopublico.com/ciudad-verde-quiere-ser-la-comuna-siete-de-soacha
60. Grieco, M. (2015). Poverty mapping and sustainable transport: A neglected dimension. *Research in Transportation Economics, 51*, 3–9. doi: 10.1016/j.retrec.2015.07.00
61. Gutiérrez, J., Condeco-Melhorado, A., and Martín, J. (2012). Using Accessibility indicators and GIS to assess spatial spillovers of transport infrastructure investment. Journal of Trans- port Geography. 2012, 18, 141-152.
62. Guzman, L.A., Oviedo, D., Bocarejo, J.P.J.P. (2016). City profile: The Bogotá Metropolitan Area that never was. *Cities 2016*, 60 Pa A, 202–215.
63. Guzman, L.A.; Oviedo, D.; Rivera, C. (2017). Assessing equity in transport accessibility to work and study: The Bogotá region. *Journal of Transport Geography 58*, 236-246.
64. Gwyther, G. (2010). New Mobilities and the Formation and Maintenance of the Personal Communities of Social Housing Residents. Social Justice and Social Change Research Centre, University of Western Sydney, Penrith South, NSW, Australia.
65. Holland, T. G., Peterson, G. D., Gonzalez, A. (2009) A Cross-National Analysis of How Economic Inequality Predicts Biodiversity Loss. *Conservation Biology, 23*(5). 1304–13. DOI: 10.1111/j.1523-1739.2009.01207.x.
66. Holstein, J., & Gubrium, J. (2012). Practicing Dialogical Narrative Analysis. In Varieties of Narrative Analysis. Thousand Oaks: SAGE Publications.
67. Hyndman, J., Giles, W. (2011). Waiting for What? The Feminization of Asylum in Protracted Situations. *Gender, Place and Culture 18*, no. 3, pp. 361–79.
68. Jaramillo, C., Ríos, P. A., Ortiz, A. (2009). Incremento del parque automotor y su influencia en la congestión de las principales ciudades colombianas. Cali: Universidad del Valle.
69. Jones, P., Lucas, K., 2012. The social consequences of transport decision-making: clarifying concepts, synthesising knowledge and assessing implications. *J. Transp. Geogr. 21*, 4–16.
70. Jouffe, Y. (2011). Las clases socio-territoriales entre movilidad metropolitana y repliegue barrial. ¿Tienen los pobladores pobres una movilidad de clase? *Revista Transporte y Territorio, 4*, pp. 84–117.
71. Katzman, R. (2001). Seducidos y abandonados: el aislamiento social de los pobres urbanos. *Revista de la CEPAL, 75*: 171-189.
72. Keeling, D. J. (2008). Latin America's transportation conundrum. *Journal of Latin American Geography,* 7(2), 133-154.
73. Lévy. C. (2013). Travel choice reframed: "deep distribution" and gender in urban transport. *Environment & Urbanization, Vol. 25*(1), 47-63. Retrieved from: https://journals.sagepub.com/doi/full/10.1177/0956247813477810

© 2022 Global Journals

74. Lévy, C. (2020, January). Session 1: Transport, development and the reproduction of inequality in cities. DEVP0032 - Transport Equity and Urban Mobility. University College London, The Bartlett Development Planning Unit, London.
75. Lévy, C., Allen, A., Castán Broto, V., Westman, L. (2017). Unlocking urban trajectories: Planning for environmentally just transitions in Asia in Sustainable Cities in Asia. In Caprotti, F., & Yu, L. (Eds.) *Sustainable Cities in Asia*. Florence: Routledge.
76. Lévy, C., Dávila, J., (2017) Planning for Mobility and Socio-Environmental justice? The case of Medellín. In Allen, A. *et al*. (eds), *Environmental justice and resilience in the urban Global South: An emerging agenda*. London: Palgrave.
77. Londoño-Torres, G. E. (2016). *Reproducción de la informalidad en reasentamientos de población. Macroproyecto de interés social nacional Ciudadela Nuevo Occidente, Medellín*. MSc Thesis on Regional Urban Studies. Medellín: Universidad Nacional de Colombia.
78. Lucas, K (2013). Qualitative methods in transport research: the 'action research' approach. In Zmud, J, Lee-Gosselin, M., Carrasco, J.A., (Eds.). *Transport Survey Methods: Best practice for decision making*. Bingley: Emerald Publishing
79. Lucas, K., Uteng, T. P. (2018). *Urban mobilities in the global South*. London: Routledge.
80. Lucas, K., van Wee, B., & Maat, K. (2015). A method to evaluate equitable accessibility: Combining ethical theories and accessibility-based approaches. *Transportation*, 1–18. DOI: 10.1007/s 11116-015-9585-2.
81. Lucas, K., Verlinghieri, E., Mattioli, G., Guzman, A. (2016). Transport poverty and its adverse social consequences. *Institution of Civil Engineers Publishing, 169,* Issue TR6, pp. 353-365.
82. James, P. A., Magee, L., Scerri, Thom, J., Padgham, L., Hickmott, S., Deng, H., Cahill, H. (2013). Reframing social sustainability reporting: Towards an engaged approach. *Environment, Development and Sustainability, 15*(1), 225-243.
83. Janelle, D., & Hodge, D. (1998). *Information, place and cyberspace: Issues in accessibility*. Berlin: Springer.
84. Laudano, C. N., Corda, M. C., Planas, J. A., Kessler, M. I. (2016). Los usos de la red social Facebook por parte de bibliotecas universitarias argentinas: Reflexiones en torno a las dinámicas comunicativas en la Web 2.0. Revista Interamericana de Bibliotecnología, Vol. 39. Num. 1. pp. 23-37. Universidad de Antioquia, Medellín, Colombia. Retrieved from: https://www.redalyc.org/pdf/1790/179043373004.pdf
85. Malecki, E. J., & Moriset, B. (2008). *The digital economy*. New York: Routledge.
86. Maldonado, M. M. (June, 2019). Efectos sociales del ordenamiento territorial expansivo: la concentración de la vivienda social en Soacha. *Soacha Ilustrada*. Retrieved from: https://soachailustrada.com/2019/06/efectos-sociales-del-ordenamiento-territorial-expansivo-la-concentracion-de-la-vivienda-social-en-soacha/
87. Mallén, J. J. (2013). Participación en Facebook: accesibilidad, compromiso y empoderamiento. Versión Estudios de Comunicación y Política, *Nueva Época*, 31. ISSN 2007-5758. Retrieved from: https://versionojs.xoc.uam.mx/index.php/version/article/view/551/547
88. Marquet, O., Rıos Bedoya V., Miralles-Guasch, C. (2017). Local accessibility inequalities and willingness to walk in Latin-American cities: Findings from Medellın, Colombia. *International Journal of Sustainable Transportation, 11*, No.3, 186-196.
89. Martens, K. (2017) *Transport Justice: Designing Fair Transportation Systems*. Routledge: London, UK.
90. MAVDT, Ministerio de Ambiente, Vivienda y Desarrollo Territorial (2007). Decreto 4466, por el cual se reglamentan la Ley 3a de 1991, los Artículos 83 y 86 de la Ley 1151 de 2007 y se dictan otras disposiciones, Bogotá, Colombia.
91. Melella, C. (2016). Migración y TIC: Identidades andinas en Facebook. La trama de la Comunicación, Vol. 20, n.1 (2016). pp.73-88. Retrieved from: https://latrama.fcpolit.unr.edu.ar/index.php/trama/article/view/563/418
92. Méndez, L. A., Hincapié, M. A., Agudelo, C. F. (2014). Los Macroproyectos de Interés Social Nacional y su impacto frente al ordenamiento territorial. El caso de Ciudad Verde. Universidad de la Salle.
93. Miller, E. J. (2018). Accessibility: Measurement and application in transportation planning. *Transport Reviews, 38*(5), 551-555. DOI: 10.1080/01441647.2018.1492778.
94. Minvivienda (2014). Macroproyectos de Interés Social Nacional. Ministerio de Vivienda. Retrieved from: http://www.minvivienda.gov.co/viceministerios/viceministerio-de-vivienda/espacio-urbano-y-territorial/macroproyectos-de-inter%C3%A9s-social-nacional
95. Miralles, C. (2002). *Transporte y ciudad. El binomio imperfecto*. Barcelona: Ariel.
96. Momeni A., Pincus M., Libien J. (2018). Cross Tabulation and Categorical Data Analysis. In *Introduction to Statistical Methods in Pathology*. Berlin: Springer, Cham. DOI: https://doi.org/10.1007/978-3-319-60543-2_5
97. Moreno, A. (2009). *Análisis del comportamiento del transporte público en el corredor de la autopista sur como eje de integración regional*. Tesis de Maestría en Planeación Urbana y Regional. Pontificia Universidad Javeriana. Bogotá D.C.

© 2022 Global Journals

98. Moreno, C., & Rubiano, M. (2014). Segregación residencial y movilidad cotidiana en el contexto metropolitano. Un estudio a partir de las relaciones Bogotá – Soacha. *Territorios, 0*(31), pp. 133-162. DOI: http://dx.doi.org/10.12804/territ31.2014.06
99. Moreno-Luna, C. A. (2016). Segregación en el espacio urbano de Soacha. Transmilenio como herramienta integradora. *Revista de Arquitectura, 18*(1), 48-55. doi: 10.14718/RevAr.2016.18.1.5
100. Mountz, A. (2011). Where Asylum-Seekers Wait: Feminist Counter Topographies of Sites between States. *Gender, Place and Culture 18*, no. 3 (2011): 381–99.
101. Mychasiuk, R. & Benzies, K. (2011). Facebook: an effective tool for participant retention in longitudinal research. Child: care, health and development, Vol. 38, Issue 5 (September 2012). pp. 753-756. Retrieved from: https://doi-org.libproxy.ucl.ac.uk/10.1111/j.1365-2214.2011.01326.x
102. Nagelhus N. S. (2018). The cyber frontier and digital pitfalls in the Global South. *Third World Quarterly, 39*:5, 821-837. DOI: 10.1080/01436597.2017.1408403.
103. Notiflash Ciudad Verde (2020). 02/06/2020. Acelerado deterioro del Cerro La Chucuita en Ciudad Verde. Youtube. Retrieved from: https://www.youtube.com/watch?v=maD4EcatwlY
104. Noussan, M., Tagliapietra, S. (2020). The effect of digitalization in the energy consumption of passenger transport: An analysis of future scenarios for Europe. Journal of Cleaner Production, 258. DOI: 10.1016/j.jclepro.2020.120926.
105. Otálvaro Sierra, C. A. (2017). Racionalidad estatal y lógica social en la configuración del hábitat. *Bitácora Urbano Territorial, 27*(2), pp. 57-64.
106. Oviedo, D., Guzmán, L. A. (2020). Revisiting Accessibility in a Context of Sustainable Transport: Capabilities and Inequalities in Bogotá. Sustainability 2020, 12, 44641.
107. Oviedo, D., & Titheridge, H. (2016). Mobilities of the periphery: Informality, access and social exclusion in the urban fringe in Colombia. *Journal of Transport Geography, 55*, 152–164. DOI: 10.1016/j.jtrangeo.2015.12.004.
108. Pacheco-Vega, R. (2019). Literature Reviews. Raul Pacheco-Vega, PhD. Resources. Retrieved from: http://www.raulpacheco.org/resources/literature-reviews
109. Pelletier, N. (2010) Environmental sustainability as the first principle of distributive justice: Towards an ecological communitarian normative foundation for ecological economics. *Ecological Economics, 69*(10). 1887–94. DOI: 10.1016/j.ecolecon.2010.04.001.
110. Pérez-Del Hoyo, R., García-Mayor, C., Mora, H., Gilart-Iglesias, V., Andújar-Montoya, M. D., (2017). Improving Urban Accessibility: A Methodology for Urban Dynamics Analysis in Smart, Sustainable and Inclusive Cities. *Int. J. Sus. Dev. Plann. Vol. 12*, No. 3 (2017) 357–367
111. Periodismo Público (January, 2020). Saldarriaga dice 'No' a Ciudad Verde II y otros proyectos de vivienda interés social en Soacha. *Periodismo Público*. Retrieved from: https://periodismopublico.com/saldarriaga-dice-no-a-ciudad-verde-ii-y-otros-proyectos-de-vivienda-interes-social-en-soacha
112. Polese, M. Stren, R. (eds.). (2000). *The Social Sustainability of Cities. Diversity and the Management of Change*. Toronto-Buffalo-London: University of Toronto Press.
113. Power, A. (2012). Social inequality, disadvantaged neighbourhoods and transport deprivation: an assessment of the historical influence of housing policies. *Journal of Transport Geography, 21*(2012), pp. 39–48.
114. Preston, J., (2009). Epilogue: transport policy and social exclusion. Some reflections. *Transp. Policy, 16*(3), pp. 140–142.
115. Pucci, P., Vecchio, G., Bocchimuzzi, L., Lanza, G. (2019). Inequalities in job-related accessibility: Testing an evaluative approach and its policy relevance in Buenos Aires. *Applied Geography, 107*, 1-11. DOI: 10.1016/j.apgeog.2019.04.002
116. Pulido-Moreno, J. T. (2014). La iniciativa de Macroproyectos de Interés Social Nacional como aporte a la construcción de ciudades sostenibles en América Latina: Estudio de caso de Colombia, Ciudad Verde. Bogotá: Pontificia Universidad Javeriana.
117. Renard, V. (1994). *Objetivos en instrumentos para la gestión de la tierra urbana. Desarrollo urbano futuro*. Ministerio de Desarrollo Económico, DNP: Bogotá. pp. 323- 331.
118. Robertson, R., & Lechner, F. (1985). Modernization, Globalization and the Problem of Culture in World-Systems Theory. *Theory, Culture & Society, 2*(3), 103-117.
119. Rodríguez, C., Peralta-Quirós, T., Guzman, L. A., & Cárdenas Reyes, S. A. (2017). Accessibility, affordability, and addressing informal services in bus reform: Lessons from Bogotá, Colombia. *Transportation Research Record: Journal of the Transportation Research Board, 2634*, 35–42.
120. Rodríguez-Porrero, C., Gil-González, D. (2014). Ciudades amigables con la edad, accesibles e inteligentes. Madrid: Centro de Referencia Estatal de Autonomía personal y Ayudas Técnicas-CEAPAT. 25º aniversario CEAPAT. Retrieved from: http://riberdis.cedd.net/handle/11181/4198
121. Rogan, M., Cichello, P. (2017). Can informal employment actually reduce poverty? *WIEGO Blog*. Retrieved from: http://www.wiego.org/blog/can-informal-employment-actually-reduce-poverty

© 2022 Global Journals

122. Sabatini, F., Rasse, A., Mora, P., Brain, I. (2012). ¿Es posible la integración residencial en las ciudades chilenas?: Disposición de los grupos medios y altos a la integración con grupos de extracción popular. *EURE (Santiago), 38*(115), 159-194. DOI: 10.4067/S0250-71612012000300008.
123. SDM - Secretaría Distrital de Movilidad (2011). Encuesta de movilidad 2011. Secretaría Distrital de Movilidad, Steer Davies Gleave, and Centro Nacional de Consultoría. Retrieved from: https://www.simur.gov.co/portal-simur/datos-del-sector/encuestas-de-movilidad/
124. Stables, A. (2013). The unsustainability imperative? Problems with 'sustainability' and 'sustainable development' as regulative ideals. *Environmental Education Research, 19*(2), 177-186.
125. Shaftoe, H (2000). Community safety and actual neighbourhoods. In Barton, H (ed.). *Sustainable communities: The potential for eco-neighbourhoods*. Earthscan Publications, London.
126. Stucker, D. (2009). Environmental Injustices, Unsustainable Livelihoods and Conflict: Natural Capital Inaccessibility and Loss among Rural Households in Tajikistan. In Agyeman, J., Ogneva-Himmelberger, Y. (Eds.). *Environmental Justice and Sustainability in the Former Soviet Union*. Cambridge: MIT Press.
127. Sumalee, A., Ho, H. W. (2018). Smarter and more connected: Future intelligent transportation system. IATTS Research, Vol. 42(2), pp. 67-71. DOI: 10.1016/j.iatssr.2018.05.005.
128. Székely, M., & Mendoza, P. (2015). Is the decline in inequality in Latin America here to stay? *Journal of Human Development and Capabilities, 16*(3), 397–419. DOI: 10.1080/19452829.2015.1050320.
129. Titheridge, H., Christie, N., Mackett, R., Oviedo Hernández, D., Ye, R. (2014). *Transport and Poverty. A review of the evidence*. University College London.
130. Tonkiss, F., (2013) The contradictions of Informality. In *Cities by design: the social life of urban form*. Cambridge: Polity. pp. 91-112.
131. Torres-González, J. (2012). Movilidad y planeación participativa en Bogotá y Medellín: Relación con ciudades de Colombia y Suramérica. *Análisis Político, 74*, Bogotá, enero-abril, 2012: pp. 29-48
132. Tranos, E., Reggiani, A., Nijkamp, P. (2013). Accessibility of cities in the digital economy. *Cities, 30* (2013) 59-67. DOI: 10.1016/j.cities.2012.03.001.
133. Tufekci, Z. & Wilson, C. (2012). Social Media and the Decision to Participate in Political Protest: Observations from Tahrir Square. *Journal of Communication* (62), 363-379.
134. Van Wee, B., Geurs, K. (2011). Discussing equity and social exclusion in accessibility evaluations. *European Journal of Transport and Infrastructure Research, 11*(4), 350-367.
135. Van Wee. B., Chorus C., Geurs, K. T. (2012). ICT and accessibility: Research synthesis and future perspectives. In *Accessibility Analysis and Transport Planning*. NECTAR Series on Transportation and Communications Networks Research, pp. 37-53. Cheltenham: Edward Elgar Publishing.
136. Vargas-Sáenz, M. E. (2016). Empresas Sociales: primeros pasos teóricos y metodológicos de una apuesta innovadora para el territorio. In Vargas Sáenz, M. E., Gosetti, G., Tacconi, G., Eslava Gómez, A., Rendón Vera, J. S. (Eds.). *Territorio, Trabajo e Innovación: Cuadros teóricos y perfiles metodológicos para un estudio interdisciplinario*. Medellín: Universidad EAFIT, EAFIT Social.
137. Velásquez, C. M. (2012). Vivienda social y ordenamiento territorial en Medellín durante el periodo 2006-2011. Pasos hacia la segregación residencial socioeconómica. *Territorios 27*, pp. 181-197.
138. Vecchio, G. (2017) Democracy on the move? Bogotá's urban transport strategies and the access to the city. *City, Territory and Architecture, 2017*, 4, 15.
139. Vecchio, G., (2018). Producing Opportunities Together: Sharing-Based Policy Approaches for Marginal Mobilities in Bogotá. *Urban Science 2018*, 2, 54, DOI: 10.3390/urbansci2030054.
140. Vecchio G., Tiznado-Aitken, I., Hurtubia, R. (2020) Transport and equity in Latin America: a critical review of socially oriented accessibility assessments. *Transport Reviews, 40*: 3, 354-381, DOI: 10.1080/01441647.2020.1711828.
141. Vecchio G., (2020). Microstories of everyday mobilities and opportunities in Bogotá: A tool for bringing capabilities into urban mobility planning. *Journal of Transport Geography, Vol. 83* (2020) 102652. Retrieved from: https://www.sciencedirect.com/science/article/pii/S0966692319302662
142. Vorley, B. (2017). What role for informal markets in achieving sustainable and inclusive food systems? *GREAT Insights Magazine, Vol.6*, Issue 4. September/October 2017.
143. United Nations (2018). Bogotá, Colombia. The Population Division of the Department of Economic and Social Affairs. United Nations. Retrieved from: https://population.un.org/wup/
144. Urry, J. (2008). Mobilities and Social Theory. In Turner, B. S. (Ed.). *The New Blackwell Companion to Social Theory*. Hoboken, NJ: Blackwell Publishing Ltd. pp. 475-495.
145. Urry, J., Sheller, M. (2006). The New Mobilities Paradigm. *Environment and Planning, vol. 38*, pp. 207-226
146. Wheeler, D. C., & O'Kelly, M. E. (1999). Network topology and city accessibility of the commercial Internet. *Professional Geographer, 51*, 327–339.

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147. Wood, A. (2015). The politics of policy circulation: unpacking the relationship between South African and South American Cities in the adoption of bus rapid transit. *Antipode 47*(4): 1062–1079.

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Arts, Crafts and Schools in the Missionary Action of the Jesuits and the Ancestral Knowledge of the Original Peoples of Brazil

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Abstract- This paper deals with the first crafts brought by the Portuguese colonization, so that in the tropics living conditions similar to those they had in Europe were created and thus favoring the economic and cultural organization that the colonizers needed. By means of the letters inscribed in the study of Serafim Leite, it accesses reports and testimonies of the Jesuits of the 16th, 17th and 18th centuries, to understand the transposition of arts and crafts from Europe to colonial Brazil and the adoption of the arts and crafts of the so-called indigenous who suffered this colonizing action. It uses documentary and historiographical sources of the Society of Jesus, alongside interpretive studies on its action in the construction of the Brazilian colony. It reveals that such technical intertwining explains more vividly how Brazil was made in its beginnings, before it came to be configured as a patriarchal and slave society, as well as what it means socially today, when it exposes a fragile structure of nation and cultural identity too much. controversial.

Keywords: *jesuits, indigenous, crafts, colonization of brazil.*

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I. Introduction

Every society has its knowledge, which directs the work of daily practice, related to survival in the natural environment and the construction of a cultural environment. Before trying to understand how these processes and interactions take place in time and space, it is necessary to move away from judgments that establish hierarchical scales of value, unlike the trend impregnated with evolutionism that classifies everything, according to the assumption that, seen in linear time, simple activities generate more complex ones, or that these are superior to them.

I think it is more rigorous to adopt as an interpretation guide the cultural relativism defined by anthropology, in particular, the one that inherits, as an alternative to the evolutionary stance, the teachings of Franz Boas (1858 -1942), for whom "each culture would contain in itself its own values". and its own unique history (...)". (ERIKSEN; NIELSEN, 2010, p. 54)

The history of Brazilian education is impregnated with this notion, that is, with a hierarchical cultural confrontation between tribal peoples and civilized Europeans. The widespread and crystallized chronicle is authored by Christian missionaries or with a position aligned with them, which names, adjectives and classifies the original peoples, based on the Christian, mercantile and literate civilizational principle, a narrative that is formed throughout the colonial process and its historiographical constitution.

I will not go into this clash in depth, as I have in mind and urgently another exhibition corridor, but I will allow it to be interviewed in some passages of this study, where I make some reading indications, albeit minimal, on the state of the art in that this question is found among Brazilian historians.

> It was the records and interpretations formulated by colonizers, chroniclers, missionaries and official history, which annulled them as protagonists of history, allowing only to consider them as exotic objects, residues of a distant past. Otherwise, it is necessary to see them as living and throbbing, resistant and creative entities, not as pieces in the windows of a museum. That is, as collectivities whose forms of otherness are being permanently reconstructed in their villages and in their political struggles, in rituals and in their daily lives. (SOUZA; WITTMANN, 2016. p.10)

I am interested here in bringing some contribution to the debate already discussed, highlighting the interactive way in which these different types of knowledge were involved, due to the Portuguese colonial process of occupation of the territory that the invaders and builders of Brazil called. I draw attention to the fact that arts, crafts and schools were practices that punctuated the missionary action of the Jesuits and outlined a given civilizational process, which at the beginning defined the material and spiritual foundations of Brazilian society.

Craftsmen and artists are at the base of the first crafts brought by the Portuguese colonization, so that in the tropics living conditions similar to those they had in Europe were created, thus favoring the organization of the agrarian, pastoral and extractive economy and the cultural adaptation, which the colonizers needed.

By means of the reports and testimonies of Jesuits from the 16th, 17th and 18th centuries, we can understand the transposition of arts and crafts from Europe to colonial Brazil. Among them, the presence of bricklayers, carpenters and blacksmiths stands out; not to mention the weavers, carpet makers, potters, sculptors, tailors, embroiderers, painters, scribes and schoolmasters. The list of activities practiced for the

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sedimentation of Portuguese Christian civilization in the Brazilian tropics is long and suggestive.

The European arts and crafts were added to the arts and crafts of the so-called indigenous people who suffered this colonizing action. This shows a symbiosis of diverse cultural heritages and highlights the importance of understanding this past as a hotbed of other cultural developments. Such technical intertwining explains more vividly what Brazil was made of in its early days, before it came to be configured as a patriarchal and slave society, as well as what it means today, when it exposes a fragile structure of nation and cultural identity that is too controversial.

I use documentary and historiographical sources of the Society of Jesus, alongside interpretive studies on its action in the construction of the Brazilian colony. I emphasize that craftsmen and artists from the colonial period had their occupations and uses defined, largely depending on the needs posed by the Jesuit missions, which involved the establishment of residences, churches, schools and villages; from these places, countless urban centers and points of irradiation of missionary and civilizing actions emerged in the service of the purpose of expanding the business and lands of the Portuguese Crown, always threatened by other European nations, such as France and Holland.

The work of Serafim Leite (2004) on the history of the Jesuits, and, in particular, what he wrote about arts and crafts (2008) developed by them in Brazil, alongside schools and colleges, were indispensable for the composition of this work. The greatest importance of this historiographical source is in the use of letters from missionaries about their actions and relationships in the catechetical ordering process, together with the Brazilian natives who were opposed to it, in a form of astute and fierce resistance to the purpose of erasing their traditions and cultural codes.

This study was originally presented at the XVIII Congress of the History of Education of Ceará, organized by Linha História e Educação Comparada/ UFC, in August 2019, in the town of Nova Russas, and its Portuguese version was published in the collection Histórias de Artes, Ofícios e Escolas, from the UFC Editions, in the same year, and our intention is to publish it in other languages and editorial channels, to expand the circulation of the debate proposed here.

II. European Arts and Crafts in Colonial Times

The first Jesuits arrived in Brazil in 1549. Settled in Salvador, they tried to provide a new life to live here and carry out their Christianizing missions. Manuel da Nóbrega's letters – most recently edited by Paulo Roberto Pereira and published as a complete work in 2017 – give the purest testimony of his impressions and actions in that second half of the 16th century, a time full of novelties and uncertainties regarding success of the company set up by the Society of Jesus and the Portuguese Crown in Brazil.

In a letter written in 1558, almost ten years after his arrival, Nóbrega complained about the cannibalism and rebelliousness of the natives, recommending to the King of Portugal how to subdue them.

> This gentile is of a quality that is not loved for the good, but out of fear and subjection, as has been experienced, and therefore if His Highness wants to see them all converted, have them subjugated and must make the Christians spread throughout the land and distribute to them the service of the Indians to those who help them to conquer and lord it, as is done in other parts of new lands, and I don't know how it suffers, the Portuguese generation that among all nations is the most feared and obeyed, being on this coast suffering and almost subjecting himself to the most vile and sad heathen of the world.
>
> Those who killed the people of the bishop's ship (Sardinha) can soon be punished and subjected and all those who are proclaimed as enemies of Christians and those who want to break peace and those who have slaves of Christians and do not want to give them away and all the others that did not want to suffer the just yoke that they were given and therefore rise up against the Christians. When the gentiles were taken to subjection, many forms of ill-possessed slaves and many scruples will cease, because men will have legitimate slaves, taken in a just war, and they will have vassalage services for the Indians and the land will be populated and Our Lord will win many souls and Your Highness will have a lot of income in this land, because there will be many cattle breeding and sugar mills since there is not much gold and silver. (NÓBREGA, 2017, p. 246-247)

The enterprise of winning souls for the Lord and earning a lot of income for Your Highness was set in motion. Alongside the indigenous resistance to this purpose, "many cattle breeding and sugar engines" were needed, which required a certain materiality and the collaboration of countless craftsmen and artists.

The very construction of residences and chapels, roads, towns and cities, adornments and clothing required the recruitment of a set of different crafts and craftsmen. For the construction of schools, in particular, the Jesuits brought principles of architecture of medieval Arabic and Christian roots, which use the idea of the court (inner courtyard) as their starting point, being embedded in their buildings all over the world.

> According to Robert Smith, the Portuguese transferred to Brazil and here recreated, by replica, the solutions found in their cities, both with regard to the construction of houses and in the construction of the urban aspect that cities should present. It seems to us that this transfer also took place in relation to the court, as a constructive program, adopted by the Jesuits as soon as they came to Brazil.
>
> The court, as a constructive program, was the basis for the construction of monasteries of religious orders in the Middle Ages. One of these monasteries, that of Santo Antão, the Old one, in Lisbon, from which Dom Manuel expelled the

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> Moors in 1496, was donated to the Jesuits in 1542. It had already been a convent of nuns, both of the Third Order of Saint Francis and of the Dominican; and it had also already belonged to the titular bishop of Rusiona, by resignation of which the Jesuits took possession, through Simão Rodrigues, by donation from the king. This monastery was the first house the Jesuits ever possessed in the world. It was from there that the Jesuits of Portugal left to settle in Coimbra and Évora. Nóbrega was there, before leaving for Brazil, in 1549, as he was also in Coimbra, where he helped in the construction of the local College in 1548, shortly before coming to Brazilian lands. (CARVALHO, 1982, p.23.

The cited author draws attention to the fact that the inner courtyard of residences and schools was adopted by the Jesuits, not as a place of meditation and recollection, as were the medieval monasteries, but to connect classrooms, workshops and administrative activities. school, so that "it was that courtyard, in fact, the "noisy creative center" of the various activities that the Jesuits performed. (IDEM, p.24)

However, this architectural structure, before being a courtyard, is walled and guarded, establishing a clear dividing line between those inside the dwellings and those outside; rule opposed to the constructive principle that guided the native peoples, who organize their large and high dwellings - in open and collective space, willing to live with the forests that surround them - distributed around a large village, where all community life converges, as well as its guests and visitors.

However, the first Jesuit constructions made in colonial Brazil had to adapt to what was done in the constructions of the native peoples, also due to the material found to carry out this work, such as the use of thatch for the roof and the layout of vines and natural wood for its walls.

> "The first dwellings the Priests had were poor thatched mud houses; his sweat and work cost him, dragging his back to wood and water", wrote the Priests in response to a Chapter by Gabriel Soares. They were the houses of Ajuda. Before leaving them, they made others on Mount Calvary, then outside the city, and the Governor gave them a mud house inside it, close to the walls. They were the first three addresses in Bahia. None of them had the indispensable requirements for college, although in all of them catechesis were carried out and the rudiments of reading and writing were taught. Nóbrega, among the instructions given him by the Provincial of Portugal, included, as we have seen, that if there was a disposition in Brazil for a school or a retirement for boys, he should found them. (LEITE, 2004, p. 21)

Bricklayers and carpenters are very active craftsmen in this foundation enterprise, but they face many difficulties. Serafim Leite states that "the first work of the Jesuits was the chapel of Ajuda, in Bahia, founded at the same time as the city. It was initially covered with straw (the famous "sé de straw"), followed by other buildings made of rammed earth and stone and lime." (LEITE, 2014, p. 405)

After the arts of construction, there is the activity of manufacturing fabrics to supply clothing needs. Speaking of this initial moment, Serafim Leite (2004), in volume I – III of his work, states that "the beginnings of autonomous crafts in Brazil are in the textile industries genre. That of masons and carpenters are prior, of course, and began to be exercised with the very construction of towns and cities" (Idem, p. 403).

Regarding the art of weaving, in particular the aforementioned historian emphasizes - based on a meticulous reading of the Jesuit letters under his examination - that in a few years this practice had spread along the coast. It started in Bahia and extended to Espírito Santo, where some boys acculturated in the Bahia mission married Indian women and would have taught them the craft.

> [...] In 1562, it is said, of the Captaincy of Espírito Santo, in this house "some young men from Bahia were raised, whose priests married Indian girls and from them learned to be weavers and the women to spin and tailor, and earn their living in the way of white people", which is something to be highly esteemed. Women tailors, or seamstresses, would not be just Indians; around 1578, they were already engaged in the highest industry of embroidery and vestments. It can be deduced from an order for ornaments to be made in Bahia, at that time, for the church of São Paulo de Piratininga. (LEITE, 2004, p. 403)

So much effort in this art is related to the purpose of dressing the priests, yes, but, above all, the Indians, whose cultural tradition leads them to walk in innocent nudity, adorned with straw ornaments, paintings, bird feathers and seeds; peoples who do not understand the Jesuits' insistence on covering their bodies with robes similar to those they wore, even though the priests cannot produce enough clothing to meet this moral demand.

> [...] And the priests tolerated being naked, so as not to fall on them the burden of dressing them, in a land where the Priests themselves had difficulty. They fostered the rudimentary weaving industry, but that was not enough. Then, it was necessary to create the habit of balance in clothing, which is only acquired with time. Outside the processions, and when the Indians proceeded individually, they used their clothing in an unexpected way: "one day they go out with a cap, cap or hat on their heads, and everything else naked; other times they bring a short garment to the waist with nothing else. When they get married, they go to the wedding dressed, and in the afternoon they go for a walk with only the cap on their head. In the fields they are almost always naked, both men and women. (LEITE, 2004, p. 254)

In the same chapter, Serafim Leite talks about the industry of espadrilles, made of vegetable fibers, to withstand long walks in the forest and periods of flooding when the paths were flooded.

> The Brothers made them; and Anchieta speaks of himself in 1554: I learned "a craft, which taught me the necessity,

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which is to make espadrilles, and I am already a good master and I have made many for the Brothers, because you cannot walk around here with leather shoes in the mountains. They were the footwear used by missionaries "due to the harshness of the jungles and large floods of water, as Leonardo do Vale refers to, who brought espadrilles made of thistles, which was the leather of those times. The way to do it was this: they went to the field, brought certain thistles or wild caragoatas, threw them in the water for 15 or 20 days, until they rotted. From these they took large ribs, like linen, and stiffer than linen. (IDEM)

With regard to the functioning of the Colleges, as Serafim Leite warns, they required different jobs, such as "buyer, porter, cook, dispensary, cafeteria, sexton, nurse, barber, wardrobe, tailor, shoemaker, hotelier, the one in charge of the corrals, carpenter, turner, (...)." (Idem, p. 404). He also remembers the creation of workshops, in the surroundings of the colleges, which involved: "the people in charge of the mills, the practitioners of surgeries, the craftsmen specialized in goldsmithing and even statuary, although generally the finest sculptures of famous statuary came from Lisbon" (Idem); activities related to the provision and restoration of books are also included, which included the planning of libraries, considered the first in Brazil.

The content of the College libraries in the 16th century is easy to infer from the faculties they taught. The most important was, without a doubt, the one in Bahia with its three courses in Humanities, Arts and Theology (...). In 1567, Nóbrega cites, in addition to the books of Sacred Scripture, Saint Thomas Aquinas, Scotus, Soto, Doctor Navarro, Panomitano, Silvestre, Acursio, Nicolau de Lira, Gabriel, etc.; and with such precise references that they imply immediate consultation of these works or most of them. (LEITE, 2004, p. 390)

Crafts, businesses and edifications of the Jesuits started in Bahia were gradually extended to the entire Brazilian territory, constituting important milestones of colonial penetration and indigenous domination, which until today mean a lot for us to understand the civilizational process embedded in this enterprise, which had, at the same time, time, economic and religious nature, as the two sides of the same coin.

As is known, the Fathers of the Society of Jesus, of the Assistance of Portugal, had schools, residences and farms from the Amazon to the Rio da Prata and from the Atlantic coast to Mato Grosso. Many and their Houses and Churches do not exist today. But there are still, in the states of Pará, Maranhão, Ceará, Pernambuco, Sergipe, Bahia, Espírito Santo, Rio de Janeiro, São Paulo and Paraná. The ones that have reached the present day, we have almost all seen them personally and are now classified national monuments. Other churches were rebuilt either during the Jesuit period or later. It should be borne in mind that when rebuilding a Church, the contents of the previous one are never destroyed, in what is useful, especially what is silver and gold and movable art, in the fields of painting, statuary, fine carpentry: paintings, images, credences, sacred places, torches, altarpieces, and sometimes entire altars, as is evident in the Church of Embu (Mboi) in São Paulo. (LEITE, 2008, p. 32)

Serafim Leite highlights the plurality of crafts set in motion in Brazil around the Jesuit missionary action, which can be summarized as follows, according to the classification made by him:

- A) Building Arts and Crafts: 1) Building arts and crafts – including baroque architecture; 2) masons, stonemasons, marble workers; 3) carpenters, carvers, inlays, joiners, lathes and sawmills; 4) shipbuilders; 5) blacksmiths, locksmiths and smelters; 6) potters;
- B) Fine Arts: 7) sculptors and statuary; 8) painters and gilders; 9) singers, musicians and choir directors; 10) Potters, clay potters (and tiles);
- C. Manufactures: 11) Tailors and embroiderers; 12) Shoemakers (shoes and espadrilles, sole craftsmen and tanners); 13) Weavers;
- D. Offices of Administration: 14) Administrators of Mills and Farms, Shepherds, Farmers and Attorneys;
- E. Health Services: 15) Nurses; 16) Pharmaceutical Nurses; 17) Surgeons; 18) Apothecaries or Pharmacists;
- F. Other Offices: 19) Teachers of Boys and Directors of Marian Congregations; 20) Librarians, bookbinders, typographers and printers; 21) Pilots; 22) Barbers and Hairdressers; 23) Housework; 24) Singular Arts and Crafts (varnisher, recovrier, calligrapher, geographer, goldsmith, cartographer, chemist, lime maker, goldsmith, master of arithmetic, cherry worker, clock director, leather maker or paper maker. (Idem, pp.39- 108)

As the above list shows, the arts and crafts required by the catechetical and educational action of the Jesuits put into action a variety of craft knowledge, which were the basis for building social life in the colony of Brazil. Other scholars of Jesuit action in Brazil, based on the work of Serafim Leite, also highlight this technical dimension implicit in the ordering, both material and pedagogical, of their schools, which needed mills, farms and workshops for their sustenance.

With the data we had, it was possible to show that the Jesuit colleges were not just "fortifications" of Western Christian culture within the Portuguese colony located in the American tropics. They were also places of learning of mechanical arts that frequently instructed the officers destined to operate the operation of the sugar mills, plan the architecture and build churches and colleges. Consequently, we show that Jesuit teaching was not exclusively bookish, and that the educational hegemony exercised by the Society of Jesus varied according to the historical circumstances that permeated the metropolitan colonial logic, acquiring aspects of improvisation and adaptation to the environment. (FERREIRA JÚNIOR; BITTAR, 2012, p. 713)

When we think of the Portuguese colonization process in its broadest economic and political sense, we often forget that its materiality was partly developed at the initiative of the missionaries, through the transplantation of a broad set of technical knowledge they brought from Europe.

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III. Arts and Crafts from the Cultural Universe of Native Peoples

Alongside these crafts of European origin, there were, however, those linked to the cultural universe of the native peoples, which were fundamental, above all, in the opening of land and river paths, in the handling of tropical flora and fauna in terms of food and medicine, in the location of water sources, in the use of raw materials for the construction of buildings and housing, in dealing with the climate and its variations, in rainy and arid seasons, as well as in facing physical and cultural obstacles to penetration into the territory, in opening and marking of trails and paths.

Indigenous arts and crafts related to food: gathering, hunting, fishing and swiddens; craftsmanship and housing: basketry, earthenware, armaments, weaving, native architecture; transport: canoeing and long walks, fighting venomous and wild animals and strategies for fighting in the jungle. It is a set of knowledge and practices that speak of the social organization of peoples inhabiting this part of America, about which we still do not know the origins and we lack in-depth studies on their cultural formation, as Capistrano de Abreu understood, shrewdly, in his writings about the discovery of Brazil.

> The discovered lands were inhabited by different tribes from those hitherto known by the Portuguese. They were no less different from each other, but in the midst of striking differences they presented remarkable points of profound similarity. No general designation comprehended them: foreigners called them pretos, brasis, brasilienses, and finally, Indians, the last residue of a millenary illusion, reverted by Columbus. In places where there are still independents and numerous people know them as Bugres, as in São Paulo, and in general in the South.
>
> From its past, monuments remain. Shellmounds, sernambis, or oysters from the coast and the Amazon, inscriptions traced in worm ink on rocks; stones arranged one on top of the other so that they sound when struck, no one step facilitates the knowledge of the indigenous people in the time before the discovery. (ABREU, 1999, p. 151)

In the 1587 text, we have the testimony of Gabriel Soares, in his Treatise on Brazil, among many other documents bundled in the work, A Fundação do Brasil, organized by Darcy Ribeiro and Carlos Araújo Moreira Neto.

> "It is customary for these people, when walking through the woods without knowing news of the populated place, to lie down on the ground, and smell the air, to see if it smells of fire, which they know by smell more than half a league, according to the information of who with them deals very familiarly; and as it smells of fire, they climb the highest trees they can find, in search of smoke, which they can see from afar, which they follow, if it suits them well to go where he is; and if it suits them to depart from it, they do so before they are felt; and because the Tupinambás have this knowledge of earth and fire, they are very much believed when the Portuguese offer to go to war anywhere, where the Tupinambás always go ahead, running the land as they are on errands, and showing the most people the way they will walk and the place where they will retire each night.(...)" (Apud RIBEIRO; ARAÚJO, 1992, p. 205)

About the manufacture and use of canoes in large and small rivers, we have the testimony of the German traveler Hans Stadten (1557) in an account that deserves to be seen in its details.

> There is there in that land, a kind of tree, which they call an iga-bira. They remove the bark, from top to bottom, in one piece, and for that purpose they build a special structure around the tree, in order to remove it whole. Then they bring this bark from the mountains to the sea. They heat it in the fire and bend it upwards, front and back, tying it first, in the middle, transversally, with wood, so that it does not stretch. So they make boats in which thirty of their people can go to war. The shells are a thumb thick, about four feet wide and forty feet long, some larger, some less. They row fast with these boats and in them they travel as far as they please. (...) They do not row more than two miles out to sea, but along the coast travel far. (Apud RIBEIRO; ARAÚJO,)

Another very similar testimony is given by Priest António Vieira, a century later. In both, the indigenous dexterity in these activities is highlighted, both in manufacturing and piloting canoes. Following the courses of the rivers or walking on long journeys over land, it was the indigenous people who led the Portuguese to penetrate the territory.

> Here it will be well to note that the Indians are the ones who make the canoes, cover them, caulk them, sail them, row them, and often, as we will see, carry them on their backs, and those who, tired of rowing all night and all day, they go and get what they and the Portuguese will eat (which is always the most and the best); those who build their houses, and whether they will go overland, those who carry their burdens and even the branches on their backs. All this the sad Indians do, without paying anything more, than calling them dogs, and other names much more outrageous; and the best reward that the wretched can take from these journeys is to find (which seldom happens) a corporal that does not treat them so badly. There has been a journey in which, of the Indians who left, half of them did not return, because the sheer work and mistreatment killed them. (Apud RIBEIRO; ARAÚJO, 1992, p. 210)

Historians of Brazil, between the end of the 19th and the 20th century, could recognize, like Capistrano de Abreu and Sérgio Buarque de Holanda, the active participation of the culture of indigenous peoples in the indication of paths, knowledge and techniques in the occupation and/or clearing of the territory, without which the settlers would not have carried out this penetration in such an agile and successful way from the point of view of their objectives of dominion, and to the unhappiness of the native peoples.

In the work Caminhos e Fronteiras (HOLANDA, 1994) - whose first edition dates from 1957 - we have an approach aimed at highlighting the cultural exchanges that took place between foreigners and natives,

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highlighting - contrary to what is normally done due to the alleged technical superiority of the Europeans - the importance of indigenous technical knowledge for the survival of the Portuguese, in areas such as opening roads, fishing, canoe production, weaving and agriculture. Here is an overview of the aforementioned work by the Brazilian sociologist and historian, which is worth reading.

> This is what the fact that the settlers were so attached to the method of building canoes made from perobas and ximbaúvas would reveal to us that, when they could no longer count on sufficient wood for this purpose, they came to harm all the commerce that had developed by river to Mato Grosso. But, we ask, did the settlers know of any other canoe-building technique before this one? Wouldn't there have been a very active learning and an adaptation that was dynamic rather than passive? In the author's examination of the adoption of hammocks and their weaving methods, he already seeks to carry out a very detailed comparative study, verifying that, "with very few exceptions, where the European adopted among us some indigenous product associated with fully developed, he also adopted these methods, refraining from modifying them. When it came to articles already known in the old world, as was already the case with cotton, he generally limited himself to improving them at some point, without, however, change them substantially" (p. 204). An interesting case of cultural exchanges took place in the field of weaving: the technique of spinning cotton, introduced by the Jesuits at the beginning of colonization, remains a homemade industry, of a primitive character. until the rise of the textile industry in the early 19th century. The Indian adopted the carding bow of the horizontal looms brought from Europe, and, on the other hand, saw their vertical looms for weaving nets adopted by the settlers. (STEINER, 1959)

Sérgio Buarque de Holanda presents an original approach, valuing the nomadic autochthonous culture par excellence and even appropriating it by the first settlers, regarding the displacement through the territory, knowledge of the jungle, refinement of the senses and their cartographic skill.

> To the senses exercised by the way of life they lead, there is added, as already noted above, an almost miraculous sense of direction. There is an example of this in the extraordinary cartographic skill with which they are often endowed. Von den Steinen describes how a Suia captain, for your information, drew in the sand part of the Upper Xingu course, with its numerous tributaries and with an indication, in addition, of thirteen riverine tribes. “each name was repeated twice, three times; where a tribe - the meynacus, for example - had five villages, drew five lines and showed me, one by one, all the fingers of his hand.” The information thus provided was so clear and curious that it was enough to encourage the wise traveler to embark on a second expedition, which took place in 1887-88, with considerable results for a better understanding of the tribes of central Brazil. (HOLANDA, 1994, p.22)

The occupation and seizure of techniques and land by the Portuguese took place, initially, on the coast, then towards the hinterland. They were faced with a territorial set of great extension, in both directions. They were lands inhabited by different ethnicities, a presence that will be seen with amazement and curiosity by the first settlers, starting with the fact that they had their own languages and moved on foot and using canoes, which they made themselves, because “they had canoes made of excavated trees or of tree bark, or rafts of buritis stalks, for example, or of reeds and reeds gathered together (...)”. (ABREU, 1999, p. 157)

> As soon as Europeans arrived at these places, they found them populated by different tribes. Some spoke a language that, due to the great extent in which it dominated, deserved the name of general. Others spoke languages that were generally little known and of limited area, languages that were called “locked”. The former, according to Frei Vicente do Salvador, called themselves Apuabetos (Apiabeté, according to Batista Caetano), the latter they called Tauias, that is, enemies. (ABREU, 1999, p. 73)

The relations between colonizers and indigenous people would have known two different phases in the 16th century, as the most current historiography attests, based on documents and testimonies from the colonial period: 1) the one that became known as the first contacts, in which some exchanges were possible; 2) the one that begins with the decision to establish governmental lines of more systematic occupation.

> The first contacts between indigenous and Europeans took place in a relatively peaceful way; both sides sought to satisfy their interests. In the territories that today correspond to the states of São Paulo and Pernambuco, the exchange of metal products for dyed wood and wild animals between Portuguese and Tupiniquins ensured the success of colonization in these regions. In Todos os Santos Bay, Diogo Álvares, known as Caramuru, sealed the alliance between the Tupinambás and the representatives of the Portuguese crown.
>
> The situation changed a lot with the installation of the general government and the immigration of Portuguese settlers, which began to be carried out by the thousands. These immigrants established swiddens, farms and mills, and needed labor to cultivate their land. The solution found by the settlers was the brutal submission of the indigenous people who inhabited the coast. From “good savages”, the Indians became “irremediable savages”, “without faith, without king, without law”. Portuguese settlers often bought prisoners from tribal wars. (LOPEZ; MOTA, 2008, p. 73)

The authors report that, with the establishment of this governance decision, the division of land into captaincies and *sesmarias,* the implementation of the sugar economy - decisions that were in part the result of the territorial dispute between the Portuguese and the French and Dutch - tensions between settlers, indigenous and Jesuits grew. The Indians, or rather, those who were not “decimated by diseases and captivity (...)” (Idem, p. 74), would only have to flee to the interior. While “the Jesuit priest, José de Anchieta complained that, in the last 20 years, that is, between

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1560 and 1580, more than 80 thousand indigenous people had died under the tutelage of the settlers of Bahia (...)" (Idem), the enslaved people from Africa began to arrive at the end of the 16th century, thus opening another stage in the tragic history of European colonization in America.

IV. Final Considerations

In view of the comparison of readings exposed here, we can draw some precious lessons about the history of arts, crafts and schools in early Brazil, the scene of the encounter between different peoples and cultures, which are strange to the social codes of which they are both bearers, at the same time they enter into forced interaction. If we take this cultural shock to a purely religious level, we can imagine what it meant for worshipers of Jesus Christ and Tupã to decipher and translate the meaning of these very different deities.

After all, how to accept a wounded and dead God, in the face of the living strength of the forces of an exuberant nature, where the native peoples and their ancestors live? We can imagine with what amazement the native peoples looked at the arrival of priests dressed in long black robes, carrying a large cross, proclaiming the word of a crucified God whom they should follow, composing processions of children dressed in white, carrying angel wings, chanting sad, monotonous chants and prayers.

Instead of worshiping, celebrating and fearing Tupã – a Tupi-Guarani term, linked to thunder, which suggested to the first Jesuits of the Colony a synthesis of what the indigenous people could have as a belief in a single God – a symbol of the exuberant forces of nature, they should follow by imposition a foreign religion in tireless struggle with the Devil, composed of men without joy, penitents and fearful of the sins of the flesh, preaching the end of time, threatening everyone with the punishment of death and the fire of hell.

Added to the priests, there were settlers eager for riches and slaves, authorities of the Portuguese Crown, full of armaments, protocols, regulations and laws for the meticulous control of the Brazilian colony; large-scale production of sugar for the European market, the search for precise metals and a greedy and unconditional defense of the occupied territory.

How many European and indigenous arts and crafts were needed to assemble this colonial society? At what price this was done, especially when we look at the embarrassment caused by the Portuguese presence to those who inhabited this part of the world, previously ignored by Europeans, where they could live without any other shock than those who were already a millenary part of a past full of myths own, structured in narratives that reached them, orally, through their ancestors.

References Références Referencias

1. ABREU, Capistrano. *O Descobrimento do Brasil.* São Paulo, Martins Fontes, 1999.
2. CARVALHO, José Antônio. *O Colégio e as residências dos Jesuítas no Espírito Santo*. Rio de Janeiro, Expressão e Cultura, 1982.
3. ERIKSEN, Thomas; NIELSEN, Finn. *História da Antropologia.* Petrópolis, Editora Vozes, 2010.
4. FERREIRA JÚNIOR, Amarílio; BITTAR, Marisa. *Artes liberais e ofícios mecânicos nos colégios jesuíticos no Brasil colonial*. In: Revista Brasileira de Educação, v. 17, n.51, set-dez 2012, p. 693 – 716.
5. HOLANDA, Sérgio Buarque de**.** *Caminhos e Fronteiras.* São Paulo, Companhia das Letras, 1994.
6. LEITE, Serafim. *História da Companhia de Jesus no Brasil.* Organização César Augusto dos Santos et alii. São Paulo, Edições Loyola, 2004. 4 v.
7. LEITE, Serafim. *Artes e Ofícios dos Jesuítas no Brasil (1549 – 1570).* Natal, Sebo Vermelho, 2008. (Edição fac-similar da Edição da Revista Brotéria/ Lisboa e da Livros de Portugal/ Rio de Janeiro, 1953).
8. LOPEZ, Adriana; MOTA, Carlos Guilherme. *História do Brasil:* uma interpretação. São Paulo, Editora SENAC-São Paulo, 2008.
9. NÓBREGA, Manuel da. *Obra Completa.* Organização Paulo Roberto Pereira. Edição Comemorativa do 5º Aniversário de Nascimento (1517 – 2017). Rio de Janeiro, Editora PUC Rio; São Paulo, Edições Loyola, 2017.
10. RIBEIRO, Darcy; ARAÚJO, Carlos de. (Org.) *A Fundação do Brasil:* testemunhos (1500 – 1700). Petrópolis: Vozes, 1992.
11. SOUZA, Fábio Feltrin de; WITTMANN, Luisa Tombini (Organizadores). *Protagonismo indígena na história.* Tubarão, SC: Copiart; Erechim, RS: UFFS, 2016.
12. STEINER, Maria Helena C. de Figueiredo. *Resenha do livro Caminhos e Fronteiras*. In: Revista de História, USP, vol. 18, nº 38, 1959, publicada em PDF a 16.11.2015 http://www.revistas.usp.br/revhistoria/article/view/107506/105911

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The Consumption of Intoxicating Beverages and the Therapeutic Models for their Treatment in Mexico

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Abstract- *Objective:* This work aims to investigate what is the social context of the consumption of intoxicating beverages and what are the most used methods for their treatment among the population of Mexico.

Materials and Methods: Based on the ethnographic method, field work was carried out that facilitated reflection and analysis on the different aspects that make up the social phenomenon of alcohol intake and its rehabilitation in Mexico.

Results: As part of the results, we know that alcohol consumption is an atavistic practice that occurs customarily in contemporary society in Mexico, although consumption patterns, individual, group and social functions vary. Based on the reports of the Ministry of Health, for three decades, the consumption of intoxicating beverages has increased in the country. For its treatment, the population has resorted to outpatient rehabilitation and spiritual counseling.

Conclusions: We can conclude that the intake of intoxicating beverages continues to increase. Neither method guarantees rehabilitation from alcoholism.

Keywords: *alcoholism; treatment; recovery; therapeutic models; qualitative research.*

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The Consumption of Intoxicating Beverages and the Therapeutic Models for their Treatment in Mexico

El Consumo de Bebidas Embriagantes y Los Modelos Terapéuticos Para su Tratamiento en México

Ángel Alejandro Gutiérrez Portillo

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Conclusions: We can conclude that the intake of intoxicating beverages continues to increase. Neither method guarantees rehabilitation from alcoholism. Of the two most widely used models of treatment, oaths are more effective than self-help and mutual aid groups.

Keywords: alcoholism; treatment; recovery; therapeutic models; qualitative research.

Resumen- Objetivo: Este trabajo tiene como objetivo indagar cuál es el contexto social del consumo de bebidas embriagantes y cuáles son los métodos más utilizados para su tratamiento entre la población de México.

Materiales y Métodos: A partir del método etnográfico, se realizó el trabajo de campo que facilitó la reflexión y análisis sobre los distintos aspectos que configuran el fenómeno social de la ingesta de alcohol y su rehabilitación en México.

Resultados: Como parte de los resultados, sabemos que el consumo de alcohol es una práctica atávica que se da de forma consuetudinaria en la sociedad contemporánea en México, aunque varían los patrones de consumo, sus funciones individuales, grupales y sociales. Con base en los informes de la Secretaría de Salud, durante tres décadas, el consumo de bebidas embriagantes se ha incrementado en el país. Para su tratamiento, la población ha recurrido a la rehabilitación ambulatoria y al asesoramiento espiritual.

Conclusiones: Podemos concluir que la ingesta de bebidas embriagantes sigue en aumento. Ninguno de los métodos garantiza la rehabilitación del alcoholismo. De los dos modelos de tratamiento más utilizados, los juramentos son más eficaces que los grupos de autoayuda y ayuda mutua.

Palabras clave: alcoholismo; tratamiento; recuperación; modelos terapéuticos; investigación cualitativa.

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I. Alcohol Consumption in Mexico

Charles Bukowski's literary work is a parable that reflects many of the reflections that I discuss in this article. The renowned American writer narrates in some of his novel episodes the virtue of drinking alcohol and staying drunk. In this regard, Bukowski (2013) would say that the problem with drinking, while serving a drink is that if something bad happens, you drink to forget it; if something good happens, you drink to celebrate; and if nothing happens, you drink for something to happen. This allegory of alcohol allows us to think about the social uses that intoxicating drinks have been given in Mexico.

Since pre-Columbian times, corn, tomato, chili, beans, avocado, squash, maguey or agave were some of the plants that provided the most important food for the settlement and development of Mesoamerican peoples.

Regarding the maguey, it is one of the nine genera of the agavaceae family. There are just over 200 species of agave, most of which are endemic to our country. The magueys found in Mexican territory are as diverse in the shape of the stalk, in its color, in its size, in its tessitura, as in other aspects. Agave varieties are the product of the plant's high degree of adaptation to different ecosystems, such as its ancestral interaction with humans. Throughout history the agave has had countless uses that were established for its medicinal and nutritional properties, for its docile handling and resistance for the elaboration of the typical Otomí house and multiple household items, as well as to delimit the plots and avoid soil erosion (García, 2007).

The first maguey crops date back to 6500 BC, in the area of Tehuacán, currently located in the state of Puebla, with these the extraction of pulque was started,

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which allowed the intake of intoxicating beverages to become a practice rooted in Mexican culture (Soberón, 1999).

As Vela (2018) alludes to, pulque was not only the most common alcoholic beverage, except for water, it was the liquid with the highest symbolic content of pre-Hispanic times. The exploitation of the maguey plant, the extraction of mead and the elaboration of pulque are practices of old date, which indicates the presence of sites in the Altiplano.

Likewise, we know that pulque was ingested by the rulers or priests in religious ceremonies, even becoming a deified culture around it. From this custom they derived a set of tools and techniques designed in a special way for the cultivation of the maguey, as well as the consumption practices.[1] On this Matadamas (2016), mentions that pulque was considered a divine gift and it was believed that the process of elaboration itself was under the tutelage of different gods. In fact, a distinction was made between the deities of the maguey, generally female –such as Mayáhuel–, and those of the pulque, which are male. The main deities associated with pulque were Mayáhuel herself and the centzontotochin or four hundred rabbits, a name that rather than refer to a precise figure is a metaphor for its great number and diversity. As a whole and individually these gods are associated with fertility, agriculture and the lunar cycle.

Regarding this, Fray Juan de Torquemada points out that the main lords and the war people as a point of honor had not to drink wine, but their drink was cocoa and other concoctions of ground seeds, and although they were inclined to this vice of drunkenness, they did not they drank wine so freely, as they do today, not out of virtue but out of fear of punishment (Soberón, 1999).

Certainly, at that time, the rulers were testing mechanisms that would allow them to subject the consumption of pulque to regulations established by religious ceremonial. The strictest would be directed at the ruling elite and the most flexible at the popular strata.

According to the chronicles of Fray Bernardino de Sahagún, anyone who consumed pulque outside of these religious rituals was severely punished, even with death. In these annals it is detailed how the Spaniards, surprised by the harsh penalties imposed on themselves by the natives, proceeded to abolish it. However, the new measures adopted by the Spaniards could not stop it, they only managed to considerably increase alcoholism among the indigenous population (Velasco, 1998).

With the Spanish conquest, this area of religious ritual as a cultural context for the intake of pulque and other ethyl substances became secularized, causing its divine garb to be lost. It is the same Fray Bernardino de Sahagún who speaks, for the first time, about the drunkenness to which the natives were affected. He described problems such as adultery, family disintegration and violence due to the abuse of alcoholic beverages. On this, Sahagún himself (1981) mentions that they also celebrated all the gods of wine, and put a statue to him, gave him offerings, danced and played the flutes, in front of the statue there was a jar made of stone that was called *ometochtecómatl*, which was full of wine, with some reeds with which those who came to the party drank the wine, those who drank were old and old, brave men and soldiers, men of war, they drank wine from that jar, for reason that one day they would be captives of enemies; thus they went about enjoying themselves, drinking wine, and the wine they drank never ran out, because the innkeepers every so often poured wine into the jar.

In colonial times, the natives received salaries of two or three reales per day, but even so they had the ability to acquire half a liter of pulque for half a real. The consumption of pulque became socialized and it was the Spaniards who later, with the support of the State, began the cultivation of agave, as well as to promote its production and trade (Soberón, 1999).

Such was the success of the pulquero market that at the end of the 18th century it represented one of the most prosperous economic activities in New Spain. However, this activity was impacted by the Independence movement in 1810. By the mid-nineteenth century, the pulque industry was once again one of the most powerful and expanded throughout the Mexican Republic, confirming its economic power and political influence. The establishments where it was sold were increasing. Later, the hegemony of pulque as a national drink was affected by two determining factors: the Mexican revolution and the opening of foreign capital that President Porfirio Díaz allowed. This facilitated the incorporation of new consumption patterns in the Mexican population and beer became the favorite drink among Mexicans (Soberón, 1999).

According to the Ministry of Health (2017), the alcoholic beverage preferred by consumers in the last 12 months was beer (40.8%), exudes (19.1%), table wines (8.2%), prepared beverages (7%), fermented (3.6%), 96 alcohol or spirits (1.4%).

In Mexico, as in most societies, alcohol consumption and the problems derived from it are predominantly male issues (Díez, 2003). Unlike men, women hardly drink and when she does, she ingests less. It is very strange that they get drunk, although it

[1] According to Goguitchaichvili et al. (2018), for centuries, and until a few years ago, it was considered that the distillation process had been brought to the new world by the Spanish, who in turn learned it from the Arabs. For this reason, it was believed that the only alcoholic beverage in Mesoamerican societies was pulque –a maguey ferment–. However, recent archaeological investigations revealed that alcohol distillation was known in Mesoamerica long before the arrival of Europeans, for at least 25 centuries.

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happens more and more frequently in women who live in metropolises.

In the case of Mexico, the difference by sex can be explained according to the way in which alcoholic drink damages the social prestige of the family. For men it is not shameful to get drunk, but it is, in the case of women. Based on the reports of the Ministry of Health (2002, 2009, 2012, 2017) in sixteen years the number of customary drinkers increased from 0.7% to 3.5% and with alcohol dependence from 0.7% to 2.5%, compared to that of customary drinkers that went from 9.7% to 13.8% and with alcohol dependence from 8.3% to 9.6%. One of the reasons for this exponential increase in the number of drinkers is that women have tried to equate her social position with respect to men, but she is reproducing the macho culture in alcohol intake. Let us not forget that the construction of identities is implicit in the consumption of alcohol.

In Mexico, for example, it is very common to socially construct masculinity from alcohol intake, that is, it is assumed that men have greater virility just for the fact of ingesting alcohol, but if they do so frequently, it is still more male, while that man who does not take a drop of alcohol is considered a "coward", an "old woman", a "whore". This is a macho conception of reality that permeates all social classes in the country.

We also know that women hardly recognize themselves as customary drinkers, much less alcoholic dependent, who prefer to drink in private than do it in public, since the social stigma still prevails towards them, because an alcoholic woman would hardly fulfill the social role that was assigned to him (daughter, wife, mother, grandmother).

On the other hand, for men, drinking publicly and excessively is essential. This is observed in various civic and religious rituals, where the intake of alcohol is mandatory for men. Proof of this are the Catholic religious ceremonies (baptism, confirmation, marriage, death, Christmas, etc.), such as the civil ceremonies of taking the protest of a legislator (president, senator, deputy, etc.), the commemoration of an event (Independence, Revolution, the Battle of Puebla, etc.), academic graduation (elementary school , high school, university), the inauguration of an event (Olympics, Super Bowl, Congress of Sociologists, Anthropologists, etc.), the birthday anniversary, among others. It should be noted that these types of rituals are important for the lives of individuals, because always and places the subjects put into practice a series of actions that contain transcendental symbolic values for the conception of life, without these rituals' life would not have meaning to people.

Placing alcohol as a means or instrument of socialization in any secular or religious ritual has popularized its intake, which constitutes an eminently masculine practice in Mexico. While women drink during rituals, they rarely get drunk. Men, instead, drink on whatever occasion comes their way. I have been able to verify this since he was a child, but I did it much more clearly about 25 years ago, when he was doing field work in the state of Chiapas. In those years, said entity was going through a tense process, because the EZLN and the Federal Government had just signed the San Andrés Larraínzar agreements.[2] This gave rise to the State Government to promote a consultation project to learn about the forms of legal organization of different ethnic groups in Chiapas. According to the results issued, the creation of the Indigenous Peace and Conciliation Courts was approved. Tenejapa was one of the municipalities where one of these courts was implemented. There I witnessed how, at the end of each trial, the parties involved, generally men, ingested *pox* - an alcoholic beverage from the region made of corn - to seal the agreement.

This is a deeply rooted custom among the indigenous communities of Los Altos de Chiapas, a place where alcohol plays a preponderant role in the social and religious organization, which is essentially made up of men (Holland, 1963; Aguirre, 1992; Vogt, 1993; Pitarch, 1996; Gutiérrez, 2018).

In this regard, the American anthropologist Evon Vogt (2003), points out that the most frequently repeated ritual episodes in Zinacantan people ceremonial life are: drink, food, processions and offerings in the sanctuaries of the cross.

From various investigations that have been carried out in Mexico we know that the consumption of intoxicating beverages among indigenous communities in the national territory is deeply associated with their traditional organizational practices, their religious customs, their ways of subsistence and particularly the marginalization of which have historically been the object (Berruecos, 2013; Gutiérrez, 2014).

In the same way, we know that the alcohol consumption patterns of indigenous peoples are different from those of the rest of the population that lives in the country, that they are linked to sexist practices, that children and women are the most vulnerable groups, as are also these sectors that more recently the ravages of alcohol intake. Although there are currently no precise statistics that report on the characteristics of alcohol consumption, it is known that

[2] On February 16, 1996, in San Andrés Sak'amchén de los Pobres, Tsotsil municipality of Los Altos de Chiapas, the Zapatista Army of National Liberation and the Federal Government signed the agreement of the first dialogue table regarding the irreplaceable role of the Indian peoples in the Mexican nation. To elaborate the contents of this commitment, the parties (the State and the EZLN) called together political, indigenous, trade union, popular, intellectual, urban, peasant and cultural organizations. The intention was to add the greatest effort of reflection and analysis to negotiate with the federal and state governments what should be the historical, political, social, economic and cultural principles that should become National Laws to end racism, marginalization and exclusion of all the Indian peoples of Mexico, not just Chiapas (Gobierno del Estado de Chiapas, 2003).

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patterns in the intake of alcoholic beverages have increased in the various indigenous communities of the country (Berruecos, 2013).

Likewise, the different Catholic rituals that exist throughout the year can be observed throughout the national territory, where alcohol occupies a transcendental place. This leads us to a paradox, because the State is assumed as secular, when the annual work calendar is subject to multiple festivities, ceremonies and cults of the Catholic, Apostolic and Roman Church. This is due, in part, to the fact that this religion, like the other doctrines, has a great interference in the political, economic, social and cultural scene in the national territory. Such meddling is supported, because most of the population is Christian.

In Mexico, the annual celebrations begin with the traditional Guadalupe-Reyes marathon. This is a folkloric expression used by the population, to refer to the festive period between December 12 (day of the Virgin of Guadalupe) to January 6 (day of the Reyes Magos). In this period there are several celebrations that literally make up a "marathon" of festivities, in which alcohol cannot be absent.

Each of the celebrations has its peculiarity. We know that Mexicans are Guadalupanos more than Catholics. For this reason, on December 12, the day of the Virgin of Guadalupe, most of the population becomes a pilgrim, there are literally rivers of people everywhere, who come to the different temples scattered throughout the country. Only from December 1 to 12, 2018, more than ten and a half million people visited the Basilica of Guadalupe (Ahedo, 2018). This is the reason why the name Guadalupe is one of the most popular in the country. It is used interchangeably regardless of gender.

As a result of that celebration, I remember that in 2014 when I was doing the *Ethnography of the cult of Santa Muerte in San Cristóbal de Las Casas, Chiapas* –work published in 2015–, one of my informants invited me to participate in the festival. I knew beforehand that it would be a great party, because the Victoria Santiago family is very devoted to the Virgin of Guadalupe. When I arrived at the home of Humberto Francisco, around 11:00 in the morning, they were setting up a large tent outside his house, setting up tables and chairs for all the guests, because the priest did not delay in arriving to start the prayer. This concluded around 1:00 p.m. Immediately afterwards the group began to play tropical music, the food was served, the beers came out, the "pomos" –the bottles of liquor–, alcohol ran everywhere. Around 8:00 p.m., many drunk people could already be seen. At that point in the party, I had many friends, "friends", "brothers", several compadres and some godchildren. It should be noted that the act of ingesting intoxicating beverages is what unites men in Mexico, because when they become uninhibited, they establish a relationship of trust. This happens because a drunken individual says and does so many things that in his right mind he would never say or do.

Then the posadas continue, which take place from December 16 to 24. The origin of posadas in Mexico dates to colonial times, when the friars began to evangelize the indigenous population. It is said that it was in the convent of San Agustín de Acolman, where the so-called Christmas bonus masses were instituted in New Spain in 1587. About this, Molina (2020), mentions that Fray Diego de Soria, was the one who requested the permission of Pope Sixtus V, to celebrate the masses of each year, in commemoration of the 9 days of pilgrimage of José and his wife María, before of giving birth to her son Jesus. These masses would be known as "Christmas bonus masses".

Over the years, these celebrations left Catholic temples to settle in people's homes. After the Mexican Revolution, it became customary to go out to the streets to ask for a posada, a practice that continues to this day in popular culture. The posadas are organized by a group of people who are divided into two parts; those who will reflect the pilgrimage of Mary and Joseph, so that she gives birth to Jesus; while the other group stays inside the house pretending to refuse to receive them, but in the end, the pilgrims are welcome. There are litanies that pilgrims and landlords sing until the first enter the home.

The organizers then extend a rope, where the piñata is hung, for a child or adolescent to break it with a stick. Basically, a piñata is a clay or cardboard pot covered with newspaper and decorated with china paper of different colors; Inside it is placed candies, oranges, canes, limes, hawthorn, and very recently, even toys. Obviously, when the piñata is broken, the fruits, sweets and gifts fall to which those present rush to catch them. The atmosphere is one of fun and hubbub. At the end of the ritual, everyone enjoys tamales, fritters and other foods accompanied by traditional drinks such as punch with its respective "piquete" (this is equivalent to a portion of alcohol, whether it be tequila, brandy, rum, etc.). However, in the last two decades, the posadas have moved to spaces such as discos, bars and canteens, places that are crowded by young people with the sole purpose of ingesting alcoholic beverages.[3]

On December 24, along with the last Posada, Christmas Eve is celebrated. Date on which, for many believers, Jesus was born. In Mexico, since most families are Catholic, they meet for dinner on Christmas Eve. The popular dishes that are tasted that night are romeritos, turkey, baked leg, cod, apple salad, foods that are accompanied with drinks, preferably alcoholic.

[3] Among the 12- to 17-year-old population, 31.5% of the men and 28.8% of the women drank alcohol. For the population between 18 and 29 years old, 37.9% of men and 26.7% of women drank alcoholic beverages during the last year (Secretaría de Salud, 2017).

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There is even a beer called Noche Buena, made in Orizaba, Veracruz, by the Cuauhtémoc Moctezuma brewing group, since 1924. This drink is made to be consumed during the winter season; therefore, it is only available from October to February.

During Christmas Eve as in the first hours of Christmas, thousands of liters of alcohol are consumed in the country. Based on the survey applied in 19 countries by the Ferratum Group, corresponding to the 2018 Christmas Barometer, Mexicans allocated 29% of their Christmas bonus to clothing, 16% to alcoholic beverages and 10% to electronic devices (Hernández, 2018).

In the first week of the year, with almost no money in their pockets, January 6 arrives, the day of the Reyes Magos, the date on which it is customary to give gifts to infants, which are left the night before by their parents. on the Christmas tree. When the children wake up, they go to the tree to open their presents. On the evening of January 6, families gather to split the traditional rosca de reyes. This is a torus-shaped sweet bread garnished with various colored candied dried fruit slices. In the preparation of the rosca de reyes, plastic dolls of approximately one and a half centimeters are placed inside it, which are part of the tradition, because when breaking the bread, if you get a doll you will have to organize, and of course, pay, on February 2, the feast of the Virgen de la Candelaria, which at least includes tamales and atole –corn drink sweetened with a certain viscosity at the end of cooking–, served as hot as possible, although there is never a lack of someone who arrives with a bottle of tequila, to continue with the religious festivities throughout the year.

Undoubtedly, in Mexico, the intake of intoxicating beverages is part of the life of men, not so much of women. As I mentioned, this does not mean that contemporary women never drink or get drunk. But, yes, it implies that at an ideological and behavioral level, alcohol consumption is associated with male identity and sexist practices.

Given the importance of the role that intoxicating beverages play as a means or instrument of socialization among the population, their intake has become popular. Therefore, at present we observe consumption patterns that are considered abuse by the State, placing the intake of intoxicating beverages as the main public health problem, not only because of the costs they generate to society and the health system, but because of the effects on individuals and families (Secretaría de Salud, 2017).

Likewise, because alcohol intake is associated, directly or indirectly, with five of the ten main causes of death in Mexico, among which are heart disease, diabetes mellitus, malignant tumors, liver diseases, accidents, cerebrovascular diseases, and assaults, chronic obstructive pulmonary diseases, influenza and pneumonia, kidney failure, certain conditions originating in the perinatal period, congenital malformations, deformities and chromosomal abnormalities, malnutrition and other nutritional deficiencies, intentionally self-inflicted injuries, chronic and unspecified bronchitis, emphysema and asthma (INEGI, 2016).

It should be noted that from the National Survey on Addictions 2012 to the National Survey on Drug, Alcohol and Tobacco Consumption 2016-2017, alcohol intake in the population aged 12 to 65 years has remained stable in prevalence once in life, going from 71.3% to 71.0% respectively. The prevalence of consumption in the last year decreased from 51.4% to 49.1%, which is equivalent to just over 41.8 million people who ingested alcohol in Mexico (Secretaría de Salud, 2017).

However, the prevalences of consumption in the last month increased from 31.6% to 35.9%, excessive consumption in the last year from 28.0% to 33.6%, excessive consumption in the last month from 12.3% to 19.8% (this figure represents little more than 16.8 million people), daily consumption from 0.8% to 2.9% and customary consumption from 5.4% to 8.5% (this figure is equivalent to just over 7.1 million people). Possible dependence on alcohol was 2.2%, that is, just over 1.8 million people in the country (Secretaría de Salud, 2017).

Regarding the age of initiation of alcohol consumption, the Ministry of Health (2017) mentions that there is no significant variation with respect to previous studies in 2008 (17.9 years), in 2011 (17.8 years) and in 2016 (17.9 years). In the case of men, they said that they started their alcohol consumption in 2008 at age 17, in 2011 at 16.6 years and in 2016 at 16.7 years. Women reported starting alcohol consumption in 2008 at 19.3 years, while in 2011 and 2016 at 19.2 years.

II. The Rehabilitation of Alcoholism in Mexico

In Mexico, alcohol consumption occurs due to the sociocultural context, where there are various and complex reasons that intervene between the dimension of the incidence in the consumption of intoxicating beverages, with its negative consequences, and the lack of attention from the State to address this phenomenon. The Health Sector focuses primarily on the intervention on injuries, illnesses and damages of various kinds caused by excessive alcohol intake, but exhibits serious problems in terms of prevention, diagnosis and care (Modena, 2009).

It is known that societies create and reproduce different material and symbolic resources, according to the sociocultural context, which allows them to face, temporarily or permanently, the consumption of alcohol.

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In Mexico, among the most popular ways to treat alcohol dependence[4], is to go to a healer, healer, witch, psychologist, psychiatrist, family doctor, join a Protestant church, a self-help group, take oaths to the virgins or Catholic saints, among others.

According to the Ministry of Health (2012), the number of alcohol consumers attending rehabilitation is 829,109 people, of which 89% are men and 11% women. There are 330,920 individuals with possible dependence who attend treatment, of which 93% are men and 7% women. This means that the population that consumes alcohol or with possible dependence and that received treatment in 2011, is lower, compared to the increase in the number of customary and dependent drinkers that occurred during the year that the survey was applied. To tell the truth, Mexicans are not characterized by being a society that seeks rehabilitation, much less the prevention of alcoholism or other dependence. Likewise, it is evident that women are the ones who least attend rehabilitation, its equivalent is out of every 100 men who go to treatment, only 10 women do.

For its part, in the National Survey on Drug, Alcohol and Tobacco Consumption 2016-2017 it is alluded that, of the alcohol consumers in the last year, 699,947 people have attended treatment, of these, 92% are men and the 8% women. When considering users with dependency in the last year, the figure decreases to 262,053 people, of these, 92% are men and 8% women (Secretaría de Salud, 2017).

The total population of alcohol consumers who attended rehabilitation did so with a psychiatrist (8.9%), family or general practitioner (10.3%), another specialist physician (2.3%), psychologist (16.7%), social worker (11.7%), nurse or other professional in a Health Center (6.3%), independent therapist (3.0%), spiritual advisor (15.1%), self-help group (25.8%), other specialist (1.2%) (Secretaría de Salud, 2017).

When analyzing the data provided by the Ministry of Health (2017), we can specify, in a general way, that the population favors outpatient treatment and spiritual counseling, because they are less expensive than hospital and residential care.

In Mexico, the most popular outpatient treatments are self-help and mutual aid groups, and the most sought-after spiritual advisers are priests of the Catholic Church, where alcoholics traditionally go to swear.

The oaths, commonly known as mandas, are the promises that an imploring makes to a virgin or saint, which are governed by the principle of reciprocity between the virgin or saint and the imploring, is what Foster calls (1961), the "dyadic contract", that is, an agreement between two parties who establish a bond of their own free will. There are two types of dyadic contract: one symmetric when it is made between equals and another asymmetric when it is made between unequals. In this case, the agreement is made between entities that do not have the same power or social position, a sacred being and a human being. The afflicted man begs the virgin or the saint to heal his discomfort, help him find a job, help him find a good man, a good woman, help him get good grades, help him prosper in his business, among other requests. When the virgin or the saint have fulfilled their part of the bargain, the imploring person carries out what they have promised in return, for example, pray to them every day, venerate their image, bring them flowers and candles, etc. (Gutiérrez, 2014).

In Mexican society, one of the first options to stop drinking is to swear, that is, to beg for help from a virgin or Catholic saint. Among the most venerated are the Virgin of Guadalupe and San Judas Tadeo (Zabicky and Solís, 2000).[5] To swear, a person has to make a pilgrimage to the church. When the parishioner arrives at the temple, he goes to the parish priest and tells him that he wants to swear to stop drinking. To offer this kind of help, the father asks the imploring person to provide information about his drinking problem, and they establish a realistic timeframe during which he will stop drinking. Then the priest gives the alcoholic a stamp that has the image of the virgin or the saint printed on the front side from whom he will ask the favor, and on the back, they will write down the dates on which the abstinence begins and ends (one week, a month, a year or more). Later, they go to the sculpture or image of the virgin or the saint, where the alcoholic declares his devotion to him and asks for his help to be able to stop drinking. The sworn person is presumed to stop drinking. This type of oath is not like a command, because the imploring does not offer anything of reciprocity. When an alcoholic takes an oath and vows never to drink again, he offers no gift to the saint, he only promises fidelity to his oath. Apparently, the ability to control oneself, at the risk of divine punishment for

[4] The notion of alcohol dependence is characterized by certain easily observable signs and symptoms, including the inability to control alcohol intake, withdrawal symptoms when drinking is stopped, and tolerance during the early stages. In short, alcohol dependence is a set of behavioral, cognitive and physiological phenomena in which the use of alcohol becomes a priority for the individual, in contrast to other activities and obligations that at some point had greater value for him (Organización Panamericana de la Salud, 2008).

[5] In Mexico, all those who deal with this matter (health teams, relatives, patients), know that some patients, throughout their pilgrimage in search of a solution for their alcoholic problem, go to the various Catholic churches in the country (especially to the Basilica of Guadalupe in the Villa of the same name, and the temples of that religious group, in Mexico City) to swear before the Virgin or before some other Catholic saint, that they should not drink for a certain time, for which they do penance, raise prayers typical of the church, and even sign and seal a ballot for this purpose, after Mass, reading the Bible and, generally, communion (Zabicky y Solís, 2000).

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failure, is a sufficient reward for the virgin or saint. Priests seem to understand alcoholics over-estimate the amount of time they can go without drinking. Overflowing with enthusiasm to stay abstinent, they promise they won't drink for years or even the rest of their days. Aware of the enormous seductive power of alcohol, the priests try to keep the oath within realistic limits. After all, the alcoholic who does not keep the oath that he has made to the virgin or the saint is, in essence, committing a sin. Sure, alcohol can do worse harm to the dependent in this life, but sin can do worse harm in the next. Basically, pastors take a pragmatic approach and propose oaths for short terms, several months at a time, which can be repeated as often as the alcoholic assumes to stay sober. In the Mexican context, the oath has shown some kind of effectiveness in dealing with alcoholism –Lévi-Strauss (1995), points out that the effectiveness of certain magical practices implies the belief in magic, and this is presented in three complementary aspects: in first, the sorcerer's belief in the efficacy of his techniques; then, that of the sick person that he cares for or of the victim he pursues, in the power of the sorcerer himself; finally the trust and the demands of the collective opinion, which at every moment form a kind of gravitational field within which the relations between the sorcerer and those he bewitches are defined and situated. Therefore, the French thinker alludes that symbolic efficacy consists of an "inducing property" possessed by certain formally homologous structures capable of being constituted, with different materials at different levels of the living being: organic processes, unconscious psyche and reflective thought–.[6] Unfortunately, in the best of cases, the success of the oaths is not homogeneous.[7] In Mexico, stories abound of officially sworn drinkers, who ask permission from the virgin or the saint, to abandon their oath for a couple of days, almost always to participate in a family celebration. To request a short dispensation of this kind, they simply go on pilgrimage to one of the churches and ask the virgin or saint for permission to break their oath. By the way, I have never known a case where the virgin or the saint denied such a request. I think this programmed relapse on the part of alcoholics is effective, because they stay away from drinking for most of the oath. Also, because it is not perceived by them as a relapse properly. Instead, relapses by members of self-help and mutual aid groups are seen as weakness of the person who succumbs to alcohol.

Regarding self-help groups, they have proliferated throughout the national territory, because the official institutions in charge of providing health services have been inoperative for decades in Mexico. Proof of this is that even though alcoholism is considered a dependency syndrome by the World Health Organization (2008), it is not treated psychiatrically by health institutions, because when an alcoholic person attends the IMSS, at ISSSTE or some other government agency for care is referred by the doctor, in the best of cases, to a self-help group, primarily Alcoholics Anonymous. The same fate suffers those people who require treatment for their addiction to tobacco, marijuana, cocaine, amphetamines or other drugs, since most of them are channeled to Civil Associations, which on their own initiative have created rehabilitation spaces.

For the past 20 years, my studies have focused on the use and dependence of psychoactive substances, primarily on alcohol, as well as the rehabilitation of subjects through traditional Alcoholics Anonymous groups. This allowed me to venture into other Civil Associations, and to realize that most of them work with self-help and mutual aid groups, but to fulfill their rehabilitation goal, they implement the religious therapeutic method of Alcoholics Anonymous (Gutiérrez, 2017).

According to the National Commission against Addictions (2020), among the main aid institutions against addictions that are not part of the Ministry of Health, the Centers for Juvenile Integration A.C., Alcoholics Anonymous A.C., Drug Addicts Anonymous A.C. and Al-Anon Family Groups A.C. Stand out.

Each of these Civil Associations I have studied, and I know that they operate, to a greater or lesser extent, under the model of the Twelve Steps, Twelve Traditions and Twelve Concepts of Alcoholics Anonymous. Within the Double A community these are known as the Three Legacies.

After all these years of research, I concluded that the rehabilitation program of Alcoholics Anonymous is very deficient, and that those Civil Associations that use this therapeutic method are not a solution to the problem of alcohol or other drug use in Mexico. In the first place, because they lack facilities and qualified personnel. Second, because the effectiveness of the recovery model has never been proven to reduce dependence on alcohol or another psychoactive substance. What the therapeutic method has shown is that people in recovery acquire an emotional codependency to the group they attend. Third, what matters least to the State is whether people are rehabilitated –disengaging from all responsibility– because that is why the Civil Associations were legally created.

[6] In the chapter *The Wizard and His Magic*, Lévi-Strauss (1995), mentions that Quesalid did not become a great sorcerer because he cured his illnesses, but that he cured his illnesses because he had become a great sorcerer.

[7] For his part, Pierre Bourdieu (2006) alludes that without fully agreeing with the relationships between belief and the symbolic efficacy of religious practices -such as oaths-, one would have to consider the psychological or even psychosomatic functions and effects of belief in religious producers as well as consumers.

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References Références Referencias

1. Aguirre, G. (1992). *Medicina y magia: el proceso de aculturación en la estructura colonial*. Fondo de Cultura Económica.
2. Ahedo, A. (2018). "Llegan 10 millones de peregrinos a la Basílica de Guadalupe". *El Universal*. Diciembre 1. https://www.eluniversal.com.mx/metropoli/cdmx/llegan-10-millones-de-peregrinos-la-basilica-de-guadalupe
3. Berruecos, L. (2013). "El consumo de alcohol y el alcoholismo en México: el caso de las comunidades indígenas". *El Cotidiano*, 181, 73-80. https://www.redalyc.org/pdf/325/32528954010.pdf
4. Bourdieu, P. (2006). "Génesis y estructura del campo religioso". *Relaciones. Estudios de historia y sociedad*, 27(108), 29-83. https://www.colmich.edu.mx/relaciones25/files/revistas/108/pdf/PierreBourdieu.pdf
5. Bukowski, C. (2013). *Mujeres*. Anagrama.
6. Comisión Nacional contra las Adicciones (2020). *Directorio de establecimientos residenciales de atención a las adicciones reconocidos*. Comisión Nacional contra las Adicciones.
7. Díez, I. (2003). "La influencia del alcohol en la sociedad". Osasunaz. *Cuadernos de Ciencias de la Salud*, 5, 177-190. https://core.ac.uk/download/pdf/11502752.pdf
8. Foster, G. (1961). "The dyadic contract: A model for the social structure of a mexican peasant village". *American Anthropologist*, 63(6), 1173-1192. https://anthrosource.onlinelibrary.wiley.com/doi/pdf/10.1525/aa.1961.63.6.02a00020
9. García, A. (2007). "Los agaves de México". *Ciencias*, 87, 14-23. https://www.redalyc.org/pdf/644/64408704.pdf
10. Hernández, A. (2018). "Mexicanos gastan aguinaldo en ropa, viajes y alcohol". *El Universal*. Diciembre 12. https://www.eluniversal.com.mx/cartera/economia/mexicanos-gastan-su-aguinaldo-en-ropa-viajes-y-alcohol-en-fiestas-decembrinas
11. Gobierno del Estado de Chiapas (2003). *Los acuerdos de San Andrés*. Consejo Estatal para la Cultura y las Artes de Chiapas, Secretaría de Pueblos Indios.
12. Goguitchaichvili, A., Cervantes, M., Lazcano, J., Serra, M., Morales, J., Soler, A., Urrutia-Fucugauchia, J. (2018). "Archaeomagnetic evidence of pre-Hispanic origin of Mezcal". *Journal of Archaeological Science: Reports*, 21, 504-511. https://doi.org/10.1016/j.jasrep.2018.08.022
13. Gutiérrez, Á. A. (2018). "Epiméleia socrática: modelo terapéutico de Drogadictos Anónimos en Villahermosa, Tabasco, México". *Drugs and Addictive Behavior*, 3(1), 75-91. http://doi.org/10.21501/24631779.2636
14. Gutiérrez, Á. A. (2017). "Asociaciones Civiles que atienden a usuarios de drogas en Villahermosa, Tabasco". *Espacio. Innovación más Desarrollo*, 6(15), 100-124. http://doi.org/10.31644/ IMASD.15.2017.a06
15. Gutiérrez, Á. A. (2015). "Etnografía del culto a la Santa Muerte en San Cristóbal de Las Casas, Chiapas". *Quehacer Científico en Chiapas*, 10(2), 80-90. http://www.dgip.unach.mx/images/pdf-REVISTA-QUEHACERCIENTIFICO/2015-jul-dic/EtnografiadelcultoalaSantaMuerte.pdf
16. Gutiérrez, Á. A. (2014). *Purificando almas: Alcohólicos Anónimos en Bacalar, Carlos A. Madrazo y Ramonal, Quintana Roo*. Universidad Nacional Autónoma de México.
17. Holland, W. (1963). *Medicina maya en Los Altos de Chiapas*. Instituto Nacional Indigenista.
18. Instituto Nacional de Estadística y Geografía (2016). *Mortalidad. Causas de defunción*. Instituto Nacional de Estadística y Geografía.
19. Lévi-Strauss, C. (1995). *Antropología estructural*. Paidós.
20. Matadamas, D. (2016). *El culto al pulque en el Templo Mayor de Tenochtitlán: evidencias materiales*. Tesis de Licenciatura en Arqueología. Escuela Nacional de Antropología e Historia.
21. Módena, M. E. (2009). "Alcoholismo, ayuda mutua y autoayuda". *Desacatos*, 29, 7-10. http://desacatos.ciesas.edu.mx/index.php/Desacatos/article/view/429/298
22. Molina, A. (2020). "Todo lo que debes saber sobre el origen de la Navidad en México". *Cultura Colectiva*. Noviembre 13. https://culturacolectiva.com/historia/navidad-la-historia-de-las-costumbres-mexicanas
23. Organización Mundial de la Salud (2008). *Glosario de términos de alcohol y drogas*. Gobierno de España, Ministerio de Sanidad y Consumo.
24. Organización Panamericana de la Salud (2008). *Alcohol y atención primaria de la salud: informaciones clínicas básicas para la identificación y el manejo de riesgos y problemas*. Organización Panamericana de la Salud.
25. Organización Panamericana de la Salud (2003). *Clasificación Estadística Internacional de Enfermedades y Problemas Relacionados con la Salud*, Décima Revisión, Volumen 1. Organización Panamericana de la Salud.
26. Pitarch, P. (1996). *Ch´ulel: una etnografía de las almas tzeltales*. Fondo de Cultura Económica.
27. Sahagún, B. (1981). *El México antiguo. Selección y reordenación de la Historia General de las cosas de la Nueva España de fray Bernardino de Sahagún y de los informantes indígenas*. Edición, prólogo y cronología José Luis Martínez. Biblioteca Ayacucho.

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28. Secretaría de Salud (2017). *Encuesta Nacional de Consumo de Drogas, Alcohol y Tabaco 2016-2017: Reporte del Alcohol*. Secretaría de Salud, Comisión Nacional contra las Adicciones.
29. Secretaría de Salud (2012). *Encuesta Nacional de Adicciones*. Secretaría de Salud, Consejo Nacional contra las Adicciones.
30. Secretaría de Salud (2009). *Encuesta Nacional de Adicciones. Tabaco, drogas y alcohol*. Secretaría de Salud, Consejo Nacional contra las Adicciones.
31. Secretaría de Salud (2002). *Encuesta Nacional de Adicciones. Tabaco, alcohol y otras drogas*. Secretaría de Salud, Consejo Nacional contra las Adicciones.
32. Soberón, A. (1999). "Introducción. Elixir milenario: el pulque". *Cuadernos de Investigación FISAC*, 1(2), 4-9.
33. Vela, E. (2018). "El pulque prehispánico. Regalo de los dioses". *Arqueología Mexicana*, 78, 8-13.
34. Velasco, R. (1998). *Alcoholismo: visión integral*. Trillas.
35. Vogt, E. (1993). *Ofrendas para los dioses*. Fondo de Cultura Económica.
36. Zabicky, G. y Solís, L. (2000). "El juramento: maniobra no médica, coadyuvante en el manejo de los sujetos con consumo patológico de etanol en México. Aproximación inicial". *Salud Mental*, 23(4), 22-27. https://www.redalyc.org/articulo.oa?id=58242303

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The Phenomenon of Parental Rules in Middle Childhood: A Relational Perspective

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Abstract- This study investigated neglected processes by which parents create, set, and enforce rules for their children in middle childhood. Forty mothers reported their interactions with children aged 9-13 in the context of setting and enforcing rules and expectations. Data consisted of a five-day digital event diary and a semi-structured interview on parents' implicit conceptions of rules and the process by which they set and enforced rules. The data were analyzed qualitatively using thematic analysis. Mothers' reports departed from traditional conceptions in socialization research and family interventions that parents have explicit, stable rules that they should firmly enforce. Mothers indicated that their rules and expectations consisted of a flexible structure of infrequent firm expectations within which most other expectations were dynamically set or offered leeway for negotiation and resistance. Mothers also indicated that their rules and expectations emerged through a co-regulated bi-directional process to which parents and children contributed. The findings support transactional socialization and communication perspectives whereby parents interpret children's behaviors and make complex choices in setting and implementing their expectations.

Keywords: autonomy, bi-directionality, children's agency, firm control, co-regulation, leeway rules, parenting, parental structure, socialization, social relational theory.

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The Phenomenon of Parental Rules in Middle Childhood: A Relational Perspective

Leon Kuczynski [α] & Jane Robson [σ]

Abstract- This study investigated neglected processes by which parents create, set, and enforce rules for their children in middle childhood. Forty mothers reported their interactions with children aged 9-13 in the context of setting and enforcing rules and expectations. Data consisted of a five-day digital event diary and a semi-structured interview on parents' implicit conceptions of rules and the process by which they set and enforced rules. The data were analyzed qualitatively using thematic analysis. Mothers' reports departed from traditional conceptions in socialization research and family interventions that parents have explicit, stable rules that they should firmly enforce. Mothers indicated that their rules and expectations consisted of a flexible structure of infrequent firm expectations within which most other expectations were dynamically set or offered leeway for negotiation and resistance. Mothers also indicated that their rules and expectations emerged through a co-regulated bi-directional process to which parents and children contributed. The findings support transactional socialization and communication perspectives whereby parents interpret children's behaviors and make complex choices in setting and implementing their expectations.

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I. Introduction

A central assumption in socialization research and clinical interventions in families is that parents promote children's development by communicating and enforcing rules, limits, and expectations. Parental expectations and rules are assumed to communicate values and norms for appropriate behavior (Grusec, Danyliuk, Kil & O'Neill, 2017) and organize the child's environment with demands and limits (Grolnick & Pomerantz, 2009). Parental demands for mature behavior also have a pedagogical function that promotes prosocial and instrumental competence (Baumrind, 1973; Kuczynski & Kochanska, 1995). Despite the importance of this parental practice, the processes by which parents set, communicate, and enforce rules and expectations is not well understood.

Dominant conceptions of the nature of parental rules have originated in unilateral theories of socialization that consider parents exclusively in the role of causal agents and children in the role of passive recipients (Kuczynski, 2003). In this literature, parental rules are most often examined as an assumed part of constructs such as firm control (Baumrind, 1971; 2012), effective discipline (Forehand & McMahon, 2003), and parental structure (Grolnick & Pomerantz, 2009) rather than as naturalistic phenomena that need to be investigated in their own right. These constructs focus on the various ways that parents enforce rules, commands, and prohibitions but do not consider the structure of parental rules, and how rules are set and and enforced in dyadic relationship contexts. As a result, much research relies on implicit, often idealized, ideas about the process of setting and enforcement of parental rules.

For example, Baumrind's (1971) parenting styles are based on the construct of ITALICISE. as in parental structure below which is the degree to which the parent sets and enforces rules, regulations, and limits on children. Baumrind (2012) operationalized firm control as a parent who "confronts when child disobeys, cannot be coerced by child, successfully exerts force or influence, enforces after initial noncompliance, exercises power un-ambivalently, uses negative sanctions freely, and discourages free stance" (p. 38). In this definition, there is no explicit conception of the nature of parental rules. However, the implicit idea is that parents have rules; rules are immutable; and effective parents use their superior power to compel children to comply with their expectations.

A similar unilateral conception of rules and expectations forms the basis of clinical behavioral interventions that train parents to use Italicise. as in Parental structure below, in the home (Patterson, Reid & Dishion, 1992). Parental rules are conceptualized as requests or commands issued by parents to children or standing rules and prohibitions issued in the past (Forehand & McMahon, 2003). In behavioral parent-training interventions parents are trained to issue clear commands and use power assertive discipline to enforce an exacting form of compliance that is complete, immediate, and occurs without negotiation or complaint.

Grolnick and Pomerantz (2009) proposed an updated conception of parental rules in their construct of *parental structure*. In their definition parental structure consists of clear and consistent guidelines, information feedback, predictable consequences and follow through, an opportunity for children to meet expectations and parents as final decision makers

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(Farkas & Grolnick, 2010). In this conception, properly formulated rules should be clearly communicated so that children know exactly what is required of them. Although consideration is given to children's autonomy needs, the unilateral idea is retained that parents are the sole originators of rules and expectations and that parents use their greater power and authority to enforce compliance to their instructions.

Despite differences in theoretical framing, the implicit conceptualization of parental rules that have guided socialization research is that parents have or should have demands and limits for children that take form of explicit rules that parents communicate and enforce independent of the child's influence. More generally, what unites these approaches is a conception of rules as a stable individual characteristic of parents, a linear model of influence, and a neglect of the dyadic social context in which rules are set and enforced.

In family interactions, parents communicate and enforce rules, not in a vacuum, but in an interdependent social relationship where their children are also agents with the capacity to actively negotiate or resist parental wishes (Kuczynski et al. 2018; 2021). The view that children are agents in family life has been incorporated in bidirectional perspectives on socialization processes that recognize children's influence in their own socialization (Maccoby & Martin, 1983) as well as the continuing socialization of their parents (Kuczynski, Pitman et al., 2016). Although the general view that socialization is a bidirectional process is widely endorsed, scholars have been slow to adopt he idea that children importantly influence the nature and outcomes of parental practices (Stattin & Kerr 2000; Kerr, Stattin & Özdemir, 2012). Thus, the task of reconceptualizing parental practices to reflect underlying dynamics of bidirectional influence remains at the frontier of research (Kuczynski & De Mol, 2015).

Accumulating research on parenting child social interactions suggests that how parents set and enforce rules is much more dynamic than depicted in traditional models. In an observational study of mother-child interactions with preschool children Crockenberg and Litman (1990) described the protracted transactions that took place in the process of setting and enforcing their expectations. The authors observed that "Obtaining compliance was quite extended; mothers reasoned, persuaded, suggested and adapted their request to what they thought the child would accept" (p. 970). Similarly, Parkin and Kuczynski (2012) found that except for rules concerning their safety, adolescents had difficulty identifying parental rules that were explicit or firmly enforced. Instead, adolescents perceived most rules to be co-constructed between the parent and the child and that parental rules were flexible and afforded room for negotiation.

There is also a body of research that suggests that whether or how parents enforce their demands and prohibitions depends on parents' interpretations of children's behavior. Examples of such interpretative actions include parental attributions of intentionality to the child's behavior (Dix et al., 1986), parental perceptions that the child's behavior has long-term or short-term implications (Kuczynski, 1984), and whether the child's behavior involves issues of personal jurisdiction, social conventions, harm to others, or safety (Smetana 2011).

The purpose of this study was to explore parental rules and expectations as a naturalistic phenomenon from the perspective of mothers of school-aged children. This age group represents middle childhood — a period when parents continually adapt to rapid changes in children's cognitive and social development (Collins & Madsen, 2003). Parents also must adapt to contextual changes as children increasingly engage with peers, schools, and other venues outside the home that are away from parents' direct control. We anticipated that accessing parental perspectives grounded in their experiences with their own children would provide directions for - conceptualizing parental rules and expectations in a new way that could guide future research and practice.

The overarching conceptual framework that guided this study was social relational theory (SRT) (Kuczynski & De Mol, 2015). In SRT both parents and children are assumed to be agents interacting within the context of an interdependent long-term relationship that both constrains and enables parents' and children's expression of agency. The theory's focus on parental agency, child agency, and bidirectional influence, guides researchers to explore how parents actively interpret and construct meanings during transactions with children and accommodate their children's displays of agency. As applied to the present study, SRT's focus on the relationship context of parent-child interactions helps to explore how cognitions formed in the history, interdependence and anticipated future of the relationships influence parental choices when they set and enforce rules for their children.

Two additional constructs compatible with SRT, *co-regulation* (Maccoby, 1985) and *leeway* (Goodnow, 1997) served as a source of initial ideas regarding transactional processes that underlie how parents may set and enforce rules. Maccoby (1985) described co-regulation as a process whereby parent adapt their expectations and actions to their children's emerging capacities for self-regulation. More broadly, the idea of co-regulation implies that parental practices should not be considered solely as individual characteristics of parents, but as components of a joint regulatory process to which both the parent and the child contribute.

Goodnow's (1997) conception of leeway provided a model for how parents may accommodate children's agency in specific situations. Goodnow (1994)

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argued that not all values are equally important to parents. Thus, when children resist parental rules, parents may accommodate children's choices by offering them leeway. Goodnow (1997) proposed three forms of leeway: parents may communicate to children that there are acceptable or tolerable options to deviate from what was requested of them, parents may offer leeway regarding the time frame within in which to comply and parents may also offer leeway within specific domains of decision-making where children are specifically encouraged to express their creativity.

The research questions were as follows: How do parents perceive the nature of their rules and expectations for children at middle childhood? We were interested in the implicit structure of these rules. As well we were interested in whether processes analogous to co-regulation and leeway were apparent in the way parents perceived the process of setting and enforcing their rules and expectations.

II. Method

The participants were English-speaking mothers who were recruited from a mid-sized city in Ontario, Canada. The parental data were collected as part of a larger study on socialization during middle childhood that also included child participants. Although the larger study also included parallel procedures for children (see Kuczynski et al. 2019), the present study focuses on mothers' responses only. The study was approved by the University's research ethics board. Families received two $25 gift cards for their participation.

The criteria for recruiting families stipulated families with at least one parent and one child between the ages of 9 and 13 who were attending elementary school. The final sample consisted of 40 English-speaking mothers who had a mean age of 44.4 years. The educational breakdown of the sample was as follows: high school (1), technical college, (8), undergraduate, (20), postgraduate (11). The employment status of mothers was as follows: 23 worked full-time, 13 worked part-time, and 4 did not work outside the home. The ethnic background of the sample was predominantly English Canadian or European in origin but included several participants who identified themselves as Metis, West Indian, and African. Of the 40 children who were the focus of the interviews, 20 children were ages 9, 10, or 11 (10 males, 10 females), and 20 children were ages 12 or 13 (10 males, 10 females).

There were three phases to the study which occurred over a one-week period. In Phase 1 parents and children were visited at home by two research assistants who interacted with the participants separately and together. Both mothers and children were assured that their communications would be kept private from each other. The purpose of Phase 1was to introduce parents and children to the study, build rapport, and train mothers to use the Parent Daily Report (PDR) for Phase 2 of the study. Building rapport was important because parents and children were asked to report on sensitive incidents involving non-compliance and rule transgressions.

Phase 2 consisted of the PDR, a booklet of target incidents that guided parents to systematically track and report target incidents using a digital voice recorder for five consecutive days. The target events were as follows: 1) instructions given to child before they left the house, 2) instructions regarding rules and responsibilities, 3) knowledge of child's thoughts, feelings, activities, 4) enjoyable interactions, 5) disagreements and differences of opinions, 6) cooperation with parental requests, 7) non-cooperation with parental requests. Each page of the booklet consisted of one target incident, followed by prompts that guided the parent to describe each incident in detail. The reports most relevant to this study were in narratives concerning, parental rules, requests, and prohibitions and children's disagreements and resistance to parental instructions.

The PDR methodology served two purposes. First, it contributed to the ecological validity of parental narratives in the Phase 3 interview (Bolger et al. 2003) by providing parents with concrete, recently occurring, contextualized experiences on which to base their responses. Second, it provided complementary data to that obtained in the final interview regarding counts of mothers who reported each theme and detailed descriptions of specific incidents.

During Phase 3, Mothers and children were again interviewed in the home by two research assistants. The procedure for mothers was a one-hour semi-structured interview that capitalized on the rapport and insights generated during the 5-day diary. The interview covered four broad topics: parental rules and expectations, children's resistance to parental requests and prohibitions, recent changes in rules or resistance, behavior away from home, and parent–child intimacy. In practice, information from the digital diaries and open-ended interviews overlapped but provided complementary information, with the digital diaries contributing to the counts and detailed descriptions of specific acts of resistance and the final interview contributing an in-depth understanding of parents' meanings and intentions regarding the events reported during the previous week and parents' views of longer-term changes in their rules and expectations for children

a) Thematic Analysis

Interviews and event reports were transcribed from audio records. Themes, and sub-themes were identified using the procedures for thematic analysis described by Braun and Clarke (2006). The steps of

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thematic analysis included familiarization with data through repeated reading of the transcripts, creating initial categories based on noticeable themes within the data, searching for overarching themes, evaluating themes and labeling and conceptualizing themes. The analyses of parents' narratives used the conceptual framework of interpretive induction (Kuczynski & Daly, 2003). Interpretive induction emphasizes the role of sensitizing concepts in the analysis of qualitative data to identify, describe, and understand phenomena. In the present study, the initial interpretation of the data was sensitized by existing theoretical perspectives on parental practices, however the researchers also were alert to novel ideas expressed by the participants that were not available in the literature.

Constant comparison (Charmaz, 2008) was used to continually assess the similarities and differences between coded segments and themes and between the emerging themes themselves. In qualitative research, the requirements of validity and reliability are met by the criterion of trustworthiness. In thematic analysis, trustworthiness occurs when the researcher actively engages in a precise, exhaustive and thorough data analysis, while still adhering to an iterative and reflective process (Nowell, Norris, White & Moules, 2017). During this coding process, coding was carried out by the first and second authors who met regularly to review the themes, discuss alternative interpretations, and to ensure rigor in the constant comparison process. Analyses were aided by qualitative data analysis software program, MAXQDA, to ensure the systematic categorization of data and documentation of the analytic process in memos and interpretive comments assigned to narratives and codes.

III. Results

The analyses suggest that during middle childhood parents conceive their rules and expectations as providing structure and guidance in a manner that is contextually flexible and reflects the contributions of their children. We found three principal themes that were expressed by the majority of the participants (Table 1). The first theme is that parental rules and expectations provide a *structure of flexible guidelines* for children's behaviors. The second theme is that rules are set and implemented by a bidirectional process of *co-regulation* which reflect the joint and interdependent influences of parents and their children. The third theme is that most parental rules and expectations afforded children *leeway for agency* that invited or accepted children to exercise their agency in negotiating or evading compliance. The illustrating quotes from mothers are identified by family number and age and sex of child to which the narrative refers.

Table 1: Thematic analyses of Mothers Conception of Rules and Expectations

Themes and Subthemes	Percent of Mothers Reporting
Structure of Flexible Guidelines	
Minimal expectations with bottom lines	63%
Implicit expectations	53%
Co-regulated expectations	
Prompted self-regulation	100%
Developmentally adapted	78%
Leeway for Agency	
Leeway for resistance	70%
Leeway for timeframe	60%
Situational leeway	68%

a) *Framework of Flexible Guidelines*

The broadest theme captured the nature of parental rules and expectations. It was apparent from mother's narratives that most mothers perceived that their rules and expectations for their children provided a flexible framework of demands and limits for guiding

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their actions in family life. Two sub-themes further characterize this flexible structure. They tend to consist of *minimal expectations with firm bottom lines* and parental requirements and limits take the form of *implicit expectations* rather than explicitly stated rules.

Minimal expectations with bottom lines. Most parents described a form of expectations for minimally acceptable behavior, which were clearly communicated and firmly enforced as well as an array of more varied expectations that were dynamic, flexibly adjusted to changing context, and open to negotiation. Mothers used terms such as "bottom lines" or "the basics" regarding foundational rules that generally concerned personal safety and moral values. Mothers were firm on rules that served to protect children from harm. Examples included wearing bicycle helmets, following curfews, and not answering the door to strangers. Mothers also were firm in enforcing moral standards regarding social actions. These consisted of prescriptions regarding respect and kindness to others, and proscriptions against stealing, lying, cheating, or hitting. One mother said, "There is a basic value principle system, under an underlying respect for everybody ... and you have to be a little more authoritative or hard-nosed about those things" (F19, 13-year-old male). Another mother said, "The things they can't cross is lying, and also in terms of respect" (F18, 13-year-old female). Some parents also described explicit and firmly enforced expectations that were idiosyncratic to their families. These included such activities as homework, chores, and music lessons.

Beyond such important but infrequently tested bottom lines, most mothers reported that they had few rules that could be conceived as firm and explicit. Some parents indicated that they were aware that their minimalist approach to rules differed from social constructions of how parents "should" set and enforce rules. For example, one mother said she avoided restricting her child with unnecessary rules:

> I never really considered the rules as being very important {*Laughter*}. So, I never really thought 'Oh, that's a lot of rules, I shouldn't really tell her all these rules.' When we see the need for a rule to come up, we set it up (F18, 11-year-old female).

Some parents said they had few rules during their own upbringing and wanted their own children to have the same experience. For example, mothers stated, "But you know, when I grew up, I don't recall any rules" (F35, 10-year-old female), and "When I grew up I had absolutely not a rule to live by" (F40, 9-year-old female). Other mothers reported: "My mom never had, we never had, you know, these set rules that, you know, we were expected to do something on a certain day" (F41, 9-year-old female), and, "You inherently emulate based on the way that you were raised with your parents...But, I mean, they never handed us a list" (F19, 13-year-old male). Parents also stated that their families functioned well without having many explicit rules. For example, one mother said, "I think we realized that we don't have as many rules as we thought we did…. But I also think that for us it seems to be working because we think our kids are great. We really do" (F18, 13-year-old female).

Mothers also said that although they were firm about the bottom-line issues, they allowed children considerable freedom to negotiate most of their other daily expectations. One mother said, "So I just knew that I needed to make sure my kids were always safe, and they understood why these rules are in place, as well as giving them some freedom to make mistakes and their own decisions" (F40, 9-year-old female). Other mothers talked about choosing their battles by enforcing what was important to them but letting other things slide. For example, when discovering her child was playing a prohibited computer game one mother stated:

> Like, it wasn't really a big major deal, and he is not going to make it a big major deal, and we don't make a lot of things a big major deal either like, we know some parents do {*Laughter*}. We just try and be flexible" (F6, 11-year-old male).

Some parents talked about maintaining a balance between their expectations and children's freedom to explore, "I think foremost it's just recognizing that you know they're still kids they still need to have fun it's just they need-they need rules and regulations and responsibilities but at the same time they also need to be kids as well" (F13, 11-year-old male). Although many parents said that their flexibility in setting and enforcing expectations was a principled childrearing philosophy, some acknowledged that in practice such a strategy required effort.

> I grew up in a household where I didn't have any choices and there was no flexibility. It was you do what you were told, you were seen and not heard. So from a very young age, I knew if I ever had children, I would not bring them up that way. What I didn't realize is that it's very difficult to bring your kids up with giving them choices, and flexibility. It's very hard (F1, 12-year-old female).

Implicit expectations. Approximately half of the participants reported that their expectations for children were implicit, and they did not require explicitly stated rules and prohibitions. Parents stated that some expectations may have been deliberately inculcated in the past but were so deeply engrained at middle childhood that they were taken for granted and no longer had to be discussed or enforced. For example, one parent said, "I consider a rule like to show respect for one another…. 'Don't hit me, don't hit your sister,' that sort of thing, but we haven't talked about that since say we're five years old" (F27, 11-year-old female). Implicit rules had an ongoing presence and were perceived by parents as mutually accepted and inherent in the way the family functioned. For example, one

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mother stated, "I guess the rule is there but… you haven't mentioned that in years because it hasn't come up" (F23, 13-year-old female).

b) Co-regulated expectations

Co-regulated expectations referred to rules and expectations that emerged from a bilateral process to which parents and children both contributed. Generally, parental influence consisted of setting or adjusting expectations in response to children's cues and initiations. Children exerted influence by demonstrating emerging capacities or changes in performance or negotiating changes in parental rules and expectations. Two forms of co-regulation were identified: *prompted self-regulation* and *developmentally adapted.*

Prompted self-regulation. All mothers reported that they provided routine daily reminders for their children to follow through with standing rules that were communicated in the past but not yet internalized. Theoretically, reminders were interpreted as a co-regulatory process in which parents adopted a supervisory role in contexts where children begin to self-regulate but required parental prompts to follow through. One mother explained, "It's just that constant reminder of 'This isn't mine — it's yours', so it's your homework, your school life, your extracurricular activities. You need to have some control and have some responsibility over what's going on" (F31, 11-year-old male).

All parents in this study described multiple instances of daily reminders of standing rules regarding self-care, care of pets, homework, routines, and chores. Parents commented on the repetitious nature of these reminders. For example, one parent stated, "I say the same things everyday…. Did you do your homework?" (F30, 11-year-old male). Many of these prompts were issued in a string of instructions as the child or the parent went out the door for school or work and children were about to be out of the parents' direct supervision. As explained by one mother,

> Getting ready in the morning. Like, I always felt, I had to say: 'Have you?' you know. It's, you know, we kind of watch the clock because certain things have to be done at certain times. So by 8 o'clock it's 'Have you had your breakfast' and then call upstairs 'Are you getting dressed? Are you brushing your hair? Are you brushing your teeth?' Or 'Have you collected your homework?' 'Is your backpack ready?' 'Have you packed your lunch?'(F18, 13-year-old female).

Prompted self-regulation also took the form of scaffolding the child's growing competence to perform requested tasks. For example, mothers said they would keep the child company while the child performed a chore. Another mother described how she would do part of a task with the expectation that her daughter do her part to complete it, "So like if she has clothes to put away for example, I have a basket and I fold clothes and make piles for everybody you know this goes in your room and this goes in your room, this is my stuff" (F15, 11-year-old female).

Mothers also said they proactively reminded children to follow safety rules and expectations to behave in a socially appropriate manner such as being kind to peers, being polite and avoid fighting outside of the home. For example, one mother stated, "While we were at nanny's house for the weekend, S was given instructions to mind his manner, keep the noise level down, play nice, help out, eat his meals" (F2, 10-year-old male). Another mother explained, "I just reviewed with him the safety instructions for being home alone and uh - not opening the door to strangers, how to answer the phone" (F11, 13-year-old male).

Developmentally adapted. Most mothers described engaging in transactions with their children whereby they adapted their expectations in response to emerging developmental changes in their children's capacities, maturity, or autonomy. The nature of these transactions was dynamic with parents constructing new rules as children outgrew old structures or adjusting the nature of their expectations and restrictions in response to their children's performance.

Some parents reported that they set more rules as children developed and sought out new experiences. For example, one mother stated:

> Well, I guess when they are really young you don't really have rules. Like you know it's kind of… well they don't push things, right, or even ask for things. Like, with my little guy there's no real rules because there's nothing. There are no rules for him to break because everything is so controlled (F13, 11-year-old male).

Many mothers indicated that they set up rules, as needed, if the child required additional structure, "When we see the need for a rule to come up, we set it up" (F18, 11-year-old female). Another parent described the setting of rules as an ad hoc process of managing situations as they arose:

> Sometimes, they kind of get into these patterns of behavior that you just see as not working, like they're causing conflict or issues in the family, and then we sort of add in a new rule. And usually, it's temporary. Something like playing a video game in the morning, where they were rushing downstairs, they weren't getting ready for school, and then wanted to get on the video game, and we never had a rules about that before (F7, 12-year-old male).

Most parents reported raising their expectations for the child's performance, as they developed. One mother described how her expectations regarding her son's laundry chores progressed from early to middle childhood from an initial expectation that her son put his clothes into the laundry basket, to carrying washed and folded clothing to his room, to her current expectation that he carries his basket downstairs and sort his clothes and switch a load when asked. She explained, "So you can see, there's kind of that progression in terms of level of responsibility" (F7, 11-year-old male).

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Another mother talked about having higher expectations for socially appropriate behavior as her daughter developed:

> So, as she gets older, certainly my expectations for behavior and standards definitely go up… I tell her that, when you were 5 you could get away with it because you didn't know better, when you're 10 you absolutely cannot get away with it" (F35, 10-year-old female)

Another parent described the process of raising expectations as a gradual process of monitoring the child's capacities and carefully adding new responsibilities in line with the child's development. She explained:

> We just kinda keep testing it right and as he takes responsibility for one area then you add something else and it's using things that are of interest to him too right. So, you know, kitchen stuff and some of those kinds of things you can easily sort of integrate and give him more responsibility that way" (F31, 11-year-old male).

A frequent pattern evident in this study involved loosening up restrictions and allowing greater autonomy as children showed increasing capacity for self-regulation. One mother described how the rules that were in place when her daughter was home alone were based on her daughter's previously demonstrated competence. She stated, "If she's showing responsibility and able to handle the task then we'll build on the task or let her handle it by herself then" (F34, 12-year-old female). Another mother said, "As she gets older I think we allow her to make some of the rules or decisions on her own because I think at age 13 she knows the differences between what is the right way to do something and the wrong way" (F26, 13-year-old female).

However, mothers also said that when they granted more freedom, they expected the child to assume more responsibility. One mother said, "she wants more freedoms for some things… so then our expectations for her showing maturity and responsibility are higher" (F25, 13-year-old girl). Another mother stated, "The rules are a bit more lax now…but the responsibility is more" (F14, 13-year-old female).

Some mothers described decreasing their expectations if the child was not performing successfully. For example, one mother explained, "He sort of just completely looked stressed and kind of decomposed right…so we would just have to pull back on some of those expectations" (F31, 11-year-old male). This mother described how she modified a rule that her son was unable to manage and replaced it with a rule that enabled her child to succeed.

c) Affording Leeway for Agency

In this study, apart from infrequent incidents involving bottom lines, parents allowed children considerable leeway to exercise their own agency to determine whether, when and how much they would comply. Two sub-themes, *leeway for resistance* and *leeway within a time frame* indicated that parents, by their action or inaction, allowed children scope for resistance and negotiation; the third sub=theme *situational leeway* concerned parental flexibility in accepting deviations from their expectations because of contextual circumstances.

Leeway for resistance. Mothers frequently reported that they modified or did not enforce their demands in the face of children's resistance. One commonly reported experience concerned mothers' acquiescence to children's persuasive or coercive negotiations. It is interesting to note that many mothers accompanied their reports of acquiescence with laughter, communicating their ironic awareness that this is not parenting as "should" be. Many mothers also explained that respect for children's agency, rather than compliance was important to them. One mother explained her reasoning about acquiescing to her son's negotiations:

> 'Well, here's why we don't think this rule is fair.' Sometimes it's not quite that articulate, but that's ultimately what comes across. And it's been strange as parents as he gets older, to kind of be open to that, because you're the boss 'Ha-ha!' When they're younger, you're more the boss and, now, you're less the boss. You're more of a facilitator, a leader, and so both he and his brother have been responsible for quite a few rule changes (F7, 12-year-old male).

Another mother described giving her daughter leeway to interpret rules in her own way as a policy that promoted her daughter's receptivity to parental influence in the future.

> I'll work with her and give her some leeway and I think that doing that she'll respect some of my decisions that I do feel strong on. And I think she understands why because I explained them to her. I just don't give her rules and say this is it, my way, or the high way (F40, 9-year-old female).

Some mothers stated that that they would bend their rules depending on the quality of their children's persuasions. For example, one mother stated, "It depends on the situation. If he can back up his 'Yes' or 'No' or whatever it is, that's fine. He can't just be like 'no, no, no, no.' You know, you need to elaborate a little bit" (F6, 13-year-old male). However, there were also many reports of mothers backing down when confronted by children's coercive resistance. One mother stated, "Because it gets to a point where she'll start crying. She's quite a crier. So, she'll start crying or she'll just say 'Please, please, please' and then you get so fed up you just say 'Just go do it' or 'Have it'" (F3, 11-year-old female). Another mother said, "Sometimes, frankly, he just wears me down and I give in" (F22, 13-year-old male).

Particularly interesting were mothers who reported in a matter-of-fact way that they simply accepted children's refusals. For example, one mother

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stated, "When I asked him to do the dishes he said, 'No I don't need to do the dishes today.' So, he didn't do them" (F30, 11-year-old male). Another mother reported with frustration, "Just his bed. We keep coming back to it. His bed! He just refuses to bloody make it and it's – I don't understand" (F21, 12-year-old male). One mother seemed to accept the ephemeral nature of her expectations for her child to make his own bed, "Technically, they are supposed to make their bed, but I let that sort of slide. {*Laughter*} It's an unspoken rule that doesn't really ever happen in a sense {Laughter}" (F6, 13-year-old male). For these mothers, children's choice to refuse their instructions was an acceptable display of agency that did not require parental exertions of firm control.

Leeway within a time frame. This form of leeway referred to departures from the behavior management ideal that compliance should be immediate. Parents explained that they would allow their child a certain amount of time, varying from minutes to hours, to follow through with a rule. This time frame afforded the child the opportunity to choose when they would complete an expected task. One mother said: "Generally now, if she's ignored what I have requested, or if she's been off for 15 minutes and she's been on for half an hour then I'll say "You need to get off in the next five minutes" (F26, 13-year-old female). Another mother indicated that negotiating for and granting leeway within a time frame was an anticipated ritual. "When he resists when I sometimes say things, so I say it early. Because I know he's going to say, 'Oh not right now.' So, I'll say, if we're swimming, I'll say, '15 minutes!,' '10 minutes!,' '5 minutes!'" (F11,13-year-old male). Another mother was resigned to the resulting incomplete and delayed nature of children's compliance after she granted leeway: "I did ask 'Is the room tidy?' 'Yeah, yeah I know' and 'I'll do it later.' So, it was tidied up, in a fashion, later on. But certainly not when I first asked" (F30,11-year-old male).

Many mothers allowed children to express their agency by choosing the timing of their cooperation. However, some parents perceived that their children exploited the leeway created by the time frame as an uncooperative tactic. For example, such children negotiated by requesting "one more minute," or stated they would accomplish the task at another time, for example "after this show." Although they acquiesced, parents often made disparaging evaluations of children's negotiation of time frames for compliance with their requests with terms such as "avoider," or, "delayer".

Situational leeway. Situational leeway referred to contextual considerations in which mothers did not enforce their expectations. Parents made allowances for their children to deviate from the rules when they or their children were stressed, or when circumstances made enforcing the rules inconvenient. Many parents stated when the child was emotionally unsettled, for example, if the child was "tired," "discouraged" or "busy" they made exceptions to whether, when, or to what degree the child was expected to follow standing rules. Rules regarding homework, washing dishes and performing chores were most often adjusted if the child was stressed. For example, one mother explained:

> I also try to take into consideration not only what his day has been, or will be, but also the day or two prior and the day or two after. More so the day or two after, how active or how tired is he (F22, 13-year-old male).

Parents also said that the likelihood of enforcing their expectations depended on their own levels of stress. Parents were more likely to provide leeway for children's agency if they were "tired," or had a "long day." Mothers relaxed their enforcement of rules to avoid the effort involved in reprimanding or discussing rules with their children. One mother explained why she turned "a blind eye" when her daughter refused to clean her room. "Sometimes I'm just over my limit of stress for the day and I might be asking way too much of her or just being not reasonable about expectations or just being rude myself taking it out on her" (F40, 9-year-old female).

Parents also reported being more flexible during birthday parties, at public swimming pools, in the presence of relatives, or at a friend's home. In these situations, parents reported that they did not want to confront or reprimand their child in front of others. For example, one mother reported that she refrained from reprimanding her children when grandparents were present, "I guess tough, because we were at my parents' house and just not wanting that arguing and stuff to happen at other people's houses" (F28, 11-year-old female). Many parents suggested that their children were aware of the leeway that these situations afforded them and would exploit the situation. One mother reported, "It is difficult to fault the boys when they act out. My mom has the final say in matters when we are there, and the boys like that she can trump my decisions... They like being spoiled there" (F2, 10-year-old male).

IV. Discussion

The finding that all mothers communicated daily instructions, limits, and expectations for appropriate behavior underscores the importance of longstanding interest in this parental practice in socialization research and family interventions (Baumrind, 1973; Kuczynski & Kochanska, 1995; Grolnick & Pomerantz, 2009; Forehand & McMahon, 2003). However, the findings of this study do not support traditional conceptions about the static nature of parental rules or the process by which rules are set and enforced. The analyses suggest that when assessed in the naturalistic context of parent-child relationships, the setting and enforcement of rules is a dynamic transactional process (Kuczynski & De Mol, 2015) whereby parents adapt their practices to the

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social and developmental meanings represented by their children's actions. The three themes in this study, flexible structure, co-regulation, and leeway for agency, provide directions for a relational conceptualization of parental rules for the middle childhood period.

a) Flexible Structure

Parents indicated that their rules and expectations consisted of a flexible structure built on a foundation of bottom lines and implicit expectations. The idea of bottom lines was introduced by Goodnow (1994) who argued that parents communicate a variety of positions with regard to their children's behaviors ranging from what is ideal to what is acceptable, tolerable, or out of the question. In this study, bottom lines were mostly confined to infrequently occurring issues such as ensuring safety and promoting core values such as respect for others and avoiding harm. Such examples of bottom lines correspond to the prudential and moral domains of social domain theory (Smetana, 2011) which are considered to develop in a distinct way from social conventions and personal issues.

Another contribution of this study is the insight that that at middle childhood some rules are implicit. Although existing conceptions of good parenting focus on explicit, clearly articulated rules (Grolnick & Pomerantz, 2003), mothers in this study reported that many bottom-line expectations were implicit and taken for granted in the family. Although distinctions between implicit rules and explicitly stated rules have not been described in socialization research, they have been considered in the communication literature. For example, one study found that adolescents who experienced frequent and open communication between family members were less likely to report that their parents had explicit rules about health-related behaviors (Baxter et al., 2005). In the present study, mothers' reports of rules that they no longer communicated or enforced suggest that implicit rules during middle childhood may have developmental significance. We argue that explicit parental rules may predominate during an earlier stage of socialization when children have not yet internalized parental messages. However, parents may rely on implicit rules more often at a later stage in socialization when rules and standards are more likely to be accepted and self-regulated by children.

Another insight regarding the nature of firm control is that in middle childhood, parental bottom lines provide a minimal framework of firm expectations within which there is great flexibility and openness to negotiation. Indeed, the contextual and flexible nature of rules and expectations was so fundamental to parents' experiences that some parents found it difficult to identify firm, explicit rules at all. This finding is consistent with a pattern found previously with adolescents (Parkin & Kuczynski, 2012) who also had difficulty conceiving parental rules as unilaterally imposed, firm and explicit. In addition, some parents reported that they did not experience many rigid rules in their own socialization history, suggesting that the propensity for parents to be flexible in setting and enforcing rules may be part of an intergenerational communication pattern.

b) Co-regulation

An important theme in this study is that parents' expectations were responsively adapted to support their children's and emerging capacities for self-regulation. Conceptually, this suggests that parental rules and expectations should be regarded as a dyadic, co-regulated phenomenon reflecting the joint contributions of both parent and child and not merely an individual characteristic of parents. The findings are consistent with Maccoby's (1984) argument that before the achievement of self-regulation, children's socialization proceeds from a process of external regulation of the child by the parent to a process of co-regulation where the parent has a supervisory role supporting the child's performance of requested behaviors.

This study identified two patterns of co-regulation: prompted self-regulation and developmental adaptation. Prompted self-regulation took the form of reminders of expected behaviors when children were out of the parents' direct supervision as well as reminders of standing rules communicated in the past but were not yet completely self-regulated. The communication of reminders for children to follow through on expectations regarding self-care, safety, appropriate conduct and responsibilities were a ubiquitous, repetitious, daily presence in our middle childhood sample. Reminders can be understood as scaffolds for behaviors that children could not reliably carry out by themselves and serve the developmental purpose of temporarily supporting the child's emerging capacities to self-regulate.

Mothers also reported that they adapted their rules and regulations to children's emerging capacities and expressions of autonomy. Mothers' co-regulated adjustments were complex and ranged from the ad hoc creation of restrictive rules when children discovered new behaviors that needed parental regulation to experimentally increasing or decreasing expectations depending on how well children performed the requested behavior. A particularly complex set of co-regulated adjustments involved bidirectional transactions between children's emerging capacities, mothers' granting of autonomy, and escalating expectations. Mothers reported that they loosened restrictions as children earned their trust by showing responsibility or good judgement. However, in return for greater autonomy mothers expected greater child responsibility. Such reciprocal escalations of

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children's competence and parents' communication of expectations have not been previously identified and require further research.

c) Leeway for Agency

The findings also provided empirical evidence for Goodnow's (1997) argument that parents may signal to children when they are prepared to offer leeway for the performance of parental expectations. We identified three forms of leeway. Parents offered leeway for the time frame within which children could carry out instructions, they ceded leeway in response to children's resistance or negotiation, and they allowed children leeway to exploit situations where enforcement was inconvenient for them or for their child. The phenomenon of leeway is an important contradiction to longstanding linear ideals of firm parental enforcement of compliance by children that is immediate, complete and without complaint (Forehand & McMahon 2003).

Conceptually, we argue that leeway can be more specifically understood as *leeway for agency*, thus extending the existing concept of autonomy support. We suggest that for noncritical issues where core values or safety are not salient, parents may support children's development of autonomy by allowing children leeway to negotiate whether, when or how children choose to cooperate with parental demands. In previous research autonomy support has been conceptualized in several ways. In self-determination theory autonomy support was conceptualized as the degree to which parents take children's perspectives, allow them to solve problems on their own, and encourage initiation (Grolnick, 2003). In our earlier studies we argued that allowing children successful experiences when they exercise agency in an appropriate or socially competent manner may also constitute a form of autonomy support. These include parental receptivity to children's requests of changes in parental behavior (Kuczynski et al. 2016) and tolerating and supporting skillful expressions of opposition from children (Kochanska & Kuczynski 1991; Kuczynski et al., 2021).

Leeway for agency provides a dynamic conception of parental enforcement of rules that accommodates the agency of both parents and children. Parents are agents who set rules and signal where there is room for children to maneuver. Children are agents who infer from the nature of the communication and past experiences of enforcement how much value-stretch their parents' position affords in specific situations and how much leeway there is for their own creative interpretation.

The homogenous composition of the research sample is a limitation of this study. The participants were predominantly educated mothers and represented their families as functioning well. Thus, it is possible that the findings may not generalize to families with different levels of education or families who are encountering socioeconomic or other stresses. Indeed, nuanced patterns of explicit rule setting and firm enforcement may be uncovered in future research. The lack of cultural diversity also limits the generalizations that can be made. In particular, the findings may not generalize to families in collectivistic cultures where conformity and hierarchical power relations are the norm (Trommsdorff & Kornadt, 2003). The absence of fathers in this study is also a limitation of this study. There is evidence that the dynamics of father child relationships differ from those of mothers (Collins & Russell, 1991; Bradley, Pennar, & Iida, 2015). Thus, it remains a direction for future research to determine whether fathers perceive that their rules and expectations also incorporate dynamic adjustment to their children's agency and development.

The finding that parents in this nonclinical sample perceived their own rules and expectations as flexible and affording leeway for children's agency has implications for family interventions and for research. The firm enforcement of explicit, consistent rules is a cornerstone assumption of parent-training programs (Forehand & McMahon, 2003) where parents are trained to resist and suppress resistance. Although such programs may be useful as selectively targeted interventions for severe aggressive or oppositional behavior, we argue that blanket guidelines regarding the firm enforcement of parental rules when children express developmentally appropriate resistance (Kuczynski & Kochanska, 1990; Kuczynski et al., 2021) may be unrealistic. This is important because parents accessing parent education programs and clinical interventions are taught idealized prescriptions about how they should firmly set and enforce rules, and this may clash with their lived experiences of parent-child relationships in which their children are also active agents (Robson & Kuczynski, 2018).

In conclusion, the idea that parents have or should have explicit rules and expectations and that they should firmly enforce compliance to them has long been a focus of socialization research and parenting interventions. Using data collected in the context of natural parent-child relationships, we suggest that rather than viewing flexibility and leeway in parental enforcement exclusively as problematic signs of permissive or chaotic environments, parental flexibility could alternatively be viewed as representing the complex decisions of competent and responsive parents. In this alternative framing, parental flexibility, co-regulation, and leeway may have positive functions for the developing child or for the parent-child relationship.

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J.R participated in the conceptualization analysis and revision of the data through all the steps in the analysis process using MAXQDA software. She co-wrote early versions of the manuscript reviewed and edited the final version of the manuscript.

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Data Availability Statement: The data supporting reported results can found in the form of MAXQDA files in the possession of the first author. The data are part of the larger Socialization in Middle Childhood study that continues to be analyzed for future publication. Contact Leon Kuczynski, Professor Emeritus, at lkuczyns@uoguelph.ca.

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References Références Referencias

1. Baumrind, (1971). "Current Patterns of Parental Authority." *Developmental Psychology Monographs* 4.1 (Part 2), 1–103.
2. Baumrind, D. (1973). The development of instrumental competence through socialization. In A. D. Pick (Ed.), *Minnesota symposium on motivation* (pp. 3-46). Minneapolis: University of Minnesota Press.
3. Baumrind, D. (2012). Differentiating between confrontive and coercive kinds of parental power- assertive disciplinary practices. *Human Development, 55,* 35-51. doi: 10.1159/000337962
4. Baxter, L.A., Bylund C.A., Imes, R.S. & Scheive. D. M. (2005) Family communication environments and rule-based social control of adolescents' healthy lifestyle choices, *Journal of Family Communication*, (5)3, 209-227. doi: 10.1207/s15327698jfc0503_3
5. Bolger, Niall, Angelina Davis, and Eshkol Rafaeli. 2003. Diary methods: Capturing life as it is lived. *Annual Review of Psychology* 54: 579–616.
6. Bradley, R.H., Pennar, A. & Iida, M. (2015). Ebb and flow in parent-child interactions: Shifts from early through middle childhood. *Parenting: Science and Practice*, 15, 295-320. doi: 10.1080%2F15295192.2015.1065120
7. Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology, 3*, 77-101. doi: 10.1191/1478088706qp063oa
8. Charmaz, K. (2008). Constructionism and the grounded theory method. *Handbook of Constructionist Research*, 397-412.
9. Collins, W. A., & Madsen, S. (2003). Developmental change in parenting interactions. In L. Kuczynski (Ed.), *Handbook of dynamics in parent-child relations* (pp. 49–66). Thousand Oaks, CA: Sage.
10. Collins, W. A., & Russell, G. (1991). Mother-child and father-child relationships in middle childhood and adolescence: A developmental analysis. *Developmental Review*, 11, 99–136. doi: 10.1016/0273-2297(91)9004-8
11. Crockenberg, S. & Litman, C. (1990). Autonomy as competence in 2-year-olds: Maternal correlates of child defiance, compliance, and self-assertion. *Developmental Psychology*, *26*, 961-971. doi: 10.1037/0012-1649.26.6.961
12. Dix, T. H., Ruble, D. N., Grusec, J., & Nixon, S. (1986). Social cognition in parents: Inferential and affective reactions to children of three age levels. *Child Development*, *57*, 879-894. doi: 10.2307/1130365
13. Farkas, M. S., & Grolnick, W. S. (2010). Examining the components and concomitants of parental structure in the academic domain. *Motivation and Emotion*, *34*, 266–279. doi: 10.1007/s11031-010-9176-7
14. Forehand, R.L., & McMahon, R.J. (2003). *Helping the noncompliant child: Family based treatment for oppositional behavior*, 2nd Edition. New York: Guilford.
15. Goodnow, J. J. (1994). Acceptable disagreement across generations. *New Directions for Child Development, 66,* 51–63. doi: 10.1002/cd.23219946606
16. Goodnow, J.J. (1997). Parenting and the transmission and internalization of values: From social-cultural perspectives to within-family analyses. In. L. Kuczynski & J. Grusec (Ed.) Parenting and children's internalization of values, (pp. 333-361). John Wiley & Sons, Inc.
17. Grolnick, W. S. (2003). *The psychology of parental control: How well-meant parenting backfires.* Hillside, NJ: Erlbaum.
18. Grolnick, W., & Pomerantz, E. (2009). Issues and challenges in studying parental control: Toward a new conceptualization. *Child Development Perspectives*, *3*, 165–170. doi: 10.1111/j.1750-8606.2009.00099.x
19. Grusec, J.E. Danyliuk, T., Kil, H., & O'Neill, F. (2017). Perspectives on parent discipline and child outcomes. *International Journal of Behavioral Development, 1-7.* doi: 10.1177/0165025416681538
20. Kerr, M., Stattin, H., & Özdemir, M. (2012). Perceived parenting style and adolescent adjustment: Revisiting directions of effects and the role of parental knowledge. *Developmental*

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Psychology, 48(6), 1540-1553. doi: 10.1037/a0027720

21. Kochanska, G. & Kuczynski, L. (1991). Maternal autonomy granting: Predictors of normal and depressed mothers' compliance with the requests of 5-year olds. *Child Development*, *62*, 1449-1459.
22. Kuczynski, L. (2003). Beyond bidirectionality: Bilateral conceptual frameworks for understanding dynamics in parent-child relations In L. Kuczynski (Ed.), *Handbook of dynamics in parent-child relations* (pp.1-24). Thousand Oaks CA: Sage.
23. Kuczynski, L., Burke, & Song-Choi, P. (2021). Mothers' perspectives on resistance and defiance in middle childhood: promoting autonomy and social skill. *Social Sciences* 10: 469. https://doi.org/10.3390/socsci10120469
24. Kuczynski, L., & Daly, K. (2003). Qualitative methods for inductive (theory-generating) research. In L. Kuczynski (Ed.), *Handbook of dynamics in parent-child relations* (pp. 373-392). California: Sage Publications.
25. Kuczynski, L., & De Mol, J. (2015). Dialectical Models of Socialization. In W. F. Overton & P. C. M. Molenaar (Eds.). *Theory and method. Volume 1 of the handbook of child psychology and developmental science* (pp. 326-368). Hoboken, NJ: Wiley.
26. Kuczynski, L., & Kochanska, G. M. (1990). The development of children's noncompliance strategies from toddlerhood to age 5. *Developmental Psychology*, *26*, 398-408. doi: 10.1037/0012-1649.26.3.398
27. Kuczynski, L., & Kochanska, G. (1995). Function and content of maternal demands: developmental significance of early demands for competent action. *Child Development*, *66*, 616- 628. doi: 10.1111/j.1467-8624.1995.tb00893.x
28. Kuczynski, L., Pitman, R., Ta-Young, L. Harach, L. (2016). Children's Influence on parents' adult development: Mothers' and fathers' receptivity to children's requests for change. *Journal of Adult Development*, 23:193–203. Doi: 10.1007/s10804-016-9235-8
29. Kuczynski, L; Pitman, R., Twigger, K. (2018). Flirting with resistance: Children's expression of autonomy in middle childhood. *International Journal of Qualitative Studies on Health and Well-being*. https://doi.org/10.1080/17482631.2018.1564519
30. Maccoby, E. E., & Martin, J. A. (1983). Socialization in the context of the family: Parent-child interactions. In P. H. Mussen (Ed.), *Handbook of child psychology: Vol. 4. Socialization, personality, and social development* (pp. 1–101). New York, NY: Wiley.
31. Maccoby, E. E. (1984). Middle childhood in the context of the family. In W. A. Collins (Ed.), *Development during middle childhood: The years from six to twelve* (pp. 184-239).Washington, DC: National Academy of Sciences Press.
32. Nowell, L., Norris, J., White, D., & Moules, N. (2017) Thematic analysis: Striving to meet the trustworthiness criteria. International Journal of Qualitative Methods, 16(1), 1609406917733847.
33. Parkin, M., & Kuczynski, L. (2012). Adolescents' perspectives on rules and resistance within the parent-child relationship. *Journal of Adolescent Research, 27,* 632-658. doi: 10.1177/0743558411435852
34. Robson, J. & Kuczynski, L (2018). Deconstructing noncompliance: parental experiences of children's challenging behaviors in a clinical sample. *International Journal of Qualitative Studies on Health and Well-being*.13:sup1:1563432. doi: 10.1080/17482631.2018.1563432_
35. Stattin, H., & Kerr, M. (2000). Parental monitoring: A reinterpretation. *Child Development, 71*, 1072–1085. doi: 10.1111/1467-8624.00210
36. Smetana, J. G. (2011). *Adolescents, families, and social development: How adolescents construct their worlds*. West Sussex, England: Wiley.
37. Trommsdorff, G., & Kornadt, H. (2003). Parent-child relations in cross-cultural perspective. In L. Kuczynski (Ed.), *Handbook of dynamics in parent-child relations* (pp. 271–306). Thousand Oaks CA: Sage.

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Transnational Approaches on Money Laundering as an Organized Crime: Resolving Jurisdictional Conflicts and the Indian State Practice

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Abstract- Money laundering refers to the conversion or "laundering" of money which is illegally obtained, so as to make it appear to originate from a legitimate source. Money laundering is being employed by launderer's worldwide to conceal criminal activity associated with it such as drugs/arms trafficking, terrorism, extortion and reason for various other heinous crimes. But in simple term, it is the conversion of black money into white money. The research inevitably to explain the paper to context that any instance of money laundering would have an angle of international degree, as money laundering typically involves transferring money through several countries in order to obscure its origin. Further the research has divided into four parts; first part deals with the jurisdictional issue arise during transnational money laundering. Second part deals with the intention of Parliament of India meant to target "proceeds of criminal conduct" then and now in the money laundering and its related offenses. Third part elaborates international development through different instruments and controlling mechanisms to deal with this problem and analyse the position of India in controlling money laundering. Fourth part discusses various problems and loopholes in implementation of anti-money laundering laws. Finally, the research concludes with few suggestions to have better anti-money laundering regime.

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I. Introduction

Money laundering refers to the conversion of money that is illegally obtained the ownership is concealed and used like it flows from a legitimate original source.[1] In the United States of America Money-Laundering is defined as the concealment of source of money that has been earned through illegal means.[2] Similarly Article 1 of the European Commission Directive defines Money-Laundering and extends to aiding in the nature of concealment, its movement and the source of the illegal money.[3]

In India the Prevention of Money-Laundering Act, 2002 defines Money Laundering under section 2(1) read with S. 3 as any direct or indirect means of concealing the source of proceeds or property that is achieved by the means of criminal activities.[4] The International Monetary Fund has studied the impact of Money-Laundering globally to State that 2 to 5 per cent of the World's GDP in laundered due to its illegal source of emergence.[5] The Supreme Court of India in *P. Chidambaram* v. *Directorate of Enforcement*[6] had recognised the impact of money laundering as the serious threat not only to the economy but also to its integrity and sovereignty of the country.

The peril of Money Laundering covers the series of International facet which includes the many national jurisdiction with the aim to make it difficult to identify the origin of illegal money and mixed with the legitimate financial market.

Offence of money laundering takes place in three stages:

1. *Placement:* The illegal money obtained is normally in huge liquid cash. The placement deals with the taking away of this illegal money from its source and divided into multiple smaller amount and invested into legal financial market.

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[1] Michael Lev and Peter Reuter, Money-Laundering: Crime and Justice, *A Review of Research*, Vol. 34, 289-376, (2006).

[2] Laurel Terry, US Legal Profession Efforts to Combat Money-Laundering and terrorist Financing, New York Law School Review, Vol. 59, Issue 3, 490-491, (2014-15).

[3] Directives (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015. Article 1 talks about, "*Flows of illicit money can damage the integrity, stability and reputation of the financial sector, and threaten the internal market of the Union as well as international development. Money laundering, terrorism financing and organised crime remain significant problems which should be addressed at Union level. In addition to further developing the criminal law approach at Union level, targeted and proportionate prevention of the use of the financial system for the purposes of money laundering and terrorist financing is indispensable and can produce complementary results*". On the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32015L0849, (last visited on: 03-03-2022).

[4] Section 2 and 3 of the Prevention of Money-Laundering Act, 2002, Offence of money-laundering — "*Whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with the proceeds of crime and projecting it as untainted property shall be guilty of offence of money-laundering*".

[5] FATF, FAQ about Money-Laundering, <http://www.fatf-gafi.org/faq/moneylaundering/>, (last visited on: 03-03-2022).

[6] *P. Chidambram v. Directorate of Enforcement*, (2019) 9 SCC 24, para 23.

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2. *Layering:* It is the process where the multiple smaller sums of money that is introduced into the economy is widely transacted in order to conceal the link to source of origin of this money
3. *Integration:* This is the final stage where money is finally reintroduced as a white money into the mainstream economy from the illegal activities.

II. International Conventions and Laws on Money Laundering

In pre 70s era counties were dealing such kind of problems by their own law. There was lack of clarity on international conventions about money laundering despite the maximum laundering schemes had international dimension.

Then the world realise the need of laws on the problem of money laundering and continuous international conventions came into the picture. There are list of few important convention on this issue.

1. The earliest initiative taken on this issue by the Basle Committee on Banking Regulation and Supervisory Practices in 1974, they mainly focused on to prevent the laundering through the banking and financial system of countries. This committee attracted the attention of law enforcement agencies, legislative bodies and banking regulators in lots of countries. This committee's attention was not only upto a certain criminal activity such as smuggling of drugs. Its ambit also included fraud, terrorism, concealment or misrepresentation of source of money and trafficking.

This issue was further proposed with advanced solution on money laundering through banks in Vienna Convention, 1988 by the four principles.[7]

- *Know Your Customer (KYC):* Banks should ensure make reasonable efforts to determine their client's true character and investigate their true identity rather than relying solely on simple evidence, as well as to have feasible methods for verifying the information of new clients before providing them with banking services.[8]
- *Consistency in compliance with the Law:* If any Money-Laundering conduct is detected, bank management should ensure that high moral standards are maintained in compliance with laws and regulations, and that no benefits are given.
- Participation with Law Enforcement Agencies: This principle was comparable to those outlined in previous anti-money laundering treaties.
- Adherence to the Statement of the Convention.[9]

2. In 1989 FATF came into the picture against the money laundering at international level as intergovernmental body under the supervision of G8 group. The main objective of FATF to discourage money laundering and terrorist financing by generating the necessary political will to bring about legislative and regulatory reforms on the international level. They came with the 40 recommendation and later 9 more recommendation were added to combat the problem of money laundering. They sought the idea of international cooperation and exchange the information about criminal activities through the bilateral treaties and forfeiture of property and other actions.[10] It also recommended that countries enact legislation requiring financial institutions, including money remitters, to include accurate and meaningful originator information (name, address, and account number) on funds transfers and related messages, as well as measures to detect physical cross-border transportation of currency and bearer negotiable instruments, such as a declaration system or other disclosure obligation.[11]
3. Then, in 1997, the Global Program Against Money Laundering (GPML) was established in response to the Vienna Convention, which required Member States to criminalise money laundering related to the proceeds of illicit drug trafficking and to establish legal frameworks to facilitate the identification, freezing, seizure, and confiscation of criminal proceeds. The GPML's primary tactic for combating money laundering is technological cooperation and research. The focus of technical cooperation will be on aiding legal, financial, and law enforcement authorities in establishing the infrastructure required to combat money laundering.[12]

[7] Prevention of Criminal Use of The Banking System For The Purpose of Money-Laundering, Bank of International Settlements http://www.bis.org/publ/bcbsc137.pdf, (last visited on 03-03-2022).
[8] Bank for International Settlements, Core Principles for Effective Banking Supervision, (September 2012), <http://www.bis.org/publ/bcbs230.pdf>, (last visited on: 04-03-2022).
[9] United Nations, Financing for Development: A Critical Global Collaboration, 60-61, (2004 Edn.).
[10] International Federation of Accounts publication, Anti-Money Laundering (2nd ed. March 2004) available at http://www.pab.gov.jm/docs/anti-money-laundering-2nd%20Edition%202004.pdf, (last visited on: 05-03-2022).
[11] Financial Action Task Force, FATF IX Special Recommendation, October 2001, http://www.fatf-gafi.org/media/fatf/documents/reports/FATF%20Standards%20%20IX%20Special%20Recommendations%20and%20IN%20rc.pdf. (last visited on: 05-03-2022).
[12] United Nations Office on Drugs and Crime, United Nations Global Programme against Money Laundering, Proceeds of Crime and the Financing of Terrorism (GPML) Official Website of United Nations Office on Drugs and Crime (October 22, 2015 16:40 hours) https://www.unodc.org/documents/evaluation/indepthevaluations/Indepth_evaluation_of_the_United_Nations_Global_Programme_against_Money_

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III. Jurisdictional Issue in Money Laundering Cases

There is really need of a global working group to combat money laundering with a legislation that is internationally accepted. There has to be cooperation among states, as money knows no political barriers. A good model to follow is the FATF efforts in promoting inter-nation cooperation. In 1992 "Operation Green Ice" where law enforcement from Italy, Colombia, the United Kingdom, Canada, Spain, Costa Rica, the Cayman Islands, and the United States co-operated together to expose the financial infrastructure of the international mafia and showed the nature of transnational nature of modern money laundering.[13]

In the case of R*am Jethmalani v. Union of India*[14] Hon'ble Supreme Court touched the area of money laundering law marks the only real attempt to actively curb money laundering, by mandating efficacious measures. In that case an employee of a bank in Liechtenstein had offered the secret names of bank account holders to the government of Germany. Germany had secured these names on had consequently initiated proceedings against 600 individuals. The government of Germany had also offered the list of names to other countries if they chose to initiate prosecutions against these individuals, outside the framework of the Indo-German Double Tax Avoidance Agreement. However, despite several RTI applications, the Union didn't want to reveal the names of these account holders. Then Supreme Court rejected the contention of Union and formed a SIT committee on that matter. This clearly shows that even the countries want to cooperate with each other but due to lack of political will the issue of jurisdiction remains unsolved.

IV. Proceed of Criminal Conduct in Case of Money Laundering

Prevention of Money Laundering Act, 2002 is a special law drafted to deal with the issue of the money laundering and is due to the combined effort initiated by the various nation in at the special session in United Nation general assembly in 1998.[15] The Supreme Court of India in *P. Chidambaram* v. *Directorate of Enforcement*[16] had recognised, as had also been recognised under "objectives and reasons" of the Prevention of Money Laundering Act, 2002, that the money laundering possesses serious threat not only to the economy of the country but also to its integrity and sovereignty.[17]

The word "proceeds of crime" is defined as "any property derived or received, directly or indirectly, by any person as a result of criminal activity pertaining to a scheduled offence or the value of any such property" under Section 2(1)(u) of the Prevention of Money Laundering Act, 2002. According to this concept, there is a loophole that arises during the trial, such as whether any innocent individual receiving laundered money is treated as a criminal? The term 'directly or indirectly' involvement actually include the innocent person in the transaction?

In the case of *B Rama Raju v Union of India*[18] the constitutional legality of Section 2(1) u of the PMLA was challenged, and the Court began its response by emphasising the second proviso to Section 5(1) of the Act, which states that "any property of any person may be attached if the stated authority therein has grounds to think that" even though Section 5(1) (b) of the Act stipulates that "proceeds of crime" must be in the possession of a person charged with committing a scheduled offence in order to initiate proceedings for attachment and confiscation, the Court stated that the second proviso to Section 5(1) makes it clear that the legislation's intent was to attach the property of those who were not charged with committing a scheduled offence.

The Finance Act of 2019 broadens the scope of PMLA section 2(1)u and the definition of proceeds of crime under the Act by adding a "Explanation" to Section 2(1)(u) of the Act, which reads: "For the avoidance of doubts, it is hereby clarified that "proceeds of crime" includes property not only derived or obtained from the scheduled offence but also any property that may directly or indirectly be derived or obtained as a result of any criminal activity relatable to the scheduled offence." As a result of this explanation, "proceeds of crime" will include property obtained from any criminal activity related to the scheduled offence, rather than only those obtained directly from the scheduled offences. This phrase 'criminal activity related to the schedule offence' has been explained by the Supreme Court in *Rohit Tondon* v. *Directorate of Enforcement*[19] that the concealment, possession, acquisition or use of the property by projecting or claiming it as untainted property and converting the same by bank drafts, would undoubtedly fall under the scope of criminal behaviour

Laundering_Proceeds_of_Crime_and_the_Financing_of_Terrorism.pdf. (last visited on: 06 -03-2022).

[13] Ronald J. Ostrow and William D. Montalbano, Drug Agents Break Global Money-Laundering System, Los Angeles Times, September 29, 1992, http://articles.latimes.com/1992-09-29/news/mn-317_1_money-laundering-system. (last visited on: 06-03-2022).

[14] R*am Jethmalani v. Union of India,* 2011(6) SCALE 691.

[15] Preamble, The Prevention of Money Laundering Act, 2002; See also, P. Chidambaram v. Directorate of Enforcement, (2019) 9 SCC 24, para 23.

[16] *P. Chidambaram v. Directorate of Enforcement*, (2019) 9 SCC 24.

[17] *P. Chidambaram v. Directorate of Enforcement*, (2019) 9 SCC 24, para 24; See also *B. Rama Raju v. Union of India*, 2011 SCC Online AP 152; See also, Nikesh Tarachand Shah v. Union of India, (2018) 11 SCC 1.

[18] *Rama Raju v. Union of India*, 2011 SCC Online AP 152.

[19] *Rohit Tondon v. Directorate of Enforcement*, (2018) 11 SCC 46.

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related to a scheduled offence. This would be a case of money laundering, as defined by Section 3 and penalised under Section 4 of the Act.[20]

Finance act, 2019 also derived money laundering as continuing offense because money laundering leads to the lots of other separate offenses. Continuing offense has been defined in *Gokak Patel Volkart Ltd.* v. *Dundayya Gurushiddaiah Hiremath*,[21] as: "*A continuing offence, such that only the last act thereof within the period of the statute of limitations need be alleged in the indictment or information, is one which may consist of separate acts or a course of conduct but which arises from that singleness of thought, purpose or action which may be deemed a single impulse*." A "continuous crime" is defined as "one consisting of a continuous series of acts that continues after the period of consummation, such as the crime of concealing weapons."

Thus, by combining Explanation (ii) to Section 3 of the Act with Section 2(1)(u) of the Act, it can be inferred that activities involving proceeds of crime constitute a continuous offence that does not end at the stages of "placing" and "layering," but continues until the "integration" stage.

V. Problems and Loopholes in Current Laws Against Money Laundering

While national and international legislation has been drafted with instances of money laundering and their methods in mind, India's anti-money laundering efforts have yet to close gaps. The most common issue with anti-money laundering legislation is the lack of enforcement of the existing legal framework. This is particularly evident in the failure to follow Know Your Customer guidelines. While banks have been ordered to enforce rigorous KYC Norms in accordance with international legal responsibilities, the RBI is frequently unable to follow violations of the same, and penalties for violations of KYC Obligations frequently go unreported.[22] Furthermore, given the intense rivalry that commercial banks confront in India, banks frequently disregard KYC Norms as a means of enhancing efficiency. As a result, KYC Norms are equated to Stand Form Contract Clauses in the opening of new accounts. The second issue arises as a result of technological advancement. Transaction speeds have been catalysed by the expansion of e-commerce and new encryption technologies, and money crosses hands at a rapid rate, ensuring the impossibility of tracking.[23]

The expansion of Hawala Transactions in India has been ensured as a result of this. Because law enforcement agencies are frequently underfunded, they are unable to invest adequately in better technology, making it more difficult to track down the source of money in money laundering.[24] The fragmented approach in India has exacerbated the challenge of enforcement. Different law enforcement agencies have separate funding and do not collaborate in their operations, exposing a loophole in the criminal-money-laundering nexus. The large number of cases stresses enforcement organisations like the Enforcement Directorate, and better efficiency is a pressing need in India.[25]

In order to curb the problems above there must be legislative converge in the functioning of enforcement and investigative agencies in India. From a cost and efficiency standpoint, this is also the best option. Furthermore, the general public must be educated on the dangers of money laundering, as many people use Hawala transactions to avoid difficult and expensive bank transactions. Finally, the judiciary must maintain a closer check on money-laundering cases in order to set a severe precedent for India's anti-money-laundering laws.[26]

VI. Conclusion

Money laundering is a very severe criminal activity that should not be treated lightly like any other local crime. To combat this problem, India has implemented a number of anti-money laundering measures, but these measures all contain flaws and hence do not fully accomplish their objectives. The following are a few examples of such issues:

- *Growth of Technology:* Money launderers have been able to use highly upgraded computer techniques to obscure the origin of the crime. Application agencies are unable to keep up with the rapid advancement of technology.
- *Lack of awareness about the problem:* Money laundering is becoming a major issue at an

[20] *Ibid.*

[21] *Gokak Patel Volkart Ltd. v. Dundayya Gurushiddaiah Hiremath*, (1991) 2 SCC 141.

[22] RBI, Master Circular-Know Your Customer (KYC) norms/Anti-Money-Laundering (AML) standards/Combating Financing of Terrorism (CFT)/ Obligation of banks and financial institutions under PMLA, 2002, (July 2015), https://rbi.org.in/Scripts/BS_ViewMasCirculardetails.aspx?id=9848>, (last visited on 05-03-2022).

[23] Jimmy Gurule, The 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances — A Ten Year Perspective: Is International Cooperation Merely Illusory?, *Fordham International Law Journal*, Vol. 22, Issue 1, 74-121, (1998), (last visited on: 05-03-2022).

[24] PWC, Logging into Digital Banking, (2015), <https://www.pwc.in/assets/pdfs/publications/2015/logging-into-digital-banking.pdf>, (last visited on: 05-03-2022).

[25] Vijay Singh, Controlling Money-Laundering in India-Problems and Perspectives, (January 2009), <http://www.igidr.ac.in/money/mfc-11/Singh_Vijay.pdf>, (last visited on: 05-03-2022).

[26] Nikos Passas, Informal Value Transfer Systems, Terrorism and Money-Laundering, (January 2005), <https://www.ncjrs.gov/pdf files1/nij/grants/208301.pdf>, (last visited on: 06-03-2022).

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alarming rate. Their widespread ignorance is a roadblock to the adoption of effective anti-money laundering measures. Instead of long bureaucratic transactions in banks, poor and illiterate individuals prefer the Hawala system, which has less complexity and formality, little or no documentation, lower rates, and also provides security and anonymity. This is mostly because due to the fact that these people do not know the seriousness of this crime and are unaware of their negative side effects.

- *Non-fulfillment of the purpose of KYC Norms:* The RBI issued the KYC requirements policy in order to prevent criminals from using banks to launder money or finance terrorism. However, because the RBI is unable to regulate Hawala transactions, it does not stop or refrain from addressing the issue. Furthermore, because the implementing agencies are unconcerned, these rules are a farce. Furthermore, as the market becomes more competitive, banks are being forced to reduce their security, making it simpler for money launderers to utilize them illegally to advertise their criminal activities.
- *The widespread act of smuggling:* In India, there are several black market avenues for selling commodities that supply many imported consumer goods, such as food, gadgets, and other items that are normally offered. Color traders swap cash and dodge customs charges, allowing them to offer lower pricing than ordinary traders. Even while this problem has been decreased as a result of government liberalisation, it has not been totally removed and continues to pose a threat to a nation's economy.
- *Lack of comprehensive enforcement agencies:* Money laundering is no longer limited to a single field of business, but has widened its scope of applicability to encompass a wide range of activities. Money laundering, cyber-crime, terrorist crimes, economic crimes, and other crimes are all dealt with by various groupings of law enforcement agency in India. There is a lack of coordination among these agencies. Money laundering is a world without boundaries, as we've seen, yet these agencies are nonetheless bound by state laws and processes.

Money laundering is a dynamic crime, and criminals participating in it are always looking for new ways to execute it and gain their illicit goals. Furthermore, as a result of multiple nations adopting numerous accords and conventions to enhance their anti-money laundering measures, money launderers are targeting and exploiting jurisdictions that are weak and lack adequate laws to combat the crime. A clear policy to combat money laundering is critical. The crooks in charge of these operations do not follow a specific plan, instead employing a variety of tactics.

India has taken a number of steps to address the issue of money laundering. Since there is a Department of Compliance that handles all money laundering cases and related investigations in the country, a financial information unit that tracks and analyses the risk of money laundering through the agencies that regularly update the legislative framework through proposed changes. However, more application is required, as well as more stringent penalties for those who break them. Financial institutions must also establish additional degrees of control in areas like transaction monitoring, annual reviews, and periodic account updates, among others. Furthermore, the cost factor also plays a very important role in having an effective regime against money laundering as high costs and low budgets can lead to lower concentration and, therefore, to greater risks.

a) Suggestions

As you can see, money laundering involves activities that are international level; therefore, in order to have a significant impact, all countries must enforce the same laws as rigorously as possible, to the extent that money recyclers have nowhere to go to launder their proceeds of crime due to a lack of jurisdiction or the like. There is no consensus on international harmonization efforts to prevent money laundering because states are not required to identify which crimes should be deemed factors of money laundering. As a result, enlisting similar offences to handle the problem on a global scale is necessary, especially considering the multinational nature of the money laundering crime. In addition, ensuring financial confidentiality in other nations is a challenge. States are unwilling to engage in this type of privacy protection. It's important to establish a distinction between these financial confidentiality regulations and the fact that certain financial institutions have become money laundering havens. Aside from that, it is vital to educate and create awareness among public and create a sense of alertness in the face of money laundering instances. This would also help to strengthen law enforcement because it would be scrutinized by the public.

Furthermore, appropriate coordination between the Center and the State is required in order to establish efficient anti-money laundering procedures. The conflict between the two must be ended for this to happen. The laws must not just be the responsibility of the federal government, but also of the states. The better the law is, the more decentralised it is. As a result, in order to create a successful anti-money laundering system, one must consider at the regional, national, and global levels.

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Rohingya Refugees in Bangladesh: Exploitations and Challenges for Host Community

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Abstract- Bangladesh has been facing a new crisis to provide shelter to the Rohingyas who were forcibly repatriated from Myanmar. Though Rohingyas taking shelter in Bangladesh started in 1978, the last massive influx of the Rohingyas occurred on 25 August 2017, when more than 7,00,000 Rohingya refugees fled to Bangladesh due to massive crime against humanity in Myanmar. More than a million Rohingya refugees live in Rohingya camps in Cox's Bazar, wherein, in most cases, the Rohingyas are exploited in many ways for many reasons, and the personal security of the Rohingya in the camps are under threat in many ways. Therefore, this paper explores two issues. First, the paper argues that the overall fundamental human rights of the Rohingya in the camps are undermined; and second, in other ways, Rohingya also creates challenges for Bangladesh as the host country.

Keywords: rohingya refugees, humanitarian crisis, human rights, security threats to bangladesh.

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Md. Shah Alam

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I. Introduction

The Rohingya group in Myanmar's Rakhine State has a long history of social and economic isolation that ended in horrendous violence, culminating in a significant movement of up to 900,000 refugees to date (WHO, 2019). Villages were burnt down, individuals were detained, tortured, sexually assaulted, and their families and livelihoods were destroyed in Rakhine State (Riley et al., 2017). Bangladesh is now hosting 11 Lakh Rohingya refugees whom the Myanmar government forcefully displaced through massive genocidal attacks. Bangladesh is also experiencing different non-customary security concerns like environmental change, energy emergency, food and security issues, and water shortage due to hosting these Rohingya refugees. The human security and human rights of Rohingya refugees in Bangladesh are also significant concerns (Uddin, 2021). Mental health, poor sanitation, a rise in sexually transmitted illnesses, hunger, reproductive health, and a lack of educational opportunities are all significant concerns. The Rohingya are in danger because of poor living conditions in refugee camps. In Bangladesh's Rohingya refugee camps, 37 people share one toilet (Mahmood et al., 2017). For the Rohingya refugees, clean water is also in short supply. However, many individuals drink from adjacent waterways, which are also used for bathing and open defecation, particularly in illegal Rohingya settlements (Chan et al., 2018). Poor sanitation and hygiene conditions in Rohingya refugee camps have increased the risk of diarrheal disease transmission among the population. In addition to inadequate sanitation, low water quality, limited living quarters, and high levels of drug trafficking and sexual exploitation, infectious disease outbreaks in Rohingya refugee camps are a big concern (Hossain et al., 2018). Food security is also a significant worry since just six of the refugees' food consumption ratings meet the minimum requirements (UNICEF, 2019). Sexual abuse and exploitation are rampant in Rohingya camps right now. Approximately 67 of the refugees had been sexually abused or exploited (Hutchinson, 2018). Thus, the Rohingya people have become a victim again in the camps in Bangladesh. On the other hand, the present Rohingya refugee crisis adds more challenges for Bangladesh and creates new security threats and challenges for the country. It includes human or nontraditional security, transnational security, internal security, militancy and terrorism, border security, political oppression, human rights violations, and economic and social injustice. Therefore, it is necessary to address it in research to explore the phenomena further.

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II. Rohingya Refugee take Shelter in Bangladesh: A Legal Framework

Human migration may be defined in two ways. The term dislocates migrants refers to people who have made a permanent or semi-permanent shift of domicile. The second meaning of the word migration is simply a movement of people across space. In contrast to the previous definition, it is acknowledged that the new dwelling resulting from the relocation is typically very transient and that the movement itself is an inherent part of the group's lifestyle. In the broadest sense, a marginal or inferior group might be described in terms of race or ethnicity or by some other trait. In this respect, minorities are not always numerical migrants. Because the minor criteria are established by marginal or subordinate states rather than numbers. According to the United Nations Convention on the Status of Refugees, anyone who is outside his or her country of nationality because of a well-founded fear of persecution on the grounds of race, religion or nationality or membership in a particular social group or political opinion, and who is unable or unwilling to seek refuge in the country of his or her former habitual residence as a result of such events, is referred to as a refugee under international law. The

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1951 Convention on the Status of Refugees (The 1951 Refugee Convention). According to the 1951 Refugee Convention, a refugee is defined as a person who has a well-founded fear of persecution due to one or more of the following five factors: race, religion, nationality, social group membership, political opinion, or political affiliation. A refugee must satisfy four essential requirements (The 1951 Refugee Convention). First, they must be outside their country of origin or birth nationality. Second, the person is unable or unwilling to take advantage of that country's protection or return to that country. Third, the inability or unwillingness is due to a well-founded fear of persecution. Fourth, fear is justified based on the person's race, religion, nationality, or membership in a particular social or political group. (The 1951 Refugee Convention). As a result of the Cartagena Declaration, adopted in 1984 by Central American nations, a refugee is defined broadly to encompass individuals who escape their country because of widespread violence or international wars.

Refugee law is founded on international human rights law. Every individual has a right to seek and receive protection from persecution in other countries, according to Article 14 of the Universal Declaration of Human Rights, which was adopted on December 10, 1948. (Universal Declaration of Human Rights of December 10, 1948). The Universal Document of Human Rights is a non-binding declaration that does not apply to any specific country (Constantin, 2018). However, certain of its principles have become customary international law binding on all governments over time. Many elements have been enshrined in international and regional human rights treaties and national laws and constitutions. All people, including those who are uprooted in their own country and those who are uprooted in another country, are entitled to international human rights (Abdelaaty, 2021). They have the right to be treated under international human rights standards to guarantee that they are protected from physical harm and have access to medical care and education while displaced (Wali at. al., 2018). The four Geneva Conventions of August 12, 1949, and the two Additional Protocols of June 8, 1977, are the most fundamental sources of modern International Humanitarian Law (IHL). IHL strives to protect all civilians caught up in armed conflict, including refugees and internally displaced people (Storey, 2012). It assures, among other things, that refugees are neither discriminated against nor forced to return to their home countries against their choice (Quinn, 2014). It also makes it illegal for warring sides to evict people forcefully. Customary international law serves as the main underpinning for this sub-branch of international refugee law. Non-refoulement, on the one hand, safeguards refugees from being deported. However, international agreements like the 1951 Convention are solely enforceable on the signatory governments. Even if a state is not a signatory to a convention, it must adhere to some universally acknowledged and recognized norm, referred to as customary international law. Similarly, while not being a party to the 1951 Convention, Bangladesh has housed the Rohingya Community in their country on the principle of nonrefoulement and wishes to repatriate them freely under Customary International Law.

III. Exploitation and Insecurity Issues of Rohingya in the Camps in Bangladesh

The Rohingya hosting is not new for Bangladesh. However, the Rohingya rehabilitation in Cox's Bazar District due to more than 900000 Rohingya fleeing from Myanmar in 2017 for genocidal killing of Rohingyas by Myanmar authority has become a challenge for the Bangladeshi government (Hossain et al., 2020). The registrar Rohingyas are sheltered in 34 refugee camps in Cox's Bazar District in Bangladesh. Though the shelter has ensured the security of vulnerable Rohingya in the refugee camps in Bangladesh, the different kinds of insecurity and exploitations of Rohingya have been noticed in the Rohingya camps. This section discusses how Rohingyas are exploited and how their security is under threat in the refugee camps.

Sexual harassment and gender-based violence are common in the Rohingya camps. Many Rohingya girls and women are forcefully involved in prostitution (Center, 2018). The Rohingya women and girls are very vulnerable in the camps. They live in extreme poverty. Many women have been compelled to prostitution to save their families from hunger. The vulnerable Rohingya girls are forcefully involved in prostitution by the local middleman. The local middleman benefits by selling the Rohingya girls, and the Rohingya girls and women are abused by the syndicate of local and Rohingya leaders. This syndicate earns substantial financial benefits by exploiting Rohingya women and girls.

Local syndicate of drugs business also involves vulnerable Rohingya in Yaba business. Vulnerable Rohingya people are easy carriers of Yaba fills. Yaba business is witnessed and heard to go back to Myanmar. Even professional yaba business people cannot bring yaba directly now into Bangladesh. According to Hossain et al. (2020, pp. 28-29), "a large number of Rohingyas are trafficking Yaba (an illegal narcotic) pill to gain money by selling it [26]." The Yaba underground market is thriving in South Asian nations, and Bangladesh is no exception. Carrying more than a hundred tablets in a single cigarette package is incredibly tiny and handy. The Rohingyas carry about 92 percent of Yaba tablets, and more than 96 percent of Yaba pills enter Bangladesh through the Taknaf route. At

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the Kutupalong and Balukhali Rohingya camps in Cox's Bazar, over 200 Yaba hats (small shops) are open." In the Yaba industry, drug dealers employ vulnerable Rohingya individuals, and the bulk of Yaba smugglers are now female Rohingyas. Many news outlets have previously reported on the Rohingya's participation in the illicit yaba trade (Minar, 2021). Minar (2021, p. 11) also claimed that "Rohingya yaba carrier Motaleb Mia (pseudonym) said he knows 20-22 Rohingyas who are involved in yaba smuggling and explained that "the smugglers hand ya ba pills to the mules in the deeper parts of the camps, who carry them to Cox's Bazar". According to an article published in October 2017, "law enforcement have confiscated yaba pills worth over Tk13 crore in the two Upazilas, and have detained numerous Rohingya for alleged smuggling" (See also, Mahmud 2017a). Also, the vulnerable Rohingyas have been used by several terrorist groups, and the vulnerable Rohingyas have become a target of militant groups (Minar, 2021; Mahmud 2017b). Minar, 2021 (p. 11) mentioned that another news reveals that a top Counter-Terrorism and Transnational Crime (CTTC) official said the JMB (a terrorist organization in Bangladesh) men been working in the Rohingya refugee camps since 2016 and were recruiting members behind the relief and funding aid to the Rohingya camp. They recruited at least 40 militant members (See also, Rabbi 2018).

Besides drug trafficking, arms dealers use and involve vulnerable Rohingyas in arms dealing and smuggling. Unemployment and poor wages are significant problems that make Rohingya people idle and vulnerable. Vulnerabilities and idleness make them involved in many criminal activities. It has also been argued that "the unemployed and idle Rohingyas are being drawn into criminal activities for money though they do not have to think about their food and accommodation as the aid agencies provide them with everything they need. So, a big portion of Rohingya youths remain idle and become engaged in domestic violence, internal feuds, and gender-based violence" (Minar, 2021, p. 11; Mahmud 2018b). Also, if the venerable Rohingyas wanted to work for lower wages, it created tensions of local labor. Rohingya refugees have many challenges inside the refugee camps as well.

IV. Host Community Challenges

The experience of dealing with the refugee crisis is not pleasant for any community, particularly when it becomes the source of further deterioration in the socio-economic conditions of the host country. In this aspect, the Rohingya refugee crisis is unusual. The location in Bangladesh where they are taking refuge following their arrival is one of the most impoverished in the country. Because of the steep terrain and scarcity of cultivable land, most of the population relies on day labor to supplement their income. Consequently, there is increased strain on the employment market, while the ecology becomes more susceptible (Hammer, and Ahmed, 2020). Earlier in the year, Quader and colleagues (2021, p. 4636) said that "Before the 2017 migration, Rohingyans had encroached over more than 695 acres of Forest Department territory near Cox's Bazar." "An additional 4300 acres (about 2000 hectares) of slopes were subsequently leveled and forests removed in order to provide Rohingya residents in the Ukhiya and Teknaf sub-districts of Cox's Bazar with temporary shelters, options, and roads." Concerns have also been raised about the worsening of the law and order situation, which has primarily been attributed to illegal Rohingya immigration (Arafat & Khanam, 2019). The Refugee Relief and Repatriation Commissioners RRRC Office at Coxs Bazar reported in their letter to the Ministry of Home and the Ministry of Foreign affairs that the illegal Rohingyas are creating various social problems in Coxs Bazar and Bangladesh. A Police officer claimed that aggressive Rohingyas had destroyed the peaceful city, Coxs Bazar. They are illegally capturing the trees and land and degrading the law order situation. Security means the assurance of all the fundamental human rights. On the other hand, securing the sovereign from opposing forces is the state's prime duty. Security is a significant issue in all countries. Every state will try to protect its country, but Bangladesh has faced many problems for Rohingya refugees (Minar, 2021; Kudrat-E-Khuda, 2020). Existing studies, for example, (Minar, 2021; Kudrat-E-Khuda, 2020; Imtiaz, 2018; Ullah et al., 2021) Many Rohingyas involved many illegal works, such as drugs, drug trafficking, smuggling, deforestation, environmental pollution, gender discrimination, communication with Islamic extremism, terrorism, and insurgency. In addition, the flight is a cause of national instability for Bangladesh and a significant economic and administrative strain on the country. Security is often seen as the most critical issue impacting the full resolution of the Rohingya refugee crisis, particularly in the United States. As a result of the rise of new conceptions of human security and adequate protection, the field of security has been expanded and developed, and duties have been devolved to international organizations on an operational level. With the insurgent components complicating the Rohingya refugee crisis, the security challenge is exacerbated even more. Refugees living in camps are often exposed to intimidation, violence, and harassment from a number of organizations and people while in the camp (Minar, 2021). Aside from conflicts inside the camp, conflicts between refugees and locals may arise outside the camp as well, and are particularly common when locals harbor hatred against immigrants for alleged wrong doings such as stealing or immoral behavior.

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We are aware that Rohingya refugees are engaged in terrorism, extremism, smuggling, trafficking, and insurgency, amongst other activities. These are the most severe dangers to national security, whereas law and order, protection measures, counter-terrorism mechanisms, and other measures address local and state concerns. A tragic situation exists for Rohingyas who are stateless. Insurgency is becoming a more serious security threat, including Rohingya refugees, Bangladesh, and Myanmar, and is growing more widespread. Historically, two main actions by the Myanmar military government have led to the departure of Rohingyas and the ensuing challenges of insurgency and terrorism. The social security issue is one of the most concerning issues in Bangladesh. They engaged in drugs, drug trafficking, violence against women and children, riots, decaying social values, and gender discrimination. The trade of drugs is another security threat for Bangladesh. It should be noted that China, India, and Bangladesh are the countries with the greatest rates of drug addiction in their bordering regions with Myanmar. As a result, Bangladesh has seen an upsurge in drug shipments arriving by land and water. According to the findings of the study, a large number of Rohingya girls and women are participating in prostitution. It represents a significant challenge for the local community.

Women and children are disproportionately affected by the consequences of environmental degradation, particularly those associated with fuelwood harvesting and burning. Foraging and transporting wood requires women to work long hours, putting them at a greater danger of weariness and vulnerability to attack than males. Time spent on such activities detracts from childcare, family, and social duties, and children who participate in incomparable activities may have less time available for schooling due to their participation. Environmental difficulties related to refugees are often the result of large populations of people congregating in a small area within a short period, as is frequently the case. The Rohingya refugees, both legal and undocumented, are often held responsible for the worsening environmental conditions in the area. Deforestation, notably by tree cutting, water pollution, and other environmental challenges, are among the most pressing concerns regarding the environmental component of security. For example, it has become obvious that refugee-related environmental effects may have substantial negative consequences for the health and wellbeing of the local population and the health and wellbeing of the refugee community, as has been shown in many studies.

Two developments have occurred: first, host countries have become more sensitive to the potential economic loss that they may suffer as a result of environmental damage caused by large concentrations of refugees, and second, the absence of a consistent policy for the rehabilitation of damaged areas after refugees have been repatriated. The destruction of renewable natural resources, such as forests, soils, and water supplies, is the most significant source of environmental concerns among the refugee population, according to the United Nations High Commissioner for Refugees. Particularly severe consequences for regions of high environmental importance may be connected to the area's biological richness, its role as a sanctuary for endangered species, or the ecosystem services these areas provide. It is widely believed that the Rohingyas are destroying the woods, cutting the hills for their refuge, and settling in various locations around Myanmar, causing enormous harm to the natural ecosystem. They take down trees on purpose in order to support their families. There are numerous types of environmental contamination in the locations where Rohingya refugees, both documented and undocumented, reside. A significant source of worry is water contamination, which is caused by a lack of access to sanitation and safe drinking water. The sewerage management in the camps is a major concern. Particularly, the location of the Tal camp is a great concern. All the sewage flows into the Naf River, spoiling the purity of the river water. Moreover, waterborne diseases are more likely to spread due to such flow. Deforestation is becoming another major environmental disaster in this area.

V. Conclusion

The Rohingya situation in Bangladesh has become a very complex issue. It has become a burden for Bangladesh as a host country in many ways. Bangladesh is in the dilemma of two folds. One is considering Rohingya as human rights ground, and another is security and other challenges for Bangladesh created by sheltering these Rohingya people from human rights perspectives. As a result, Bangladesh must find a comprehensive solution to the refugee issue and develop a unified security policy to cope with all of the possible dangers it faces. If this does not change, Bangladesh's condition will deteriorate shortly. This paper will specifically attempt to discuss the conditions or factors necessary for sustainable solutions and how the implementation of Rakhines post-conflict socio-legal framework, which ensures national security, positively or negatively impacts Rohingya refugees' humanitarian status. It will use the case of Rohingyas in Bangladesh as an example. Thus, this research explores many unknown facts to understand the problem and find sustainable policy solutions for Bangladesh and the Rohingya community. Some critical issues about the refugee study can be raised, such as religious and racial persecution, involuntary migration, coping with new atmospheres, response to repatriation and resettlement process by refugees, and perception of refugees'

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experience. However, the study reflects such vital issues through the life history of Rohingya refugee people.

Dealing with refugee people from the nation-state point of view might not be adequate for understanding their life; moreover, in a general sense, people are supposed to stay within the border of their country and go back home But apart from such notion, International relations study needs deep study perception to understand underlying phenomena of refugee life and that study might contribute to making proper policy concerning refugee welfare program to present in a nutshell, this study divide Rohingyas experience in two way, as minor ethnic group to their home and as a refugee in exile, especially in Bangladesh. As the author visited the refugee camp, the author knows that all of them Rohingya refugees are unwilling to go back to their own country as they do not have to be worried about their livelihood problem, which made the Myanmar regime a bit relaxed as ethnically Bangladesh cannot force them to go back. Finally, the research finds that Rohingyas are exploited for many reasons, and the personal security of the Rohingya in the camps is under threat in many ways. Thus, the paper argues that the overall fundamental human rights of the Rohingya in the camps are undermined. In other ways, Rohingya also creates challenges for the host country Bangladesh.

References Références Referencias

1. Abdelaaty, L., 2021. The relationship between human rights and refugee protection: an empirical analysis. *The International Journal of Human Rights*, *25*(10), pp.1704-1723.
2. Ahmed, B., Orcutt, M., Sammonds, P., Burns, R., Issa, R., Abubakar, I. and Devakumar, D., 2018. Humanitarian disaster for Rohingya refugees: impending natural hazards and worsening public health crises. *The Lancet Global Health*, *6*(5), pp.e487-e488.
3. Arafat, F.M. and Khanam, H., 2019. The Gradual Ramp up of Rohingya Crisis and Bangladesh's Challenges: An Overview from Bangladesh Perspective. *Asian Studies International Journal*, *1*(1), pp.22-29.
4. Center, M.P., 2018. Socio-Political impacts of Rohingya refugees on Bangladesh. *MPC Report Series*.
5. Chan, E.Y., Chiu, C.P. and Chan, G.K., 2018. Medical and health risks associated with communicable diseases of Rohingya refugees in Bangladesh 2017. *International Journal of Infectious Diseases*, *68*, pp.39-43.
6. Cheung, S., 2012. Migration control and the solutions impasse in South and Southeast Asia: Implications from the Rohingya experience. *Journal of Refugee Studies*, *25*(1), pp.50-70.
7. Cheung, S., 2012. Migration control and the solutions impasse in South and Southeast Asia: Implications from the Rohingya experience. *Journal of Refugee Studies*, *25*(1), pp.50-70.
8. Constantin, A., 2018. Human subject research: international and regional human rights standards. *Health and Human Rights*, *20*(2), p.137.
9. Fukuda-parr, S., 2004. Gender, globalization and new threats to human security. *Peace Review*, *16*(1), pp.35-42.
10. Hammer, L. and Ahmed, S., 2020. Environmental responsibility and Rohingya refugees: potential grounds for justice. *Local Environment*, *25*(11-12), pp.1021-1031.
11. Hossain, M.M., Sultana, A. and Mazumder, H., 2018. Sexually transmitted infections among Rohingya refugees in Bangladesh. *The Lancet HIV*, *5*(7), p.e342.
12. Hossain, S., Zhang, H., Hosain, S. and Yun, L., 2020. Rohingya Refugee Crisis: Security Concerns for Bangladesh. *South Asian Journal of Social Studies and Economics*, *8*(2), pp.24-34.
13. Hutchinson, S., 2018. Gendered insecurity in the Rohingya crisis. *Australian Journal of International Affairs*, *72*(1), pp.1-9.
14. Imtiaz, S., 2018. Ecological impact of Rohingya refugees on forest resources: Remote sensing analysis of vegetation cover change in Teknaf Peninsula in Bangladesh. *Ecocycles*, *4*(1), pp.16-19.
15. Kneebone, S., 2016. Comparative regional protection frameworks for refugees: norms and norm entrepreneurs. *The International Journal of Human Rights*, *20*(2), pp.153-172.
16. Kudrat-E-Khuda (Babu), 2020. The impacts and challenges to host country Bangladesh due to sheltering the Rohingya refugees. *Cogent Social Sciences*, *6*(1), p.1770943.
17. Mahmood, S.S., Wroe, E., Fuller, A. and Leaning, J., 2017. The Rohingya people of Myanmar: health, human rights, and identity. *The Lancet*, *389*(10081), pp.1841-1850.
18. Mahmud, Tarek. 2017a. "Law and Order Situation Dips in Ukhiya, Teknaf." Dhaka Tribune, October 29, 2017. https://www.dhakatribune.com/bangladesh/nation/2017/10/29/law-orderdeteriorating-ukhiya-teknaf/.
19. Mahmud, Tarek. 2017b. "Militants Seek to Cash-in on Rohingya Crisis through Social Media." Dhaka Tribune, September 14, 2017. https://www.dhakatribune.com/aroundthe-web/2017/09/14/militants-rohingya-social-media.
20. Minar, S.J., 2021. Refugees and Host State Security: An Empirical Investigation of Rohingya Refuge in Bangladesh. *arXiv preprint arXiv:2108.11344*.
21. Miriam, T., 2006. Where ethics and politics meet: The violence of humanitarianism in France. *American Ethnologist*, *33*(1), pp.33-49.

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22. Parnini, S.N., Othman, M.R. and Ghazali, A.S., 2013. The Rohingya refugee crisis and Bangladesh-Myanmar relations. *Asian and Pacific Migration Journal*, *22*(1), pp.133-146.
23. Quader, M.A., Dey, H., Malak, M. and Sajib, A.M., 2021. Rohingya refugee flooding and changes of the physical and social landscape in Ukhiya, Bangladesh. *Environment, Development and Sustainability*, *23*(3), pp.4634-4658.
24. Quinn, N., 2014. Participatory action research with asylum seekers and refugees experiencing stigma and discrimination: the experience from Scotland. *Disability & Society*, *29*(1), pp. 58-70.
25. Rabbi, Arifur Rahman. 2018. "At Least 40 Rohingyas Recruited by JMB." Dhaka Tribune, December 14, 2018. https://www.dhakatribune.com/bangladesh/crime/2018/12/14/atleast-40-rohingyas-recruited-by-jmb.
26. Riley, A., Varner, A., Ventevogel, P., Taimur Hasan, M.M. and Welton-Mitchell, C., 2017. Daily stressors, trauma exposure, and mental health among stateless Rohingya refugees in Bangladesh. *Transcultural psychiatry*, *54*(3), pp.304-331.
27. Storey, H., 2012. Armed Conflict in Asylum Law: The "War-Flaw". *Refugee Survey Quarterly*, *31*(2), pp. 1-32.
28. Tay, A.K., Islam, R., Riley, A., Welton-Mitchell, C., Duchesne, B., Waters, V. and Ventevogel, P., 2018. Culture, context and mental health of Rohingya refugees: A review for staff in mental health and psychosocial support programmes for Rohingya refugees. *Geneva: United Nations High Commissioner for Refugees (UNHCR)*.
29. *The Independent*. 31 January 2017, "Bangladesh wants to move Muslim refugees to an island to stop them 'mingling' with citizens".
30. Ullah, S.M., Asahiro, K., Moriyama, M. and Tani, M., 2021. Socioeconomic status changes of the host communities after the Rohingya refugee influx in the Southern coastal area of Bangladesh. *Sustainability*, *13*(8), p.4240.
31. UNHCR (2011). States of denial: A review of UNHCR's response to the protracted situation of stateless Rohingya refugees in Bangladesh. UNHCR Report: Geneva. Retrieved from: http://www.netipr.org/policy/downloads/20111201_UNHCR-states-of-denial.pdf
32. UNICEF, 2019. Malnutrition rates among Rohingya refugee children in Bangladesh appear to be at least double earlier estimates.
33. Wali, N., Chen, W., Rawal, L.B., Amanullah, A.S.M. and Renzaho, A., 2018. Integrating human rights approaches into public health practices and policies to address health needs amongst Rohingya refugees in Bangladesh: a systematic review and meta-ethnographic analysis. *Archives of Public Health*, *76*(1), pp.1-14.
34. World Health Organization," Urgent need to scale up health services in Cox's Bazar: WHO". *SEARO*. Retrieved 26 March 2019.

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Was the ICC Created for Africans? An Examination of Key Prosecutions before the Court Since its Creation

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Abstract- The contributions of African states toward the creation of the International Criminal Court (ICC) cannot be overemphasized and underestimated. Accordingly, African states gave their unflinching support with no reservations before and after the creation of the ICC. Unfortunately, since the ICC came into force on 1 July 2002, almost all the accused before the Court has been African states officials. Despite the prosecutions of mostly African state officials before the ICC, it will be a trite and an affront to criminal justice to conclude that the ICC is targeting only African state officials giving that one of the main aim of the Court is to end impunity for serious international crimes affecting the world. This article examines the major prosecutions before the ICC. In this regard, it examines the prosecution of African officials as seen in the cases before the Court on the one hand, the legality and legitimacy of their prosecution on the other hand. Similarly, the article examines the prosecutions of crimes beyond African.

Keywords: rome statute, african support of the ICC, the prosecution of african officials, serious international crimes, the legality and legitimacy of prosecuting african officials, the prosecution of crimes beyond africa.

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Keywords: rome statute, african support of the ICC, the prosecution of african officials, serious international crimes, the legality and legitimacy of prosecuting african officials, the prosecution of crimes beyond africa.

I. Introduction

On 1 July 2002 the Rome Statute creating the ICC came into force.[1] The creation of this Court was a turning point in the fight against impunity for serious international crimes.[2] Accordingly, the main aim of the Court was to put an end to impunity for serious international crimes affecting humanity.[3] Although many states in the world greatly welcome this first ever permanent international criminal court, the contributions of African state toward the establishment of the Court cannot be unnoticed.[4] Indeed, Judge Phillipe Kirsch who was the first President of the Court acknowledged the support from the African continent in his speech to the African Union (AU) on 17 June 2006.[5] Consequently, the Prosecutor, the Judges and Registrar of the Court have all recognized the importance of the relationship between the ICC and African states.[6] Thus, the contributions of African states could be seen before and after the creation of the ICC. Prior to the establishment of the ICC, many African states met at regional level canvassing and entrusting their support for the creation of the Court.[7] Also, in 1998, many African states met in Dakar, Senegal where the *Dakar Declaration* was adopted calling for the creation of an effective, impartial and independence international criminal court.[8] At the Dakar meeting, it was observed that many national legal systems have failed to hold those responsible for serious violation of international crimes before their jurisdiction. In this regard, all participants at the Dakar conference strongly supported the establishment of the ICC.[9] Likewise, in 1998, the African Commission on Human and Peoples' Rights (ACHPR) also calls on all states parties to its Charter to complete all the necessary constitutional procedures that would facilitate the signing and ratification of the Rome Statute creating the ICC.[10] As indicated earlier, the AU initially hailed the ICC when it condemned the perpetration of crimes such

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[1] See Rome Statute of the International Criminal Court circulated as document A/CONF.183/9 of 17 July 1998 and came into force on 1 July 2002 (Rome Statute), available at: https://www.icc-int/resource-library (last accessed 07 August 2021).

[2] See paragraph five of the Preamble of the Rome Statute.

[3] See generally the Preamble of the Rome Statute creating the ICC.

[4] See Ssenyonjo M "The Rise of African Union Opposition to the International Criminal Court's Investigations and Prosecutions of African Leaders"(2013) *International Criminal Law Review* 13, 385-428 at 385-386.

[5] The Judge stated categorically that without Africa the ICC would not exist as it does today and that because of the Court relationship with African states, cooperation with the AU is particularly important to the Court.

[6] See Jalloh CC "Africa and the International Criminal Court: Collision Course or Cooperation? (2012) *North Carolina Central Law Review* Vol. 34, 203-229 at 209.

[7] In 1997 for example, 14 states from Southern African Development Community (SADC) met and outlined 10 principles that they intended to be included in the Statute.

[8] See African Commission on Human and People's Rights Sessions available at: https://www.achpr.org/sessions/resolutions?id=91 (last accessed 07 August 2021).

[9] See Cole RJV "Africa's Relationship with the International Criminal Court: More Political than Legal (2013) *Melbourne Journal of International Law* Vol.14, 670-698 at 673.

[10] See https://www.achpr.org/sessions/resolutions?=91 (last accessed 07 August 2021).

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as war crimes, genocide and crimes against humanity committed in the African continent.[11] Indeed, the support for the ICC was overwhelming all over Africa from the AU to civil societies in the continent.[12] Ultimately, in 1998 at the Rome Conference, 120 states adopted the Rome Statute and 40 of these states were from Africa.[13] Accordingly, Senegal was the first ever state in the world to ratify the Rome Statute creating the ICC.[14] Currently, Africa has 33 states parties to the Rome Statute,[15] 19 are Asia-Pacific States, 18 from Eastern Europe, 28 are from Latin African and the Caribbean State and 25 are from Western Europe and other States.[16]

Despite this full support of the ICC by the AU and many African states, the prosecution of mostly African officials before the Court resulted in debacle between the Court and the AU, and consequently, a change of perception about the Court by some African leaders.[17] Part II of this article will examine the prosecution of African state officials before the ICC. Part III will examine the legality and legitimacy of the prosecution of African state officials. Part IV will examine the prosecution of crimes beyond the continent of Africa. Finally, Part V deals with the concluding remarks.

II. The Prosecution of African State Officials before the Court

Even though the ICC is responsible for prosecuting international crimes under its jurisdiction throughout the world, it has been prosecuting mostly African officials for more than two decades since it came into force. Accordingly, more than 90 percent the case before the jurisdiction of the Court are from African. Consequently, some of the perpetrators indicted by the Court that was on spotlight and the headlines of international media have been in the *Al Bashir* case,[18] the *Kenyatta* case,[19] the *Laurent Gbagbo* case,[20] and the *Ntaganda* case.[21] In this regard, this section examines the Appeals Chamber decisions regarding Al Bashir in the *Jordan* case, the *Ntaganda* case and the *Gbagbo* case.

a) The Al Bashir Trial in the Jordan Case

Former President Al Bashir was indicted by the ICC when he was the current president of Sudan. The ICC has issued two separate warrants of arrest for Al Bashir on 4 March 2009 and 12 July 2010 respectively.[22] These warrants for Omar Al Bashir list ten counts on the basis of his individual criminal responsibility under Article 25(3)(a) of the Rome Statute as indirect co-perpetrator as follows:[23] (i) five counts of crimes against humanity which include murder as per Article 7(1)(a), extermination as per Article 7(1)(b), forcible transfer in accordance with Article 7(1)(d), torture as per Article 7(1)(f), and rape as per Article 7(1)(g); (ii) two counts of war crimes which include intentionally directing attacks against a civilian population as per Article 8(2)(e)(i), and pillaging as per Article 8(2)(e)(v); and (iii) three counts of genocide which include genocide by killing as per Article 6(a), genocide by causing serious bodily or mental harm as per Article 6(b), and genocide by deliberately inflicting on each targeted group conditions of life aimed at physical destruction of the group as per Article 6(c).[24] This matter was referred to the Pre-Trial Chamber II on March 2012 by the Court President and Al Bashir has never appeared before the ICC for these charges against him.[25] It is imperative to note that Sudan is not a state party to the Rome Statute. Al Bashir has equally travelled to many countries after these warrants were issued by ICC but the authorities of these countries failed to cooperated with ICC regarding his arrest and surrender to the Court.[26] One of these countries is Jordan which is state party the Rome Statute. Accordingly, the dominant issue before the ICC's Appeals Chamber in the Jordan judgment was whether former President Al Bashir as head of state of

[11] See Assembly of heads of State and Government Thirty-Sixth Ordinary Session available at: https://au.int/en/decisions/assembly-heads-state-and-government-thirty-sixth-ordinary-session (last accessed 07 2021).
[12] Cole (2013) *Melbourne Journal of International law* at 674-676.
[13] See https://www.achpr.org/sessions/resolutions?=91 (last accessed 07 August 2021).
[14] Senegal was the first state in the world to ratify the Rome Statute available at: https://www.icc-cpi.int/Pages/item.aspx?name=pr1462 (last accessed 07 August 2021).
[15] African states to the Rome Statute available at: https://asp.icc-cpi.int/en_menus/asp/states%20parties/african%20states/Pages/african%20states.aspx (last accessed 07 August 2021).
[16] See the States Parties to the Rome Statute available at: https://asp.icc-cpi.int/en_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx (last accessed 07 2021).
[17] See generally Aghem HE "The AU Debacle with the ICC: The Creation of the African Criminal Court" (2021) *International Journal of Law and Society* (*IJLS*) Vol. 4, No. 2, 67-76.
[18] See *The Prosecutor v. Omar Hassan Ahmad Al Bashir*, ICC-02/05-01/09.
[19] See *The Prosecutor v. Uhuru Muigai Kenyatta*, Case No. ICC-01/09-02/11 (2014).
[20] See *The Prosecutor v. Laurent Gbagbo and Charles Goude,* No.ICC-02/11-01/15.
[21] See *The Prosecutor v. Bosco Ntaganda*, ICC-01/04-02/06.
[22] See *The Prosecutor v. Omar Hassan Ahmad Al Bashir* No. ICC-02/05-01/09 OA2 06-05-2019 (2019) [12].
[23] See *The Minister of Justice and Constitutional Development v.The Southern African Litigation Centre* (867/15) [2016] ZASCA 17 (15 March 2016) [3].
[24] See Al Bashir Case available at: https://www.icc-cpi.int/darfur/albashir#icc-timeline (last accessed 09 August 2021).
[25] *The Prosecutor v. Omar Hassan Ahmad Al Bashir* No. ICC-02/05-01/09 OA2 06-05-2019 (2019) [13]
[26] See for example the decision of the Supreme Court of Appeal in South condemning the non-cooperation by the government to arrest and surrender Al Bashir when he visited the country for an AU summit at *The Minister of Justice and Constitutional Development v. The Southern African Litigation Centre* (867/15) [2016] ZASCA 17 (15 March 2016) [103].

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Sudan, enjoys immunity before the ICC, which Jordan was obligated to respect without the waiver from Sudan.[27] The Appeals Chamber decision, based on Articles 27(2) and 98 of the Rome Statute, has an impact on the obligations between states parties.[28] The Appeals Chamber noted that in circumstances where the Court requests a state party to arrest and surrender a head of state or state officials of a state party to the Rome Statute after the issuance of a warrant of arrest has been issued by the Court against the person, then the requested state party cannot refuse to comply with the request on grounds that the official enjoys immunity under international law or domestic law. This is because of the consequences of the vertical effects of Article 27(2) of the Rome Statute in relation to cooperation by state party. In addition, all states parties to the Rome Statute have consented by virtue of their ratification of the Statute to waive the immunity of their officials vertically in their relationship with the Court.[29] Conversely the Appeals Chamber noted, with regard to states parties' horizontal effect by virtue of Article 98 of the Rome Statute that the ICC does not recognise any immunity since it is a procedural rule. Therefore, there is no immunity to be waived.[30]

Accordingly, the Appeals Chamber concluded that all states parties of the Rome Statute consent, after ratification, to the inapplicability of the immunities of state officials before the Court both in their vertical relationship with the Court and horizontal relationship between states parties.[31] The Appeals Chamber also noted, with regard to Resolution 1593 and the application of Article 27(2) of the Rome Statute to Sudan that, there are only two regimes of cooperation provided by the Rome Statute. The first rule, which is applicable to states parties, is governed by Article 86 of the Rome Statute while the second rule that is applicable to non-states parties is governed by Article 87(5) of the Rome Statute.[32] The Appeal Chambers held further that Sudan is obliged to fully cooperation with the Court as required by Resolution 1593.[33] Therefore, the cooperation regime for states parties to the Rome Statute is applicable to Sudan's cooperation with the Court and not Article 87(5) of the Rome Statute.[34] According to the Court, there was no immunity for Sudan to waive regarding its request for cooperation to arrest and surrender Al Bashir.[35] Lastly, the Appeals Chamber held that there is no rule under customary international law that recognises immunities of state officials before international criminal court since there is neither state practice nor *opinion juris*.[36] Therefore, Jordan was compelled by the Court to arrest and surrender Al Bashir to the ICC following the request to cooperate with the Court. It is imperative to note that Sudan is not yet a state party to the Rome Statute and the matter was referred to the ICC by the United Nations Security Council through Resolution1593.[37] Accordingly, the *Al Bashir* case made the ICC very popular as the world's international criminal court but very unpopular in Africa. Another important African leader recently prosecuted by the Court is Ntaganda Bosco.

b) The Ntaganda Case

Bosco Ntaganda was the former Deputy of staff and commander of operation forces in the Democratic Republic of Congo (DRC).[38] The ICC issued two arrest warrants with the first on 22 August 2006 which was unsealed on 28 April 2008 and the second on 13 July 2012.[39] Mr Ntaganda was charged for 13 counts of war crimes and five counts of crimes against humanity allegedly committed between 2002 and 2003 in the Ituri district of the DRC.[40] On 8 July 2019, the Trial Chamber VI convicted Mr Ntaganda of the various crimes against humanity and war crimes,[41] and on 9 July 2019, the Chamber notified the defence counsel of Mr Ntaganda about his verdict.[42] The crimes include: (i) murder and attempted murder as a crime against humanity and a war crime; (ii) intentionally directing attacks against civilians as a war crime; (iii) rape of civilians as a crime against humanity and as a war crime; (iv) rape of children under the age of 15 considered as war crime; (v) sexual slavery of civilians as a crime against humanity and as a war crime; (vi) sexual slavery of children under the age of 15 considered as a war crime;

[27] See Aghem HE, "The ICC or the ACC: Defining the Future of the Immunities of African State Officials" (2020) *African Journal of International Criminal Justice* (*AJICJ*), 6:1, 50-72 at 63.

[28] See *The Prosecutor v. Omar Hassan Ahmad Al Bashir* No. ICC-02/05-01/09 OA2 06-05-2019 (2019) [120].

[29] See *The Prosecutor v. Omar Hassan Ahmad Al Bashir* No. ICC-02/05-01/09 OA2 06-05-2019 (2019) [121].

[30] See *The Prosecutor v. Omar Hassan Ahmad Al Bashir* No. ICC-02/05-01/09 OA2 06-05-2019 (2019) [130].

[31] See *The Prosecutor v. Omar Hassan Ahmad Al Bashir* No. ICC-02/05-01/09 OA2 06-05-2019 (2019) [132].

[32] See *The Prosecutor v. Omar Hassan Ahmad Al Bashir* No. ICC-02/05-01/09 OA2 06-05-2019 (2019) [137].

[33] See *The Prosecutor v. Omar Hassan Ahmad Al Bashir* No. ICC-02/05-01/09 OA2 06-05-2019 (2019) [140].

[34] See *The Prosecutor v. Omar Hassan Ahmad Al Bashir* No. ICC-02/05-01/09 OA2 06-05-2019 (2019) [141].

[35] Despite many objections to this view by AU, scholars and commentators, the Appeals Chamber decision still remain in force in this regard.

[36] See *The Prosecutor v. Omar Hassan Ahmad Al Bashir* No. ICC-02/05-01/09 OA2 06-05-2019 (2019) [113].

[37] See the Situation in Darfur, Sudan available at: https://www.icc-cpi.int/darfur (last accessed 11 August 2021).

[38] See *The Prosecutor v. Bosco Ntaganda,* No.ICC-01/04-02/06 A A2 (2021) [27].

[39] See *The Prosecutor v. Bosco Ntaganda*, No.ICC-01/04-02/06 A A2 (2021) [28].

[40] See the Ntaganda Case available at: https://www.icc-cpi.int/drc/ntaganda#icc-timeline (last accessed 09 August 2021).

[41] See *The Prosecutor v. Bosco Ntaganda,* No.ICC-01/04-02/06 (2019) [1].

[42] See *The Prosecutor v. Bosco Ntaganda,* No.ICC-01/04-02/06 (2019) [2].

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(vii) persecution as a crime against humanity; (ix) pillage as a war crime; (x) forcible transfer of civilian population as a crime against humanity; (xi) ordering the displacement of the civilian as a war crime; (xii) conscripting and enlisting the children under the age of 15 years into an armed group and using them to participate actively in hostilities as a war crime; (xiii) intentionally directing attack against protected object as war crime; and (xiv) destroying the adversary property as a war crime.[43] On 8 July 2019 Mr Bosco Ntaganda was found guilty beyond reasonable doubt by the Trial Chamber VI of all the 18 counts of war crimes and crimes against humanity committed in Ituri, DRC,[44] and on 7 November 2019 he was sentenced to a total of 30 years of imprisonment.[45] The judgment of the Trial Chamber VI was appealed by Mr Bosco Ntaganda and the Prosecutor.[46] However, their appeal was rejected by the Appeals Chamber which confirmed the decision of the Trial Chamber VI on 30th March 2021,[47] and maintained the 30 years imprisonment. Similarly, Mr Ntaganda also appealed against is joint sentencing decision but the Appeals Chamber once again confirmed the Trial Chamber VI joint sentence of 30 years and his appeal was rejected.[48] It is imperative to note that the DRC is a state party to the Rome Statute since April 2002 and this matter was referred to the ICC by the government of the DRC. Finally, the ICC's decision in the *Ntaganda* case was a victory in the fights against human rights violation and impunity for serious international crimes affecting the world. Similarly, another key prosecutions before the Court was in the situations of Kenya and the Republic of Cote d'Ivoire. These situations were similar because they both concern election violence. However, the situation in Kenya created much tension between the Court and Africa just like the situation in Darfur, Sudan.

c) *The Kenyatta and Gbagbo Cases*

The *Kenyatta* and the *Gbagbo* cases are similar because both investigations were initiated *proprio muto* by the Prosecutor of the ICC. Accordingly, they were indicted for crimes against humanity committed during election violence and they were both current and former heads of state in their respective capacity during the time of the proceedings. These cases are examined below separately.

i. *The Kenyatta Case*

Kenya is a state party to the Rome Statute.[49] As a state party, Kenya is bound to cooperate with the Court in matters pertaining to crimes committed within the jurisdiction of the Court.[50] State parties are also compelled to cooperate with the Court in matters of arrest and surrender to the Court any person or individuals alleged to have committed crimes within the jurisdiction of the Court.[51] Finally, as a state party, any immunity attached to the official capacity or status of the person or individuals has been waived by consent after ratification of the treaty creating the Rome Statute.[52] Accordingly, both personal and functional immunities enjoyed by the state officials of states parties are immaterial before the jurisdiction of the ICC. Kenya ratified the Rome Statute on 15 March 2005,[53] and the matter before the jurisdiction of the Court against President Kenyatta was opened *proprio muto* by the ICC Prosecutor.[54] The investigation began in March 2010 for alleged crimes humanity committed during post-election violence in Kenya between 2007 and 2008.[55] Mr Kenyatta was the Deputy Prime Minister and the Minister Finance at the time of the summons to appear on 8 March 2011.[56] He was accused of five counts of crimes against humanity as an indirect co-perpetrator in accordance with Article 25(3)(a) of the Rome Statute. These crimes include; murder in accordance with Article 7(1)(a), deportation in accordance with Article 7(1)(d), rape as per Article 7(1)(g), persecution as per 7(1)(h), and other inhumane acts in accordance with Article 7(1)(k).[57] On 5 December 2014, the Prosecutor filed a notice to withdraw the charges against Mr Kenyatta because there was no evidence.[58] Finally, on13 March 2015, the Trial Chamber V(B) terminated the proceedings against Kenyatta and his summons to

[43] See *The Prosecutor v. Bosco Ntaganda,* No.ICC-01/04-02/06 (2019) [246].
[44] See the Situation in the Democratic Republic of the Congo available at: https://www.icc-cpi.int/drc (last accessed 11 August 2021).
[45] See *The Prosecutor v. Bosco Ntaganda,* No.ICC-01/04-02/06 A3 (2021) [7].
[46] See *The Prosecutor v. Bosco Ntaganda,* No.ICC-01/04-02/06 A A2 (2021) [30].
[47] See *The Prosecutor v. Bosco Ntaganda,* No.ICC-01/04-02/06 A A2 (2021) [1170].
[48] See *The Prosecutor v. Bosco Ntaganda,* No.ICC-01/04-02/06 A3 (2021) [284].
[49] See Kenya available at: https://asp.icc-cpi.int/en_menus/asp/states%20parties/african%20states/Pages/kenya.aspx (last accessed 14 August 2021).
[50] See generally Article 86 and 87 of the Rome Statute.
[51] See Article 87(1) of the Rome Statute; see also the ICC's Prosecutor Statement regarding failure by Kenya's government to cooperate available at: https://www.icc-cpi.int/Pages/item.aspx?name=otp-stat-04-12-2014 (last accessed 14 August 2021).
[52] See Article 27 of the Rome Statute.
[53] See the Situation in the Republic of Kenya available at: https://www.icc-cpi.int/kenya (last accessed on 14 August 2021).
[54] See Article 15 of the Rome Statute.
[55] See Kenya's post-election violence: ICC Prosecutor present cases against six individuals for crimes against humanity available at: https://www.icc-cpi.int/Pages/item.aspx?name=pr615 (last accessed 14 August 2021).
[56] See the Kenyatta Case available at: https://www.icc-cpi.int/kenya/kenyatta (last accessed 14 August 2021).
[57] See the Situation in Kenya: Decision on the confirmation of charges to be issued on 23 January available at: https://www.icc-cpi.int/Pages/item.aspx?name=ma116 (last accessed 14 August 2021).
[58] See *The Prosecutor v. Uhruru Muigai Kenyatta* No.ICC-01/09-02/11 (2015) [4], (the Prosecutor maintained that the evidence was insufficient to prove Mr Kenyatta's alleged criminal responsibility beyond reasonable doubt).

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appear was vacated.[59] Despite the decision to terminate the trial against President Kenyatta, the AU took a firmed position not to further cooperate with the Court.[60]

ii. *The Gbagbo Case*

Ivory Coast is also a state party to the Rome Statute since 2013.[61] However, the case concerning former President Laurent Gbagbo was referred to Court in 2011 when Cote d'Ivoire was not a state party to the Statute and therefor had to accept it jurisdiction in accordance with Article 12(3) of the Rome Statute.[62] Mr Gbagbo was indicted for alleged crimes within the jurisdiction of the court in the context of post-elections violence between 2010 and 2011.[63] Just like the *Kenyatta* case, the ICC Prosecutor opened the investigations *proprio muto* after authorisation by the Pre-Trial Chamber.[64] The trial began on 28 January 2016 and on 15 January 2019, the Trial Chamber I by majority,[65] acquitted Mr Laurent Gbagbo and Mr Charles Ble Goude from all charges of crimes against humanity.[66] Majority of the judges pointed out as reasons for their decision as follow: (i) that the Prosecutor has failed to demonstrate that there was a common plan to keep Mr Gbagbo in power which included the commission of crimes against civilians; (ii) that the Prosecutor has failed to demonstrate that the crimes as alleged in the charges were committed according to organisational policy to attack the civilian population; (iii) that the Prosecutor has failed to demonstrate the existence of the alleged policy to attack a civilian population on the basis of unproven violence and other circumstantial evidence cited; and (iv) that the Prosecutor has failed to demonstrate that the public speeches by Mr Gbagbo or Mr Ble Goude constitute ordering, soliciting or inducing the alleged or that either of the accused knowingly or intentionally contributed to the commission of such crimes.[67] In other words, there was no sufficient evidence provided by the Prosecutor to continue with the case. Lastly, on 31 March 2021, the Appeals Chamber confirmed by majority the acquittal decision of 15 January 2019.[68] These are some of the key African state officials indicted and prosecuted before the ICC.[69] As demonstrated in their proceedings before the Court, it was certain that the alleged crimes against them fall within the jurisdiction of the Court. The next section will examine the legality and legitimacy of their prosecution.

III. The Legality and Legitimacy of the Prosecution of African Officials

The question about the ICC prosecuting mostly African state official should not be viewed as bias against the African continent, but rather, it should be viewed as whether the Court has the legal grounds to prosecute these crimes on the one hand,[70] and whether these crimes have been actually committed by those individuals prosecuted by the Court on the other hand.[71] With regard to the legality of prosecuting African state officials, Article 5 of the Rome Statute limits the crimes within the jurisdiction of the Court to only four which include; the crime of genocide,[72] crimes against humanity,[73] war crimes,[74] and the crime of aggression.[75] As seen from the different proceedings against African state officials, some of them were found guilty of having committed more than one of the crimes within the jurisdiction of the Court.[76] Similarly, non-states parties to the Rome Statute may also access the jurisdiction of the Court by acceptance in accordance with Article 12(3) of

[59] *The Prosecutor v. Uhruru Muigai Kenyatta* No.ICC-01/09-02/11 (2015) [12]; Kenyatta Case: Trial Chamber V(B) terminates the proceedings available at: https://www.icc-cpi.int/Pages/item.aspx?name=pr1099 (last accessed 14 August 2021).

[60] See Decision on Africa's Relationship with the International Criminal Court (ICC), (2015) *AJICJ*, 90-92.

[61] See Cote d'Ivoire available at: https://asp.icc-cpi.int/en_menus/asp/states%20parties/african%20states/Pages/cote_d_Ivoire.aspx (last accessed 14 August 2021).

[62] See generally Articles 12 and 13 of the Rome Statute regarding exercise of jurisdiction.

[63] He was charged for crimes against humanity which include rape, murder, attempted murder, other inhumane acts, and persecution.

[64] See the Situation in Cote d'Ivoire available at: https://www.icc-cpi.int/cdi (last accessed 14 August 2021).

[65] See the *Prosecutor v. Laurent Gbagbo and Charles Ble Goude* No. ICC-02/11-01/15 A (2021) [12].

[66] See the *Prosecutor v. Laurent Gbagbo and Charles Ble Goude* No. ICC-02/11-01/15 A (2021) [8].

[67] See Gbagbo and Ble case: ICC Trial Chamber I file the written reasons for the acquittal available at: https://www.icc-cpi.int/Pages/item.aspx?name=pr1470 (last accessed 14 August 2021).

[68] See the *Prosecutor v. Laurent Gbagbo and Charles Ble Goude* No.ICC-02/11-01/15 A (2021) [1].

[69] Many other proceedings against African suspects are still going on before the jurisdiction of the Court while some have been closed. More than 90 per cent of all the proceedings before the Court have been against African state leaders or individual from Africa. See more on this at: https://www.icc-cpi.int/pages/cases.aspx (last accessed 14 August 2021).

[70] See Articles 12 and 13 of the Rome Statute for preconditions to the exercise of jurisdiction and actual exercise of the Court jurisdiction.

[71] See generally Article 5 of the Rome Statute.

[72] See Article 6 of the Rome Statute for greater details.

[73] See Article 7 of the Rome Statute for greater details.

[74] See Article 8 of the Rome Statute for greater details.

[75] See The ICC jurisdiction on the crime of aggression was activated on 17 July 2018 after the Kampala Amendment as noted in Galea I "A Brief Commentary on the Resolution on the Activation of the ICC Jurisdiction over the crime of Aggression" (2018) *Romanian Journal of International Law* 2-27 at 3. Aggression is referred to as the planning, preparation, initiation or execution, by a state official, of an act that its character, gravity and scale constitutes violation of the UN Charter as presented in Galea I "Interpretation of the Kampala Amendment-one of the key Issues for Activating the Jurisdiction of the ICC over the Crime of Aggression" (2017) *Journal of Law and Administrative Sciences* No. 7, 175-191 at 175; Kreb C "On the Activation of the Jurisdiction over the Crime of Aggression" (2018) *J.Const.L* 7-23 at 12.

[76] See for example *The Prosecutor v. Bosco Ntaganda,* No.ICC-01/04-02/06 A3 (2021) [284].

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the Rome Statute.[77] Additionally, with regard to admissibility of crimes before the Court, all the proceedings against African officials were admissible in accordance with Article 17(1)(2) of the Rome Statute. The judicial systems of most of the states are not impartial and therefore, genuinely unable to prosecute these suspected officials domestically.[78] Consequently, the prosecution of African state officials by the ICC was legality justifiable despite much opposition by the AU. Moreover, the issue of immunities before the jurisdiction of the Court and prosecution of serving African leaders with immunity has cause great contention between the ICC and AU especially in the *Al Bashir* and *Kenyatta* cases.[79] Certainly, the prosecution of mostly African state officials before the jurisdiction of the Court has affected the legitimacy and credibility of the court. Accordingly, some African senior leaders seemed to view the ICC as targeting only weaker states.[80] Nevertheless, like vapour these views will soon evaporate as the Court's support from the continent of Africa is still unwavering. Consequently, despite the tension between the AU and the ICC created through the prosecution of mostly African state officials, many African states have continued to support the Court and have promised greater cooperation with the Court.[81] Accordingly, some African states prefer to ratify the Rome Statute instead of the Malabo Protocol creating the African Criminal Court (ACC).[82] The creation of the ACC was fast-tracked because of the unfriendly relationship between the ICC and AU.[83] Be that as it may, some of the reasons why the ICC prosecutes mostly African state officials are as follows: (i) African Membership of the court with 33 African states parties to the Rome Statute; (ii) some of the cases before the Court were referred by the various states concern in Africa;[84] (iii) the African continent serves as a hotspot of crimes which is attractive under the ICC jurisdiction as seen in Article 5 of the Rome Statute; (iv) many African states have inefficient judiciary systems which are also not independent and may not have enough courage and liberty to prosecute their leaders.[85] Indeed, it is not an exaggeration that African states have played a paramount role for the existence of the ICC today justified as follows: (i) they contributed toward the creation of the Court by actively participating in the various committees set before and during the Rome Conference; (ii) African states were among the first states to ratify the Rome Statute; (iii) when the ICC came into force, African officials held senior judicial positions and offices at the headquarter of the Court; and (iv) the African continent served as a hotspot for crimes admissible under the jurisdiction of the ICC. Notwithstanding the noticeable impact of the African continent, the ICC was created prosecute crimes globally. Consequently, the prosecution of crimes beyond the African continent will enhance both the legitimacy and credibility of the Court.

IV. The Prosecution of Crimes Beyond Africa by the ICC

It is without reservations that the ICC has been very successful to prosecute crimes only in the African continent since its existence.[86] However, the Court has on-going investigations beyond Africa. In this regard, this section will examine the situations in Palestine, Afghanistan and Georgia.

a) The Situation in the State of Palestine

Initially, Palestine was not a state party to the Rome Statute. However, on 1 January 2015, the government of Palestine accepted the jurisdiction of the ICC.[87] On 2 January 2015, the State of Palestine acceded to the Rome Statute and the Statute enters into force for the State of Palestine on 1 April 2015.[88] Accordingly, crimes within the jurisdiction of the Court are alleged to have committed in Palestine since13 June 2014 and the territorial scope of this jurisdiction extend to Gaza, West Bank and East Jerusalem as decided by the Pre-Trial Chamber I. On 22 May 2018 Palestine referred the matter to the Prosecutor in accordance with

[77] This was the case of Cote d'Ivoire in the *Gbagbo* case that began in 2003 but later became a state party to the Rome Statute on 15 February 2013.

[78] See generally Article 17 of the Rome Statute for the determination of admissibility and inadmissibility of cases before the jurisdiction of the ICC.

[79] Article 27 of the Rome Statute disregard any immunities enjoyed by state officials or individuals before it jurisdiction once the state ratifies the Rome Statute. Therefore all states parties to the Rome Statute have waived the immunity of their respective state officials vertically in their relationship with the Court and horizontally in their relationship with other states parties to the Statute.

[80] See Jalloh CC "Regionalizing International criminal Court? (2009) *International Criminal Law Review* 9,444-499 at 466, where the Chairperson of the AU Commission Jean ping asserted Africa seems to have become a laboratory to test the new international law, and President Paul Kagame of the Republic of Rwanda also said that the ICC is made for Africans and poor countries.

[81] See for example Sudan taking first step toward joining the International Criminal Court available at: https://www.google.com/amp/s/www.alijazeera.com/amp/news/2021/8/4/sudan-takes-first-step-towards-joining-international-criminal-court (last accessed 18 August 2021).

[82] See Protocol on Amendment to the Protocol on the Statute of the African Court of Justice and Human Rights of the African Union available at: https://au.int/en/treaties/protocol-amendments-protocol-statute-african-court-justice-and-human-rights (the 2014 Malabo Protocol) (last accessed 18 August 2021).

[83] See Aghem (2021) *IJLS* 67-68.

[84] See Situations under investigation available at: https://www.icc-cpi.int/pages/situation.aspx (last accessed 02 September 2021).

[85] See Aghem, (2020) *AJICJ* 68.

[86] See Cases available at: https://www.icc-cpi.int/Pages/cases.aspx (last accessed 20 August 2021).

[87] This was done in accordance with Article 12(3) of the Rome Statute.

[88] See State of Palestine available at: https://asp.icc-cpi.int/ en/_menus/asp/states%20parties/asians%20states/Pages/Palestine.aspx (last accessed 21 August 2021).

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Articles 13(a) and 14 of the Rome Statute.[89] On 20 December 2019, the Office of the Prosecutor (OTP) of the ICC concluded it preliminary examination in the situation of Palestine and declares that based on Article 53(1) of the Rome Statute, all the criteria has been fulfilled to open an investigation.[90] The OTP announced that: (i) there is a reasonable basis to believe that war crimes have been or are being committed in the West Bank, including East Jerusalem and Gaza; (ii) potential cases arising from the situation would be admissible; and (iii) that there were reasonable grounds to believe that an investigation would serve the interest of justice. Accordingly, the OTP found that members of the Israel Defence Forces (IDF) have committed war crimes as follows:[91] (i) wilful killing and wilful causing serious injury to body or health as per Articles 8(2)(a)(i) and 8(2)(a)(iii) of the Rome Statute; (ii) intentionally directing attack on objects and persons as per Articles 8(2)(b)(xxiv) and 8(2)(e)(ii). Similarly, the OTP equally found that it has reasonable basis to believe that members of Hamas and Palestinian armed groups (PAGS) committed war crimes as follows: (i) intentionally directing attacks against civilians and civilians objects based on Articles 8(2)(b)(i)(ii) and 8(2)(b)(e)(i); (ii) using protected person as shields based on Article 8(2)(b)(xxiii); (iii) wilful depriving protected persons of the rights of fair and regular trial as per Articles 8(2)(a)(vi) and 8(2)(c)(ii); (iv) wilful killing, torture and outrages upon personal dignity. Finally, the Prosecutor concluded that both the crimes committed by the IDF and the PAGS are admissible as per Article 17(1)(a)-(d) of the Rome Statute.[92] The investigation is on-going just like the situation in Afghanistan.[93]

b) The Situation in the Islamic Republic of Afghanistan

Currently, the Taliban have takeover and are controlling the Islamic Republic of Afghanistan.[94] Afghanistan is state party to the Rome Statute since 1 May 2003.[95] It instrument of accession to the Rome Statute was deposited on 10 February 2003.[96] Accordingly, the ICC may exercise its jurisdiction over crimes in accordance with Article 5 of the Rome Statute for crimes committed on the territory of Afghanistan or by its nationals after 1 May 2003.[97] Consequently, Article 15 of the Rome Statute authorises the ICC Prosecutor to commence investigation *proprio muto* for alleged crimes committed under the jurisdiction of the Court after authorisation by the Pre-Trial Chamber.[98] In this regard, on 20 November 2017, the Prosecutor filed a request for authorisation of an investigation into crimes allegedly committed in Afghanistan on the one hand, and crimes committed in other states parties since 1 May 2003.[99] These crimes include: (i) crimes against humanity and war crimes allegedly committed by the Taliban and affiliated groups; (ii) war crimes allegedly committed by the Afghan National Security Forces; (iii) war crimes allegedly committed by the United States of America and its Central Intelligence Agency (the CIA).[100] Accordingly, the investigation in the situation of Afghanistan was confirmed by the majority of the Judges of the Appeals Chamber authorising the Prosecutor to proceed with full investigation on 5 March 2020 pursuant to Article 15 of the Rome Statute.[101] Finally, on 7 May 2021, the Government of Afghanistan requested for the OTP to defer its investigation as per Article 18(2) of the Rome Statute.[102] However, the investigation has not yet be concluded just like the situation in Georgia.

c) The Situation in Georgia

Another on-going investigation beyond the African continent is in Georgia.[103] The investigation in Georgia was opened *propio muto* by the ICC Prosecutor,[104] after a request for authorisation was

[89] See Palestine available at: https://www.icc-cpi.int/palestine (last accessed 21 August 2021).
[90] See the Situation in Palestine Summary of Preliminary Examination Findings available at: https://www.icc-cpi.int/Pages/item/aspx?name=210303-prosecutor-statement-investigation-palestine (the OTP 2021) (last accessed 25 August 2021).
[91] See generally Article 8 of the Rome Statute for the various categories of war crimes.
[92] See generally Article 17 of the Rome Statute for admissibility and inadmissibility before the Court.
[93] See Situations under investigations available at: https://www.icc-cpi.int/Pages/situation.aspx (last accessed 25 August 2021).
[94] Greater details on this are available at: https://www.brminghammail.co.uk/black-country/telford-hotel-house-124-afghan-21464128 (last accessed 02 September 2021).
[95] See Statement of the ICC Prosecutor Fatou Bensouda available at: https://www.icc-cpi.int/Pages/item.aspx?name=200305-otp-statement-afghanistan (last accessed 26 August 2021).
[96] See Afghanistan Ratification Status available at: https://asp.icc-cpi.int/en_menus/asp/states%20parties/asian%20stattes/Pages/afghanistan.aspx (last accessed 26 August 2021).
[97] See Afghanistan available at: https://www.icc-cpi.int/afghanistan (last accessed 26 August 2021).
[98] See generally Article 15 of the Rome Statute regarding the processes of investigation initiated by the Prosecutor.
[99] See the Appeals Chamber Judgment on the *Situation in the Islamic Republic of Afghanistan* No.ICC-02/17OA4 (2020) available at: https://www.icc-cpi.int/Pages/record.aspx?docNo=ICC-02/17-138 (last accessed 26 August 2021).
[100] See the *Situation in the Islamic Republic of Afghanistan* No.ICC-02/17OA4 (2020) [4].
[101] See ICC Appeals Chamber authorises the opening of an investigation in Afghanistan available at: https://www.icc-cpi.int/Pages/item.aspx?name=pr1516 (last accessed 26 August 2021).
[102] See Office of the Prosecutor and high-level delegation from the Islamic Republic of Afghanistan available at: https://www.icc-cpi.int/Pages/item.aspx?name=pr1591 (last accessed 26 August 2021).
[103] See ICC Pre-Trial Chamber I authorises the Prosecutor to open an investigation into the situation in Georgia available at: https://www.icc-cpi.int/Pages/item.aspx?name=pr1183 (last accessed 28 August 2021).
[104] See Article 15 of the Rome Statute.

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granted by the Pre-Trial Chamber.[105] This is because Georgia ratified the Rome Statute on 5 September 2003 and is therefore a state party to the Rome Statute.[106] Accordingly, on 27 January 2016 the Pre-Trial Chamber I authorized the Prosecutor to open an investigation regarding the situation in Georgia.[107] Consequently, the investigations focused on the following crimes committed between 1 July and 10 October 2008:[108] (i) crimes against humanity which include murder, forcible transfer of population, and persecution;[109] and (ii) war crimes which include attack against the civilian population, wilful killing, intentionally directing attacks against peace keepers, destruction of property and pillaging.[110] Finally, the situation Georgia is still under investigation.[111] As indicated earlier, it is only in the African continent that the ICC has successfully prosecute and convicted offenders who have committed serious international crimes under its jurisdiction.[112] Consequently, all the prosecutions beyond the continent of Africa are still on-going.[113]

V. Concluding Remarks

The success of the ICC today is without doubt indebted to the African continent. The justification for this are as follows: (i) African states play a major role toward the creation and adoption of the Rome Statute as Senegal was the first state in the world to ratify the statute; (ii) the prosecution of mostly African state officials before the Court for more than two decades also establishes the legality and capability of the Court as international criminal jurisdiction; (iii) many African officials have served at different judicial office at the Court. For example, the former Prosecutor of the Court, Mrs Fatou Bensouda was an African for almost two decades.[114] In other words, the African continent contributed toward the creation and fruition of the Court by not only providing the raw materials for the court to practise it trade, but also provided the vehicle and fuel for the court to administer justice. Despite these contributions from the African continent toward the success of the Court, the vision of the Court is beyond Africa. Accordingly, the prosecutions of crimes beyond Africa have not only enhanced the legitimacy of the Court but also its credibility as the world permanent international criminal court. Indeed, the on-going investigations in Palestine, Afghanistan and Georgia will eliminate the alleged biased against the African continent. Finally, Sudan recently enacted new laws that will enable its government to ratify the Rome Statute and cooperate with the Court in any of arrest and surrender. Indeed, the ICC was never created for Africans only but African states contributed greatly in the creation of the ICC.

[107] See Georgia available at: https://www.icc-cpi.int/georgia (last accessed 28 August 2021).

[108] See Statement of the Prosecutor of the ICC, Fatou Bensouda following judicial authorisation to commence an investigation into the situation in Georgia available at: https://www.icc-cpi.int/Pages/item.aspx?name=otp-stat-27-01-2016-Georgia (last accessed 28 August 2021).

[109] See generally Article 7 of the Rome Statute for the various crimes against humanity

[110] See generally Article 8 of the Rome Statute for the various war crimes.

[111] See Situations under investigation available at: https://www.icc-cpi.int/pages/situation.aspx (last accessed 28 August 2021).

[112] See Cases available at: https://www.icc-cpi.int/Pages/cases.aspx (last accessed 28 August 2021).

[113] See for example the situation in Bangladesh/Myanmar available at: https://www.icc-cpi.int/bangladesh-myanmar (last accessed 28 August 2021).

[114] See Mrs Fatou Bensouda finishes her mandate as ICC Prosecutor available at: https://www.icc-cpi.int/Pages/item.aspx?name=pr1597 (last accessed 29 August 2021).

[114] See Mrs Fatou Bensouda finishes her mandate as ICC Prosecutor available at: https://www.icc-cpi.int/Pages/item.aspx?name=pr1597 (last accessed 29 August 2021).

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The study shows that victims of sexual harassment most often fail to lodge a formal complaint. Out of the number that sought any form of support on their experience of SH, the highest percentage, 36.4%, sought the support from family members and only 26.7% lodged a formal complaint. There is also a high degree of tolerance for sexual harassment. This can be a key factor in perpetuating the problem.

Media Organizations have largely shown low awareness of the need to create policies 96% of the respondents claimed that their organisation had no sexual harassment policy. 23% of those who claimed that their organisation had a policy felt that the policy had inadequacies. Moreover, 23.1% of the respondents felt that their organisation's policy did not adequately spell out sanctions against sexual harassment. Responses to questions on the consequences of sexual harassment for the harasser (that emanated from the organisation's intervention) and the consequences for the organization (in terms of changes) show 20% reporting that the harasser was disciplined, 30% reporting that the harasser was warned while 30% claimed that there were no consequences for the harasser. When victims level of satisfaction with their organisation's handling of their sexual harassment's complaint was measured, 0% of the complainants were extremely satisfied, only 21.4% were satisfied in any way and 50% were not satisfied.

Media organisations have been unmindful of the necessity to offer their employees training opportunities on sexual harassment. 87.2% of the respondents had never received training or materials that covered how to intervene as a bystander to protect other employees from sexual harassment & discrimination. When respondents were asked if there is an internal complaint procedure for sexual harassment cases in their workplaces, only 15% answer 'Yes', 57% respond 'No' and 28% don't know. The implication of not knowing is that such people cannot lodge any formal complaint if they fall victim, they are not knowledgeable of procedures for seeking redress. Moreover, respondent's knowledge of existing legal documents that guarantee their protection against sexual harassment is low. 72.5% of respondents were not aware of any legal document on sexual harassment and as much as 35% of the respondents could not mention any legal document.

Keywords: sexual harassment, media agencies, prevalence, individual response, organizational response.

The research was sponsored by the Gambia Press Union

I. Introduction

a) Background

The media, since pre-independence era in The Gambia, has played very significant roles in national development, promoting social, political and economic development while also bridging the gap between the government and the people by offering the platform for citizens' participation in national discourse.

Sexual harassment in the media workplace in The Gambia, as in many workplaces in the world, has remained under-reported due to the possible stigmatisation of victims and challenges of producing evidence. Moreover, reporting, prosecution and conviction are still not deeply entrenched into the Gambian justice system.

The media in The Gambia is operating in a patriarchal society with unequal power relations between men and women which put women at the lowest rungs of the socio-economic ladder and render them vulnerable to different forms of rights violation, sexual harassment inclusive. Studies have shown that low income workers are more at risk of being sexually harassed (7,8,9) and in the media workplaces in The Gambia, women largely occupy low positions.

Other important factors that may drive workplace sexual harassment in The Gambia are limited employment opportunities, lack of professionalism in the workplace and workers' lack of awareness of their rights and their organisation's policy on sexual harassment (1,10). The estimated unemployment rate in The Gambia according to the Labour Force survey 2018, conducted by the Gambia Bureau of Statistics (GBoS),

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unemployment in the country is about 35.2 percent, of which 57.1 per cent are female and 42.9 per cent male. Unemployment among youth aged 15-35 years is about 41.5 per cent while youth underemployment is 54.7 per cent for the urban areas and 45.3 per for the rural areas. The rates are considered high and can increase workers' vulnerability to sexual harassment and other forms of rights abuse, especially if there are no serious sanctions in place. Concerning the issue of unprofessionalism, evidence from studies show that sexual harassment thrives more in organisations with low level of professionalism as mirrored in behaviours like truancy, late coming, employees' engagement in non-job related activities, disrespect among employees and informality in the conduct of official duties (15). A 2017 World Bank report (11) indicated that unprofessionalism has weakened the Gambian civil service and reduced productivity. Essentially, where a policy on sexual harassment is non-existent or unknown to workers, the practice may persist.

There are legal documents in the Gambia that are deterrents to the undesirable act of sexual harassment. The Republic of the Gambia is a member of the global body, United Nations (UN), the regional body, African Union (AU) and the sub-regional body, Economic Community of West African States (ECOWAS). It has ratified the human rights legal instruments of these bodies of which it is a member thus making it binding on her to adhere to the standards laid down in the documents. Among these international documents are: the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), International Labour Organisation (ILO) Convention 111 on Discrimination (Employment and Occupation) UNTS Volume 362 page 31, which entered into force on June 15, 1960, the UNESCO's Protection of Human Rights: Procedure 104 (1978) for human rights violations in UNESCO's fields of mandate and the African Union's Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

From the domestic sphere, Sections 28(1), 222(3) and 17(1) of The Gambian 1997 Constitution can be evoked. More pertinent are Section 126(3) of The Gambia Criminal Code, Part 11, 6(1), Section 26 (2c) and Section10(1) of Women's Act (2010) which guarantee women's protection against any form of physical, sexual, psychological or economic harm. Moreover, Gender and Women Empowerment Policy 2010-2020 in the section on Gender and the section Human Rights Gender-Based violence depicts The Gambia's strong commitment to the protection and defence of women against all forms of rights violation. The Gambia's Sexual Offences Act 2013 attaches the sanction of imprisonment to rape. Code of Conduct for The Gambia Civil Service, General Principles of Conduct" number 6 states that: "Civil Servants should not because of their sex, religious or ethnic origin discriminate, favour, victimise or willfully abuse their authority to harass subordinates or the public"

Given the highly significant role played by the media in society, there is an imperative to create a perfectly conducive media work environment for the enhancement of productivity and the avoidance of practices that are detrimental to the attainment of professionalism.

b) Research Statement

The role of the media in any democratic society cannot be overemphasized; the media must function effectively to ensure that institutions of governance are held accountable. There is no gainsaying the fact that sexual harassment compromises professionalism in an organisation and consequently lowers productivity.

To promote professionalism and effective service delivery to the public within the journalistic landscape, there is a need to assess the magnitude/prevalence of the phenomenon of sexual harassment among media practitioners, determine their level of awareness of pertinent issues surrounding it and assess individual and organisational response to the phenomenon.

c) The objective of the study

The study aims to determine the prevailing situation of sexual harassment and discrimination within the media landscape.

The Specific objective are:

- Conduct an assessment on the prevalence and modes of sexual harassment and discrimination in the media workplaces in The Gambia.
- Investigate media employees' response to the phenomenon of sexual harassment.
- Gather information on the media workplace's nature of response to issues of sexual harassment.

d) Research Questions

- What is the prevalence of sexual harassment in the Gambian media workplace?
- What are the situations that create vulnerability to sexual harassment in the Gambian media workplace? (predisposing conditions).
- What are the modes of response to sexual harassment on the part of individual employees?
- What are the modes of response to sexual harassment on the part of media organisations?

e) Significance of Study

There is a dearth of data on workplace sexual harassment issues in The Gambia. Information on the prevalence and response to the phenomenon of sexual harassment prior to this study has been through anecdotal evidence. This study has made available data to guide workplace sexual harassment policy formulation by media and non-media organisations alike.

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f) The Scope of study

Survey questionnaires were administered in 25 media organisations and consultations were held with selected GPU stakeholders to garner knowledge of their lived-experiences on sexual harassment in their organization and the mode of response to phenomenon.

g) Limitations of Study

The Covid 19 global pandemic placed some restrictions on the study.

Due to the need to maintain social distancing regulations, the focus Group discussions (FGD's) were conducted on the Zoom online platform. Likewise, the Key Informant Interviews (KII's) were conducted through Whatsapp calls.

h) Indicators and measurements

Indicators of individual Knowledge and attitude, violation prevalence and protective environment were used in the study in order to provide a holistic picture of the sexual harassment context.

i) Theoretical Framework

This study is premised on 2 theories of workplace sexual harassment which are the organisational theory and the socio-cultural theory. The organizational theory posits that sexual harassment derives from factors in the workplace and is bred by organisational climate and structuring. The socio-cultural theory asserts that sexual harassment at work is a logical offshoot of the gender inequality that exists in the society.

II. Literature Review

a) Workplace Sexual harassment in the Global Context

Sexual harassment is pervasive in workplaces around the globe. Although it has been extensively studied in developed countries, literature is sparse for developing countries (21). The condemnable practice is in opposition to the principle or express declaration of different international legal documents. The Declaration of Philadephia (May 1944) concerning labour affirms that 'All human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity of economic security and equal opportunity'.

This is re-affirmed in the UN Universal Declaration of Human Rights (1948) which in its Article 23, states that, "Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment' In the light of this declaration, sexual harassment violates the right of victims to freedom in the workplace and renders the work environment unconducive. This is further reinforced by other international legal documents on rights, the ILO in Covention190 (2019) declares that the term "violence and harassment" in the world of work refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment; (b) the term "gender-based violence and harassment" means violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment. The Convention 190, among other preoccupations, defines exhaustively the various forms of sexual harassment, highlights parties that may be involved and spells out the impact on the world of work.

There have been various definitions of sexual harassment. The ECOWAS Supplementary Act Relating to Equality of Rights between Women and Men for Sustainable Development within the ECOWAS Region (2015) states that 'it is any action (verbal, physical, gestural, psychological) exerted on a person who is under the authority of another, for the purpose of obtaining sexual favors, and without the consent of the victim'

The United States Equal Employment Opportunity Commission (USEEOC) defines it as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature… when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment".(22) It has been categorized into 3 broad categories namely: sexual coercion, unwanted sexual attention and gender harassment.(23)

Sexual coercion refers to unwanted sexual advances that include the use of pressure to obtain sexual favors. This pressure often takes the form of rewards for cooperation or repercussions for refusal.(24) Unwanted sexual attention refers to unwelcome sexual advances; verbal and non-verbal, including but not limited to gestures such as staring, whistling, inappropriate touching etc., without the use of coercion to force cooperation.(24, 25) Gender harassment on the other hand refers to a range of actions that convey hostility and degradation towards members of one gender. (24, 25) Although it is thought to be the least egregious, it is the most common form of sexual harassment in the workplace. (24, 25)

Mondy and Mondy, 2012; Jones and George, 2011 cited by Hejase (16) assert that there are two forms of sexual harassment. The first, Quid Pro Quo sexual harassment, occurs when a harasser demands sexual favour so the harassed could keep their job, receive a promotion, gain a form of advantage or avoid a form of negative outcome. The second type, Hostile Work Environment sexual harassment occurs when

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organisational members are faced with an intimidating, hostile, or offensive work environment because of their sex (!6, 19) .

The problem of workplace sexual harassment is universal. It is recognized as predominantly a women's issue, although men experience it too. (26, 27) Studies show that women are more likely to be victims while men are more likely to be perpetrators (21, 26). A study conducted by The European Commission found that about 30-50% of female employees in European countries had undergone some form of sexual harassment.(28) Another study conducted in Brazil found 26% of female domestic workers to have experienced sexual harassment within the previous year. (21).

Within the African region, a survey conducted in South-Africa in 2018 found that 30% of South-Africa's women and 18% of the men have been victims of unwanted sexual advance in the workplace.38% reported that the advances were verbal in nature while 38% claimed it was physical in form of unwanted touching, 42% reported experiencing lustful staring at their body and 32% claimed they received messages of a sexual nature. For the women, the harasser was either a peer or a superior at work while for the men, the harasser was either a peer or a subordinate at work. The study revealed the culture of silence that characterizes workplace sexual harassment as 39% of women and 22% of men were silent about their experience. The fear of not being believed and of retaliation were found to be the major deterrents to lodging of any complaint (14).

The ramifications of workplace sexual harassment are immense. Effects have been shown to linger for many years after occurrence of the event (29). Apart from the fact that it discourages women from asserting themselves in the workplace, it has been shown to adversely mental health, professional and physical health.(25, 30) It creates anxiety, depression, decreased self-esteem, alcohol abuse, eating disorders, shame, guilt, humiliation, extreme stress and decreases overall happiness (21, 29, 31, 32). In a work environment, victims are not the only ones impacted by sexual harassment, bystanders and even the overall organization could experience consequences such as diminished work performance, decreased employee satisfaction, decreased team cohesion, loss of respect in the workplace and increased employee attrition. It could also result in negative publicity for affected organisations. (31) Boland (2002) cited by Hejase (16) highlighted the denigrating effects of sexual harassment on organisations as: decreased productivity and increased team conflict, decrease in success and in meeting of financial goals, decreased job satisfaction, high possibility of undermining ethical standards and discipline in the organisation which will lead to disrespect and lack of trust between employees and their superiors, damage to the reputation of the organisation and possible financial loss in a situation where complainants take the issue to court and increased attrition and or absenteeism of staff members with consequent loss of expertise. Robbins and Coulter (2011) cited by Hejase(16) claimed that in nations like Japan, Australia, New Zealand, and Mexico sexual harassment cases have been filed against employers. Mondy and Mondy (19) also cited by Hejase (16) posited that the US Equal Employment Opportunity Commission fielded more than 13,867 charges of sexual harassment (16, !9). From 1990 to 2009, the percentage of sexual harassment claims; filed by male employees doubled from 8% to 16% while awards to charging parties amounted to more than $47.4 million excluding monetary benefits obtained through litigation.

Traditionally, worldwide, the silence option has been the most favoured form of response by victims of sexual harassment for various reasons.

Such reasons include lack of support for the victim and complicity on the part of line managers and human resource personnel and colleagues who either dismiss reported cases as not serious enough to be classified a sexual harassment or persuade the victim to discountenance the occurrence to avoid the tag of a troublemaker(15). However, the last few years have witnessed some degree of radical change. There has been an emergence of protest movements empowering women victims to speak out; the #MeToo and #TimesUp movements in October of 2017 and January of 2018 respectively pervaded the global stage. Concerning The Gambia, Fatou Toufah Jallow's 2019 revelation alleging rape by former President Yayah Jammeh triggered allegations of similar experiences by several other women in the hands of the same predator drawing scrutiny to this long-standing menace. In spite of the global outcry against the act, sexual harassment is still largely prevalent around the globe. As a matter of fact, a study in the USA reported an increased prevalence of gender harassment in the year 2018 (24).

A major determining factor of sexual harassment in the workplace is the organisational climate. For instance, sexual harassment is likely to be more common in workplaces where there are no existing deterring policies, no established reporting procedures and where employees do not undergo sexual harassment training. (25,33) Within such environments, individuals with a propensity to harass encounter no deterrence to their harassing tendencies (25), while victims of harassment may feel inclined to suffer in silence due to fear of retaliation (34). Additionally, research has shown that gender parity in the workplace is associated with lower prevalence of sexual harassment. (27) suggesting that policies promoting gender parity when combined with other interventions, could be helpful in reducing workplace sexual harassment.

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There are international legal documents that provide the framework for the prohibition an.

b) Theories of Sexual Harassment

Socio-cultural theory views sexual harassment as a logical consequence of the gender inequality and sexism that already exists in society. It links sexual harassment to male dominance. Sexual harassment exists because of the views of women as the inferior sex, but also sexual harassment is used to maintain the already existing gender stratification by emphasizing sex role expectations.

Another theory of sexual harassment is the organizational theory which deals with the organisational context of the harassment. According to the organisational theory, sexually abusive behavior in the organization is not just facilitated by differences in power but also by factors such as permissiveness of the organizational climate, gendered occupations, and organizational ethics, norms and policies. Sexual abuse will be minimal in organization with strong deterrents.

The sex-role spillover theory integrates both contextual characteristics and the individual gender-based beliefs and expectations of the harasser; men and women bring to workplace their pre-existing beliefs and gender-based expectations. Men may perceived their role in the workplace as involving dominating women and women may feel the need to submit themselves to domination.

The fourth theory, the natural/biological theory on sexual harassment holds that sexual harassment represents an expression of sexual attraction, a natural element in mate seeking. According to this theory, men are naturally more sexually aggressive. Therefore, such sexual behavior is not meant as harassment but an expression of men's higher sex drive. The natural /biological theory fails in the light of the fact the will of the victim is involved, persistence in the face of any unwillingness is a violation of the dignity of the person (8,16).

III. Methodology

a) Research Design

The study used a combination of quantitative and qualitative research methods to assess the nature and prevalence of sexual harassment in media agencies, the attitude of stakeholders to the phenomenon and the availability of policy and communication framework for addressing the problem.

Two categories of complementary methods were employed:

The Qualitative methods -semi-structured key informant interviews and focus group discussions (FGDs).

The quantitative methods used survey questionnaires to measure the incidences or prevalence of sexual harassment and its nature.

b) Data Collection Procedure

i. *Sampling Methods*

The sample was drawn from the target population which is media practitioners in The Gambia. The study population was selected using a combination of probability and non-probability sampling techniques. 25 media organisations were purposively selected while respondents within the organisations were randomly selected. This was to ensure that samples were derived from the different media organisations whose experiences with sexual harassment might be unique.

ii. *Sample Size*

For the quantitative survey, questionnaires were administered on 109 respondents from 24 media organizations and 6 freelance journalists. For the quantitative survey, 2 Focus Group Discussion sessions were conducted:

Male Focus Group Discussion- 12 participants were drawn randomly from the different media houses.

Female Focus Group Discussion- 12 participants were drawn randomly from the different media houses.

Key Informant Interviews(KII's)- 5 veteran Journalists purposively sampled based on their experience within the media landscape.

iii. *Compliance with ethical requirements*

Informed consent was sought from all respondents before their participation in the data collection process and confidentiality was promised. Getting the consent of individual respondents was not difficult because the media organisations helped to facilitate the process.

IV. Presentation of Findings

Respondents' Distribution by Gender
(n = 109)

a) Gender of Respondents

A total of 53 males (48.6 percent) and 56 females (51.4 percent) participated in the survey

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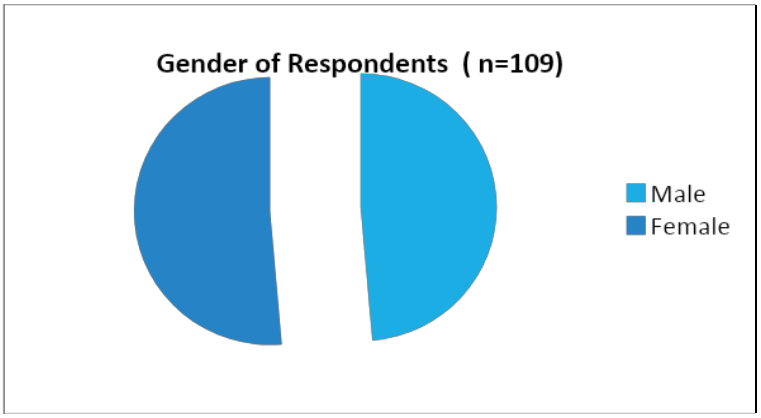
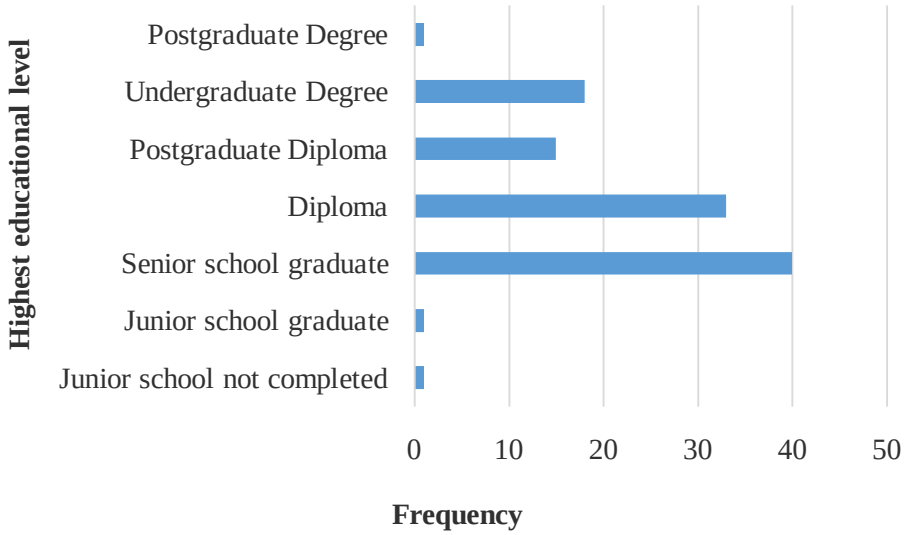


Figure 3: Respondents' Distribution by Educational Qualification

Highest educational qualification (n = 109)



i. *Media Organisations*

25 media organizations, print and broadcast, as well as 6 freelance journalists were enlisted in the study.

b) Prevalence of Sexual Harassment

22% of respondents have heard rumours of sexual harassment in the workplace, 40% of this have heard it more than twice. 23.9%of respondents in the last five years are aware of someone being sexually harassed in their workplace. 7% witnessed the act while 15% were told by the person sexually harassed. In the bid to triangulate, the question was asked about the immediate circle of friends have 13% claim that they know someone in their circle of friends while 87% do not know anyone. 13.76% have experienced sexual harassment in the workplace responded and 86.2 4%have not.

i. *Gender of Perpetrators of SH*

Out of 15 respondents who have experienced SH, 13 respondents (86.7%) experienced it from males while 2 respondents (13.3%) experienced it from females.

ii. *Relationship to the Harasser*

11, 46.7% of those who experience harassment did from co-workers of the same level and 53.3% from superiors.

iii. *Locations where Harassment was experienced*

A vast majority of 65% experienced the SH in the workplace

c) Knowledge of Acts constituting Sexual Harassment

Respondents were very knowledgeable about acts constituting sexual harassment. A considerable percentage 38.5% for behavior category 'H' and 45.9% for behaviour category 'F' still recognise these less serious acts as sexual harassment. In the bid to triangulate, the question was asked about respondents' perception of the ability of their co-workers to recognize appropriate and inappropriate behavior, 69% asserted that employees in their workplaces have a clear sense of

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appropriate and inappropriate behavior. *69 percent of the respondents believed that* there is a clear sense of appropriate and inappropriate behavior among employees in their organization while 31 percent did not It is an established fact in the field of Behavioural Sciences that knowledge does not automatically translate to practice as attitude serves as a strong determiner of behavioural change (Kraus 1995). It is in this light that questions were posed to determine respondents' attitude to an act of sexual harassment and the party to be blamed for the occurrence of sexual harassment. 12% reported that they view sexual remarks/jokes in the workplace as a compliment and 9% don't care while this percentage may seem low, given the status of the target population as media practitioners it is a very significant indication of inadequate training and awareness creation.

i. *Who respondents felt should be blamed in a situation of sexual harassment;*

30.56% expressed the view that both harasser and victim should be blamed, 0.93% the victim and 67.59%would blame the harasser. The 31.49% who would not unreservedly blame the harasser only display a poor attitude informed by cultural biases.

d) Awareness of Legal Documents

72.5% of respondents were not aware of any legal document on sexual harassment and there was no legal document that could be mentioned by up to 35% of the respondents.

e) Individuals and the Organisations' Response to Sexual Harassment

i. *Individual's response*

When respondents were asked if there is an internal complaint procedure for sexual harassment cases in their workplaces, only 15% answered 'Yes', 57% responded 'No' and 28% didn't know. The implication of not knowing is that such people cannot lodge any formal complaint if they fall victim.

ii. *Knowledge about making a report of sexual harassment or discrimination*

Basically, knowledge precedes practice. More than 60 percent of the respondents do not have the knowledge of how to report an incident of sexual harassment. Only 27% have knowledge about making a report of sexual harassment or discrimination.

iii. *Orientation or Instructions and Trainings on sexual harassment & discrimination in the workplace*

Only 11% of the respondents had ever received orientations or instructions about sexual harassment and discrimination in their workplace, only 16% had ever received training or materials on their organization's policy on sexual harassment & discrimination, the remaining 84% had never. Only 27% of the respondents had ever received orientation, training or materials that covered how to report sexual harassment & discrimination. 87.2% of the respondents had never received training or materials that covered how to intervene as a bystander to protect other employees from sexual harassment & discrimination, 12.8% had.

Still in the bid to assess respondents' mode of response to SH incidents, they were asked what action they took after being aware of someone in the workplace experiencing sexual harassment. Figure 27 below shows that only 8.7% reported the incident to the employer while the greatest percentage (47.8%) only offered advice to the victim.

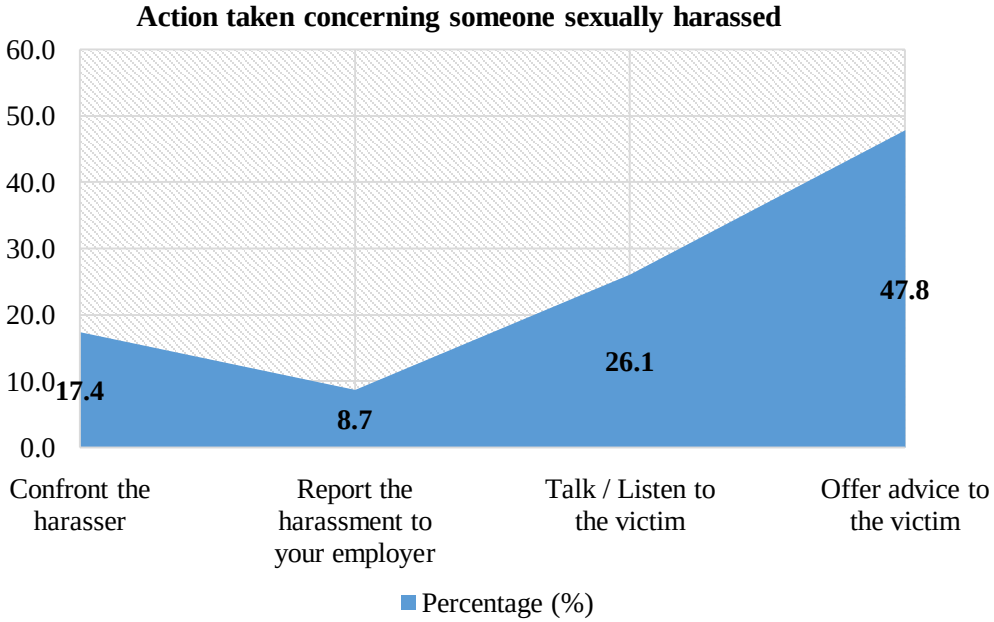


Figure 27

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In the case of those who were at a point in time victims of sexual harassment, 33.3% sought any form of support or advice. Out of the number that sought any form of support, the highest percentage (36.4%) sought the support from family members and only 26.7% lodged a formal complaint.

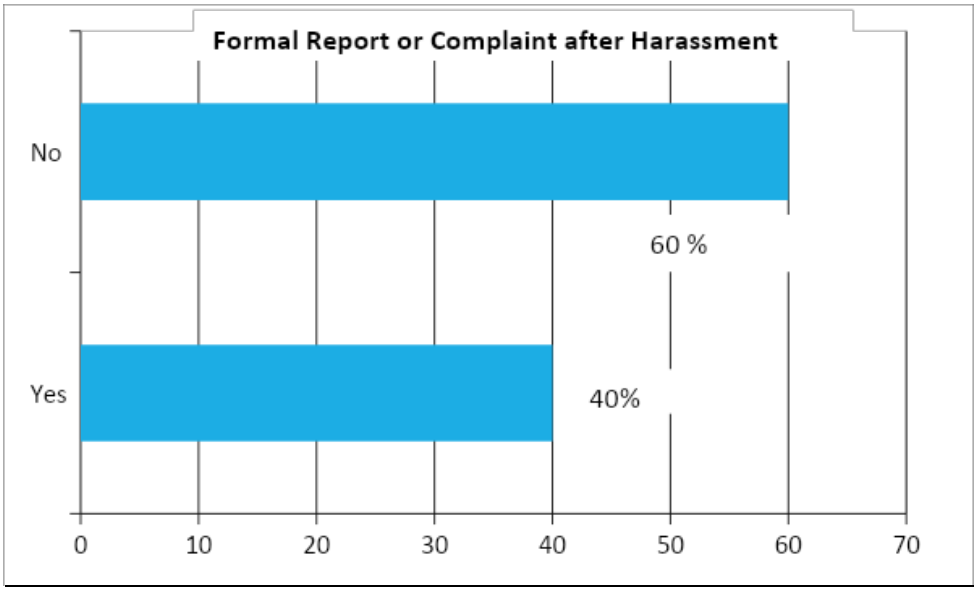


Figure 31 which is a cross-tabulation by sex shows that 73.3 percent of those who were victims did not lodge any formal complaint.

When examined by gender, the statistics confirm the views expressed by participants both the male and the female FGD respectively that it is not customary for a male to complain of sexual harassment. None of the males made formal reports or seek any help.61.54% of the females made no formal report and 45.16% sought no form of help.

iv. *Reasons for not reporting SH incident*

There are various reasons informing the victims' choice of not reporting the incident of sexual harassment. Most prominent among the reasons are the fear of the repercussion for the complainant (74.4 percent), 6.4 percent did not know how to report the case, 6.4 percent believed that reporting the case will not change anything and 4.8 percent feared they would not be believed. Others reasons given are that they feared negative consequences for the harasser (4.8 percent), they were advised by family and friends not to take any action (1.6 percent) and they felt that it was not important (1.6 percent).

v. *Organisation's Response*

The organisation's response can be both preventive and punitive. In terms of preventive response, having a policy in place and empowering employees to recognize and resist sexual harassment are quite germane. Figure 33 shows that 96% of the respondents claim that their organisation has no sexual harassment policy. 23% of those who claim that their organisation have a policy feel the policy has inadequacies (Figure 34). The identified inadequacies depicted in Figure 35 include unwelcome touching of sexual parts and employees' access to the sexual harassment policy among others. Moreover, 23.1% of the respondents feel that their oganisation's policy does not adequately spell out sanctions against sexual harassment. 88.1% of the respondents claimed that their organization had no sexual harassment policy. 23.1% of the ones who claimed their organisations had felt that the policies did not adequately cover all forms of sexual harassment.

Respondent's view on whether their organistion's policy adequately spells out sanctions against sexual harassment

76.9 percent of the respondents were of the view that their organisation's policy did not adequately spell out sanctions against sexual harassment while 23.1 percent believed it did. This implies that media organisations have been negligent in implementing preventive measures in relation to sexual harassment.

Questions on the consequences of sexual harassment for the harasser (that emanated from the organisation's intervention) and the consequences for the organization (in terms of changes) were also used to determine organizations' response to the act. As can be seen in Figure, only 20% reported that the harasser was disciplined, 30% reported that the harasser was warned, while 30% claimed that there were no consequences for the harasser.

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Figure 37

18D: What were the consequences for the harasser following your complaint? (n = 10)

Response category	Frequency	Percentage (%)
The harasser was disciplined	2	20.0
The harasser was formally warned	3	30.0
The harasser was spoken to	0	0.0
The harasser was transferred	0	0.0
The harasser had his/her shifts changed	0	0.0
The harasser resigned	0	0.0
The harasser apologized	2	20.0
There were no consequences for the harasser	3	30.0
Others (please specify)		

Also Figure shows 71.4% reporting that there were no changes made by the organisation following their complaints

Figure Consequences of their complaint for the organisation *(n = 7)*

Response category	Frequency	Percentage (%)
Your employer developed or changed the existing policy on sexual harassment	1	14.3
Your employer changed a practice or procedure (e.g. complaints procedure)	1	14.3
Your employer implemented training/education	0	0.0
There were no changes within the organisation following your complaint	5	71.4
Other (SPECIFY) _____ (DO NOT READ)		

Respondents' level of satisfaction with their organisation's handling of their sexual harassment complaint was also measured. 0% was extremely satisfied, 50% were not satisfied and only 21.4% were satisfied in any way.

Figure Respondents' Rating of the overall process of dealing with their sexual harassment complaint (n = 14)

	Not at all Satisfied	Satisfied a bit	Satisfied	Very Satisfied	Extremely Satisfied	Don't know
Response category	1	2	3	4	5	6
Frequency	3	4	2	1	0	4
Percentage (%)	21.4	28.6	14.3	7.1	0.0	28.6

V. Discussion of Findings

As evidenced in the presentation of findings, the prevalence of sexual harassment is considerably high for a behaviour which is both a criminal offence and an aberration. Participants during the FGD attested to the fact that females suffer in silence from sexual harassment due to the fear of being tagged troublemakers.

A participant in the female FGD cited an instance in which a male harasser turned his subordinate victim into an object of gossip in the organisation after pressuring her into complying with his demand:

Knowledge of Acts constituting sexual harassment

Respondents have good knowledge of acts that can be classified as sexual harassment but victims' attitude towards reporting incidents may not offer the needed disincentive that would culminate in the elimination of the practice. Female FGD participants report that females who complain about less serious acts of sexual harassment are labelled as intolerant. Society expects them to be more accommodating of sexual harassment:

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When situations that are usually exploited to sexually harass co- workers were ranked, application for employment was ranked highest followed by role allocation and work trips both coming second while the need for promotion is ranked third. Organisations need to establish clear and commonly understood regulations and due processes for employment, workplace role allocation and nomination for work trip among others to eliminate the tendency to use these for the sexual exploitation of subordinates at work.

Awareness of existing international and domestic legal documents is very low. This is partly due to socio-cultural beliefs that promote gender inequality. Sexual harassment offences are usually discounted with none perceiving the need to evoke the provision of any legal document. Another explanation for the low awareness is the failure of media organizations to give serious attention to the phenomenon of sexual harassment as reflected in the lack of organizational policy on sexual harassment and the limited attention accorded to the issue in media communication outputs.

Media organizations lack workplace sexual harassment policies and the organisational framework for tackling sexual harassment cases. With the recent conscientisation in The Gambia occasioned by the revelations of women victims of sexual harassment, organisations might be endangering their finances through lawsuits if appropriate preventive measures against sexual harassment are not implemented. Perceived best practices suggested by respondents include having a media workplace policy that exhaustively describes sexual harassment acts, states clearly the procedure for tackling sexual harassment cases and indicates sanctions attached to sexual harassment acts. Media organisations should endeavor to give orientation to staff while not neglecting to send them for trainings on prevention of sexual harassment. It was also suggested that within the organisation, a unit must be established to manage sexual harassment complaints and offer counseling to victims of sexual harassment in the organisation.

VI. Recommendations

It is recommended that media organisations should not only create policies but must additionally, through training and orientation programmes, create a common understanding among employees of structures and procedures for reporting incidents. Various advocacy channels must also be explored to change attitudes that are driving the culture of silence.

The Gambia Press Union should ensure that each media organisation produces a formal document on conditions of service for employees to serve as a point of reference in the bid to enhance a just and fair system of reward and sanctions in the workplace. A manual on sexual harassment to be created by the GPU should be made available to all media organisations.

References Références Referencias

1. Gambia Population 2020 https://www.worldometers.info/world-population/gambia
2. The Gambia overview https://www.worldbank.org/en/country/gambia/overview
3. The Gambia https://www.britannica.com/place/The-Gambia population/
4. https://en.wikipedia.org/wiki/The_Gambia
5. https://www.thegirlgeneration.org/blog/ban-fgm-and-child-marriage-gambia-end-these-practices
6. National Action Plan: Gambia https://www.peacewomen.org/nap-gambia
7. New America.org Sexual Harassment: A Severe and Pervasive Problem https://www.newamerica.org/better-life-lab/reports/sexual-harassment-severe-and-pervasive-problem/summary-of-findings/
8. Tangri, S. Hayes, S. (1997). Theories of sexual harassment. In W. O'Donohue (Ed.), Sexual harassment: Theory, research, and treatment (pp. 112−128). Boston: Allyn & Bacon.
9. Gutek, B. A., & Morasch, B. (1982). Sex ratios, sex-role spillover and sexual harassment of women at work. Journal of Social Issues, 38(4), 55−74.
10. DECENT WORKCOUNTRY PROGRAMME THE GAMBIA 2015-2017 http://lmis.gm/sites/default/files/Gambia%20Decent%20Work%20Country%20Program%20%20%20%20%202015-2017.pdf
11. 'The Gambia Fragility Risk and Resilience Assessment' http://documents1.worldbank.org/curated/en/516021501649448939/text/117432-WP-P163176-OUO-9-Patricia-Geli-authorThe-Gambia-Fragility-Risk-and-Resilience-Assessment-FINAL-2017-06-27.txt
12. UNDP & GBoS The Gambia Labour Force Survey (GLFS 2018) https://www.gbosdata.org/downloads-file/
13. Mohd, NI (2007) Factors influencing sexual harassment in the Malaysian workplace. https://www.researchgate.net/publication/43655784_FACTORS_INFLUENCING_SEXUAL_HARASSMENT_IN_THE_MALAYSIAN_WORKPLACE
14. https://www.bizcommunity.com/Article/196/607/181307.html
15. Elizabeth A. O'Hare Elizabeth A & William O'Donohue Sexual Harassment: Identifying Risk Factors. Retrieved from: https://d1wqtxts1xzle7.cloudfront.net/50749961/a_3A101876901683220161206-11245-y3gfn8.pdf?1481049937=&response-content-disposition=inline%3B+filename%3DSexual_harassment_identifying_risk_facto.pdf&Expires=1596454587&Signature=ZcHpLWHC0~Ei4u1HM-nEvmTg-0UEeiV733x5UA5A5RqXwqMuxXIGsHAxBDN00CFjgAexsZEEyCdck1oAFQOn050aCWUFI-kYUSu8

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16. Hejase H.J (2015) Sexual Harassment in the Workplace: An Exploratory Study from Lebanon file:///C:/Users/user/Downloads/HejasePaperSexual Harassment6965-24946-1-PB.pdf
17. Bullying and Sexual Harassment in the Workplace, in Public Spaces and in Political Life in the EU https://www.europarl.europa.eu/RegData/etudes/STUD/2018/604949/IPOL_STU(2018)604949_EN.pdf
18. European Agency for Safety and Health at Work EUROPEAN RISK OBSERVATORY REPORT https://osha.europa.eu/en/publications/workplace-violence-and-harassment-european-picture
19. Mondy, R.W., & Mondy, J.B. (2012). Human Resource Management (twelfth ed.). Edinburgh Gate, Essex, UK: Pearson.
20. SUPPLEMENTARY ACT A/SA.02/05/15 RELATING TO EQUALITY OF RIGHTS BETWEEN WOMEN AND MEN FOR SUSTAINABLE DEVELOPMENT IN THE ECOWAS REGION https://www.ccdg.ecowas.int/wp-content/uploads/Supplementary-Act.pdf
21. DeSouza ER, Cerqueira E. From the kitchen to the bedroom: frequency rates and consequences of sexual harassment among female domestic workers in Brazil. J Interpers Violence. 2009; 24(8): 1264-84.
22. (EEOC) TUEEOC. Sexual Harassment. Washington, D.C. Equal Employment 2 Opportunity Commission 2011 [Available from: http://www.eeoc.gov/laws/types/harassment.cfm
23. Fitzgerald LF, Gelfand MJ, Drasgow F. Measuring Sexual Harassment: Theoretical and Psychometric Advances. Basic and Applied Social Psychology. 1995; 17(4): 425-45.
24. Keplinger K, Johnson SK, Kirk JF, Barnes LY. Women at work: Changes in sexual harassment between September 2016 and September 2018. PLoS One. 2019; 14(7): e0218313.
25. National Academies of Sciences E, Medicine. Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine. Johnson PA, Widnall SE, Benya FF, editors. Washington, DC: The National Academies Press; 2018. 312 p.
26. Breiding MJ, Smith SG, Basile KC, Walters ML, Chen J, Merrick MT. Prevalence and 6 characteristics of sexual violence, stalking, and intimate partner violence victimization--national intimate partner and sexual violence survey, United States, 2011. MMWR SurveillSumm. 2014; 63(8): 1-18.
27. Raj A, Johns NE, Jose R. Gender Parity at Work and Its Association With Workplace Sexual Harassment. Workplace Health & Safety. 0(0): 2165079919900793.
28. McGolgan A. Report on Sexual Harassment in the Workplace in EU Member States. 8 2004.
29. Quick JC, McFadyen MA. Sexual harassment: Have we made any progress? J Occup Health Psychol. 2017; 22(3): 286-98.
30. Cortina LM, Berdahl JL, editors. Sexual harassment in organizations: A decade of research in review 2008.
31. Boland ML. Sexual harassment: Your guide to legal action. Napervile, IL: Sphinx Publishing; 2002.
32. Barling J, Rogers AG, Kelloway EK. Behind closed doors: in-home workers' experience of sexual harassment and workplace violence. J Occup Health Psychol. 2001; 6(3): 255-69.
33. Kraus, S. 1990. "Attitudes and the Prediction of Behavior: A Meta-analysis." Paper presented at the annual convention of the American Psychological Association, Boston, MA, August 10–14, 1990. https://files.eric.ed.gov/fulltext/ED327751.pdf [Google Scholar]
34. Workplace Sexual Harassment "A Chronic Problem," Says APA President [press release]. November 16, 2017 2017.
35. Bergman ME, Langhout RD, Palmieri PA, Cortina LM, Fitzgerald LF. The (un) reasonableness of reporting: antecedents and consequences of reporting sexual harassment. J Appl Psychol. 2002; 87(2): 230-42.
36. Fernando D The culture of silence that allows sexual harassment in the workplace to continue. s://the conversation.com/the-culture-of-silence-that-allows-sexual-harassment-in-the-workplace-to-continue-106824
37. Convention on the Elimination of All Forms of Discrimination Against Women.
38. Gambia's Women Act 2010. Retrieved from: http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=90619
39. First UN Resolution on Sexual Harassment access on https://undocs.org/en/A/C.3/73/L.21/REV.1
40. Gambian Criminal Code Retrieved online from: https//www.ilo.org/dyn/natlex/natlex4.detail? plang=en&p isn=75289
41. Pina A, Saunders B, & Gannon https://www.researchgate.net/publication/222432858_An_overview_of_the_literature_on_sexual_harassment_Perpetrator_theory_and_treatment_issues
42. http://graduate.auburn.edu/wp-content/uploads/2016/08/What-is-PROFESSIONALISM.pdf
43. https://winjournal.org/digitaleditedcollection/EarlRyanYork1pdf
44. https://www.un.org/en/events/pastevents/pdfs/Beijing_Declaration_and_Platform_for_Action.pdf

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45. Sexual Harassment of Women at Workplace: an Exploratory study from Baddi, Himachal Pradesh http://www.pramanaresearch.org/gallery/prj-p209.pdf

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i) Discussion should cover implications and consequences and not just recapitulate the results; conclusions should also be summarized.
j) There should be brief acknowledgments.
k) There ought to be references in the conventional format. Global Journals recommends APA format.

Authors should carefully consider the preparation of papers to ensure that they communicate effectively. Papers are much more likely to be accepted if they are carefully designed and laid out, contain few or no errors, are summarizing, and follow instructions. They will also be published with much fewer delays than those that require much technical and editorial correction.

The Editorial Board reserves the right to make literary corrections and suggestions to improve brevity.

Format Structure

It is necessary that authors take care in submitting a manuscript that is written in simple language and adheres to published guidelines.

All manuscripts submitted to Global Journals should include:

Title

The title page must carry an informative title that reflects the content, a running title (less than 45 characters together with spaces), names of the authors and co-authors, and the place(s) where the work was carried out.

Author details

The full postal address of any related author(s) must be specified.

Abstract

The abstract is the foundation of the research paper. It should be clear and concise and must contain the objective of the paper and inferences drawn. It is advised to not include big mathematical equations or complicated jargon.

Many researchers searching for information online will use search engines such as Google, Yahoo or others. By optimizing your paper for search engines, you will amplify the chance of someone finding it. In turn, this will make it more likely to be viewed and cited in further works. Global Journals has compiled these guidelines to facilitate you to maximize the web-friendliness of the most public part of your paper.

Keywords

A major lynchpin of research work for the writing of research papers is the keyword search, which one will employ to find both library and internet resources. Up to eleven keywords or very brief phrases have to be given to help data retrieval, mining, and indexing.

One must be persistent and creative in using keywords. An effective keyword search requires a strategy: planning of a list of possible keywords and phrases to try.

Choice of the main keywords is the first tool of writing a research paper. Research paper writing is an art. Keyword search should be as strategic as possible.

One should start brainstorming lists of potential keywords before even beginning searching. Think about the most important concepts related to research work. Ask, “What words would a source have to include to be truly valuable in a research paper?” Then consider synonyms for the important words.

It may take the discovery of only one important paper to steer in the right keyword direction because, in most databases, the keywords under which a research paper is abstracted are listed with the paper.

Numerical Methods

Numerical methods used should be transparent and, where appropriate, supported by references.

Abbreviations

Authors must list all the abbreviations used in the paper at the end of the paper or in a separate table before using them.

Formulas and equations

Authors are advised to submit any mathematical equation using either MathJax, KaTeX, or LaTeX, or in a very high-quality image.

Tables, Figures, and Figure Legends

Tables: Tables should be cautiously designed, uncrowned, and include only essential data. Each must have an Arabic number, e.g., Table 4, a self-explanatory caption, and be on a separate sheet. Authors must submit tables in an editable format and not as images. References to these tables (if any) must be mentioned accurately.

Figures

Figures are supposed to be submitted as separate files. Always include a citation in the text for each figure using Arabic numbers, e.g., Fig. 4. Artwork must be submitted online in vector electronic form or by emailing it.

Preparation of Eletronic Figures for Publication

Although low-quality images are sufficient for review purposes, print publication requires high-quality images to prevent the final product being blurred or fuzzy. Submit (possibly by e-mail) EPS (line art) or TIFF (halftone/ photographs) files only. MS PowerPoint and Word Graphics are unsuitable for printed pictures. Avoid using pixel-oriented software. Scans (TIFF only) should have a resolution of at least 350 dpi (halftone) or 700 to 1100 dpi (line drawings). Please give the data for figures in black and white or submit a Color Work Agreement form. EPS files must be saved with fonts embedded (and with a TIFF preview, if possible).

For scanned images, the scanning resolution at final image size ought to be as follows to ensure good reproduction: line art: >650 dpi; halftones (including gel photographs): >350 dpi; figures containing both halftone and line images: >650 dpi.

Color charges: Authors are advised to pay the full cost for the reproduction of their color artwork. Hence, please note that if there is color artwork in your manuscript when it is accepted for publication, we would require you to complete and return a Color Work Agreement form before your paper can be published. Also, you can email your editor to remove the color fee after acceptance of the paper.

Tips for writing a good quality Social Science Research Paper

Techniques for writing a good quality homan social science research paper:

1. Choosing the topic: In most cases, the topic is selected by the interests of the author, but it can also be suggested by the guides. You can have several topics, and then judge which you are most comfortable with. This may be done by asking several questions of yourself, like "Will I be able to carry out a search in this area? Will I find all necessary resources to accomplish the search? Will I be able to find all information in this field area?" If the answer to this type of question is "yes," then you ought to choose that topic. In most cases, you may have to conduct surveys and visit several places. Also, you might have to do a lot of work to find all the rises and falls of the various data on that subject. Sometimes, detailed information plays a vital role, instead of short information. Evaluators are human: The first thing to remember is that evaluators are also human beings. They are not only meant for rejecting a paper. They are here to evaluate your paper. So present your best aspect.

2. Think like evaluators: If you are in confusion or getting demotivated because your paper may not be accepted by the evaluators, then think, and try to evaluate your paper like an evaluator. Try to understand what an evaluator wants in your research paper, and you will automatically have your answer. Make blueprints of paper: The outline is the plan or framework that will help you to arrange your thoughts. It will make your paper logical. But remember that all points of your outline must be related to the topic you have chosen.

3. Ask your guides: If you are having any difficulty with your research, then do not hesitate to share your difficulty with your guide (if you have one). They will surely help you out and resolve your doubts. If you can't clarify what exactly you require for your work, then ask your supervisor to help you with an alternative. He or she might also provide you with a list of essential readings.

4. Use of computer is recommended: As you are doing research in the field of homan social science then this point is quite obvious. Use right software: Always use good quality software packages. If you are not capable of judging good software, then you can lose the quality of your paper unknowingly. There are various programs available to help you which you can get through the internet.

5. Use the internet for help: An excellent start for your paper is using Google. It is a wondrous search engine, where you can have your doubts resolved. You may also read some answers for the frequent question of how to write your research paper or find a model research paper. You can download books from the internet. If you have all the required books, place importance on reading, selecting, and analyzing the specified information. Then sketch out your research paper. Use big pictures: You may use encyclopedias like Wikipedia to get pictures with the best resolution. At Global Journals, you should strictly follow here.



6. Bookmarks are useful: When you read any book or magazine, you generally use bookmarks, right? It is a good habit which helps to not lose your continuity. You should always use bookmarks while searching on the internet also, which will make your search easier.

7. Revise what you wrote: When you write anything, always read it, summarize it, and then finalize it.

8. Make every effort: Make every effort to mention what you are going to write in your paper. That means always have a good start. Try to mention everything in the introduction—what is the need for a particular research paper. Polish your work with good writing skills and always give an evaluator what he wants. Make backups: When you are going to do any important thing like making a research paper, you should always have backup copies of it either on your computer or on paper. This protects you from losing any portion of your important data.

9. Produce good diagrams of your own: Always try to include good charts or diagrams in your paper to improve quality. Using several unnecessary diagrams will degrade the quality of your paper by creating a hodgepodge. So always try to include diagrams which were made by you to improve the readability of your paper. Use of direct quotes: When you do research relevant to literature, history, or current affairs, then use of quotes becomes essential, but if the study is relevant to science, use of quotes is not preferable.

10. Use proper verb tense: Use proper verb tenses in your paper. Use past tense to present those events that have happened. Use present tense to indicate events that are going on. Use future tense to indicate events that will happen in the future. Use of wrong tenses will confuse the evaluator. Avoid sentences that are incomplete.

11. Pick a good study spot: Always try to pick a spot for your research which is quiet. Not every spot is good for studying.

12. Know what you know: Always try to know what you know by making objectives, otherwise you will be confused and unable to achieve your target.

13. Use good grammar: Always use good grammar and words that will have a positive impact on the evaluator; use of good vocabulary does not mean using tough words which the evaluator has to find in a dictionary. Do not fragment sentences. Eliminate one-word sentences. Do not ever use a big word when a smaller one would suffice.

Verbs have to be in agreement with their subjects. In a research paper, do not start sentences with conjunctions or finish them with prepositions. When writing formally, it is advisable to never split an infinitive because someone will (wrongly) complain. Avoid clichés like a disease. Always shun irritating alliteration. Use language which is simple and straightforward. Put together a neat summary.

14. Arrangement of information: Each section of the main body should start with an opening sentence, and there should be a changeover at the end of the section. Give only valid and powerful arguments for your topic. You may also maintain your arguments with records.

15. Never start at the last minute: Always allow enough time for research work. Leaving everything to the last minute will degrade your paper and spoil your work.

16. Multitasking in research is not good: Doing several things at the same time is a bad habit in the case of research activity. Research is an area where everything has a particular time slot. Divide your research work into parts, and do a particular part in a particular time slot.

17. Never copy others' work: Never copy others' work and give it your name because if the evaluator has seen it anywhere, you will be in trouble. Take proper rest and food: No matter how many hours you spend on your research activity, if you are not taking care of your health, then all your efforts will have been in vain. For quality research, take proper rest and food.

18. Go to seminars: Attend seminars if the topic is relevant to your research area. Utilize all your resources.
Refresh your mind after intervals: Try to give your mind a rest by listening to soft music or sleeping in intervals. This will also improve your memory. Acquire colleagues: Always try to acquire colleagues. No matter how sharp you are, if you acquire colleagues, they can give you ideas which will be helpful to your research.

19. Think technically: Always think technically. If anything happens, search for its reasons, benefits, and demerits. Think and then print: When you go to print your paper, check that tables are not split, headings are not detached from their descriptions, and page sequence is maintained.

20. Adding unnecessary information: Do not add unnecessary information like "I have used MS Excel to draw graphs." Irrelevant and inappropriate material is superfluous. Foreign terminology and phrases are not apropos. One should never take a broad view. Analogy is like feathers on a snake. Use words properly, regardless of how others use them. Remove quotations. Puns are for kids, not grunt readers. Never oversimplify: When adding material to your research paper, never go for oversimplification; this will definitely irritate the evaluator. Be specific. Never use rhythmic redundancies. Contractions shouldn't be used in a research paper. Comparisons are as terrible as clichés. Give up ampersands, abbreviations, and so on. Remove commas that are not necessary. Parenthetical words should be between brackets or commas. Understatement is always the best way to put forward earth-shaking thoughts. Give a detailed literary review.

21. Report concluded results: Use concluded results. From raw data, filter the results, and then conclude your studies based on measurements and observations taken. An appropriate number of decimal places should be used. Parenthetical remarks are prohibited here. Proofread carefully at the final stage. At the end, give an outline to your arguments. Spot perspectives of further study of the subject. Justify your conclusion at the bottom sufficiently, which will probably include examples.

22. Upon conclusion: Once you have concluded your research, the next most important step is to present your findings. Presentation is extremely important as it is the definite medium though which your research is going to be in print for the rest of the crowd. Care should be taken to categorize your thoughts well and present them in a logical and neat manner. A good quality research paper format is essential because it serves to highlight your research paper and bring to light all necessary aspects of your research.

.

Informal Guidelines of Research Paper Writing

Key points to remember:

- Submit all work in its final form.
- Write your paper in the form which is presented in the guidelines using the template.
- Please note the criteria peer reviewers will use for grading the final paper.

Final points:

One purpose of organizing a research paper is to let people interpret your efforts selectively. The journal requires the following sections, submitted in the order listed, with each section starting on a new page:

The introduction: This will be compiled from reference matter and reflect the design processes or outline of basis that directed you to make a study. As you carry out the process of study, the method and process section will be constructed like that. The results segment will show related statistics in nearly sequential order and direct reviewers to similar intellectual paths throughout the data that you gathered to carry out your study.

The discussion section:

This will provide understanding of the data and projections as to the implications of the results. The use of good quality references throughout the paper will give the effort trustworthiness by representing an alertness to prior workings.

Writing a research paper is not an easy job, no matter how trouble-free the actual research or concept. Practice, excellent preparation, and controlled record-keeping are the only means to make straightforward progression.

General style:

Specific editorial column necessities for compliance of a manuscript will always take over from directions in these general guidelines.

To make a paper clear: Adhere to recommended page limits.



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Mistakes to avoid:

- Insertion of a title at the foot of a page with subsequent text on the next page.
- Separating a table, chart, or figure—confine each to a single page.
- Submitting a manuscript with pages out of sequence.
- In every section of your document, use standard writing style, including articles ("a" and "the").
- Keep paying attention to the topic of the paper.
- Use paragraphs to split each significant point (excluding the abstract).
- Align the primary line of each section.
- Present your points in sound order.
- Use present tense to report well-accepted matters.
- Use past tense to describe specific results.
- Do not use familiar wording; don't address the reviewer directly. Don't use slang or superlatives.
- Avoid use of extra pictures—include only those figures essential to presenting results.

Title page:

Choose a revealing title. It should be short and include the name(s) and address(es) of all authors. It should not have acronyms or abbreviations or exceed two printed lines.

Abstract: This summary should be two hundred words or less. It should clearly and briefly explain the key findings reported in the manuscript and must have precise statistics. It should not have acronyms or abbreviations. It should be logical in itself. Do not cite references at this point.

An abstract is a brief, distinct paragraph summary of finished work or work in development. In a minute or less, a reviewer can be taught the foundation behind the study, common approaches to the problem, relevant results, and significant conclusions or new questions.

Write your summary when your paper is completed because how can you write the summary of anything which is not yet written? Wealth of terminology is very essential in abstract. Use comprehensive sentences, and do not sacrifice readability for brevity; you can maintain it succinctly by phrasing sentences so that they provide more than a lone rationale. The author can at this moment go straight to shortening the outcome. Sum up the study with the subsequent elements in any summary. Try to limit the initial two items to no more than one line each.

Reason for writing the article—theory, overall issue, purpose.

- Fundamental goal.
- To-the-point depiction of the research.
- Consequences, including definite statistics—if the consequences are quantitative in nature, account for this; results of any numerical analysis should be reported. Significant conclusions or questions that emerge from the research.

Approach:

- Single section and succinct.
- An outline of the job done is always written in past tense.
- Concentrate on shortening results—limit background information to a verdict or two.
- Exact spelling, clarity of sentences and phrases, and appropriate reporting of quantities (proper units, important statistics) are just as significant in an abstract as they are anywhere else.

Introduction:

The introduction should "introduce" the manuscript. The reviewer should be presented with sufficient background information to be capable of comprehending and calculating the purpose of your study without having to refer to other works. The basis for the study should be offered. Give the most important references, but avoid making a comprehensive appraisal of the topic. Describe the problem visibly. If the problem is not acknowledged in a logical, reasonable way, the reviewer will give no attention to your results. Speak in common terms about techniques used to explain the problem, if needed, but do not present any particulars about the protocols here.

The following approach can create a valuable beginning:

- Explain the value (significance) of the study.
- Defend the model—why did you employ this particular system or method? What is its compensation? Remark upon its appropriateness from an abstract point of view as well as pointing out sensible reasons for using it.
- Present a justification. State your particular theory(-ies) or aim(s), and describe the logic that led you to choose them.
- Briefly explain the study's tentative purpose and how it meets the declared objectives.

Approach:

Use past tense except for when referring to recognized facts. After all, the manuscript will be submitted after the entire job is done. Sort out your thoughts; manufacture one key point for every section. If you make the four points listed above, you will need at least four paragraphs. Present surrounding information only when it is necessary to support a situation. The reviewer does not desire to read everything you know about a topic. Shape the theory specifically—do not take a broad view.

As always, give awareness to spelling, simplicity, and correctness of sentences and phrases.

Procedures (methods and materials):

This part is supposed to be the easiest to carve if you have good skills. A soundly written procedures segment allows a capable scientist to replicate your results. Present precise information about your supplies. The suppliers and clarity of reagents can be helpful bits of information. Present methods in sequential order, but linked methodologies can be grouped as a segment. Be concise when relating the protocols. Attempt to give the least amount of information that would permit another capable scientist to replicate your outcome, but be cautious that vital information is integrated. The use of subheadings is suggested and ought to be synchronized with the results section.

When a technique is used that has been well-described in another section, mention the specific item describing the way, but draw the basic principle while stating the situation. The purpose is to show all particular resources and broad procedures so that another person may use some or all of the methods in one more study or referee the scientific value of your work. It is not to be a step-by-step report of the whole thing you did, nor is a methods section a set of orders.

Materials:

Materials may be reported in part of a section or else they may be recognized along with your measures.

Methods:

- Report the method and not the particulars of each process that engaged the same methodology.
- Describe the method entirely.
- To be succinct, present methods under headings dedicated to specific dealings or groups of measures.
- Simplify—detail how procedures were completed, not how they were performed on a particular day.
- If well-known procedures were used, account for the procedure by name, possibly with a reference, and that's all.

Approach:

It is embarrassing to use vigorous voice when documenting methods without using first person, which would focus the reviewer's interest on the researcher rather than the job. As a result, when writing up the methods, most authors use third person passive voice.

Use standard style in this and every other part of the paper—avoid familiar lists, and use full sentences.

What to keep away from:

- Resources and methods are not a set of information.
- Skip all descriptive information and surroundings—save it for the argument.
- Leave out information that is immaterial to a third party.



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Results:

The principle of a results segment is to present and demonstrate your conclusion. Create this part as entirely objective details of the outcome, and save all understanding for the discussion.

The page length of this segment is set by the sum and types of data to be reported. Use statistics and tables, if suitable, to present consequences most efficiently.

You must clearly differentiate material which would usually be incorporated in a study editorial from any unprocessed data or additional appendix matter that would not be available. In fact, such matters should not be submitted at all except if requested by the instructor.

Content:

- Sum up your conclusions in text and demonstrate them, if suitable, with figures and tables.
- In the manuscript, explain each of your consequences, and point the reader to remarks that are most appropriate.
- Present a background, such as by describing the question that was addressed by creation of an exacting study.
- Explain results of control experiments and give remarks that are not accessible in a prescribed figure or table, if appropriate.
- Examine your data, then prepare the analyzed (transformed) data in the form of a figure (graph), table, or manuscript.

What to stay away from:

- Do not discuss or infer your outcome, report surrounding information, or try to explain anything.
- Do not include raw data or intermediate calculations in a research manuscript.
- Do not present similar data more than once.
- A manuscript should complement any figures or tables, not duplicate information.
- Never confuse figures with tables—there is a difference.

Approach:

As always, use past tense when you submit your results, and put the whole thing in a reasonable order.

Put figures and tables, appropriately numbered, in order at the end of the report.

If you desire, you may place your figures and tables properly within the text of your results section.

Figures and tables:

If you put figures and tables at the end of some details, make certain that they are visibly distinguished from any attached appendix materials, such as raw facts. Whatever the position, each table must be titled, numbered one after the other, and include a heading. All figures and tables must be divided from the text.

Discussion:

The discussion is expected to be the trickiest segment to write. A lot of papers submitted to the journal are discarded based on problems with the discussion. There is no rule for how long an argument should be.

Position your understanding of the outcome visibly to lead the reviewer through your conclusions, and then finish the paper with a summing up of the implications of the study. The purpose here is to offer an understanding of your results and support all of your conclusions, using facts from your research and generally accepted information, if suitable. The implication of results should be fully described.

Infer your data in the conversation in suitable depth. This means that when you clarify an observable fact, you must explain mechanisms that may account for the observation. If your results vary from your prospect, make clear why that may have happened. If your results agree, then explain the theory that the proof supported. It is never suitable to just state that the data approved the prospect, and let it drop at that. Make a decision as to whether each premise is supported or discarded or if you cannot make a conclusion with assurance. Do not just dismiss a study or part of a study as "uncertain."



Research papers are not acknowledged if the work is imperfect. Draw what conclusions you can based upon the results that you have, and take care of the study as a finished work.

- You may propose future guidelines, such as how an experiment might be personalized to accomplish a new idea.
- Give details of all of your remarks as much as possible, focusing on mechanisms.
- Make a decision as to whether the tentative design sufficiently addressed the theory and whether or not it was correctly restricted. Try to present substitute explanations if they are sensible alternatives.
- One piece of research will not counter an overall question, so maintain the large picture in mind. Where do you go next? The best studies unlock new avenues of study. What questions remain?
- Recommendations for detailed papers will offer supplementary suggestions.

Approach:

When you refer to information, differentiate data generated by your own studies from other available information. Present work done by specific persons (including you) in past tense.

Describe generally acknowledged facts and main beliefs in present tense.

The Administration Rules

Administration Rules to Be Strictly Followed before Submitting Your Research Paper to Global Journals Inc.

Please read the following rules and regulations carefully before submitting your research paper to Global Journals Inc. to avoid rejection.

Segment draft and final research paper: You have to strictly follow the template of a research paper, failing which your paper may get rejected. You are expected to write each part of the paper wholly on your own. The peer reviewers need to identify your own perspective of the concepts in your own terms. Please do not extract straight from any other source, and do not rephrase someone else's analysis. Do not allow anyone else to proofread your manuscript.

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Criterion for Grading a Research Paper (Compilation) by Global Journals

Please note that following table is only a Grading of "Paper Compilation" and not on "Performed/Stated Research" whose grading solely depends on Individual Assigned Peer Reviewer and Editorial Board Member. These can be available only on request and after decision of Paper. This report will be the property of Global Journals

Topics	Grades		
	A-B	**C-D**	**E-F**
Abstract	Clear and concise with appropriate content, Correct format. 200 words or below	Unclear summary and no specific data, Incorrect form Above 200 words	No specific data with ambiguous information Above 250 words
Introduction	Containing all background details with clear goal and appropriate details, flow specification, no grammar and spelling mistake, well organized sentence and paragraph, reference cited	Unclear and confusing data, appropriate format, grammar and spelling errors with unorganized matter	Out of place depth and content, hazy format
Methods and Procedures	Clear and to the point with well arranged paragraph, precision and accuracy of facts and figures, well organized subheads	Difficult to comprehend with embarrassed text, too much explanation but completed	Incorrect and unorganized structure with hazy meaning
Result	Well organized, Clear and specific, Correct units with precision, correct data, well structuring of paragraph, no grammar and spelling mistake	Complete and embarrassed text, difficult to comprehend	Irregular format with wrong facts and figures
Discussion	Well organized, meaningful specification, sound conclusion, logical and concise explanation, highly structured paragraph reference cited	Wordy, unclear conclusion, spurious	Conclusion is not cited, unorganized, difficult to comprehend
References	Complete and correct format, well organized	Beside the point, Incomplete	Wrong format and structuring

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