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PERSPECTIVES ON GLOBAL ISSUES

The Center for Global Affairs at New York University's School of Continuing and Professional Studies educates and inspires students to become global citizens capable of identifying and implementing solutions to pressing global challenges. Its flagship is the Master of Science in Global Affairs (MSGA) program.

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Letters from the Editors

To all of our readers, colleagues, authors, photographers, editors, and the staff and faculty of the Global Affairs program at NYU's Center for Global Affairs, we would like to extend our gratitude for allowing us the privilege of working with you on this fantastic publication. These past two years have been amazing. The writing and research we have been able to share has been of the highest caliber, not to mention the amazing photos sent to us from all over the world from our fellow students travels. We could not possibly include every single one in our issues but they were all beautiful. We would like to extend our gratitude to Olga Siokou - Siova for her endless hours in laying out the journal each semester with the pressure of deadline looming over her. Also, a big thank-you to Erica McGibbon for her amazing assistance and support in making the journal the best it can be. To the rest of our editorial team that has worked with us currently and in the past, THANK YOU for all of your hard work and late-night editing. This has been an amazing journey and we wish we could stay on forever, but it is time for us to move on to new chapters as graduates of NYU's Global Affairs program. We wish you all the best on your future journeys and hope that you will keep in touch with PGI and fellow CGA alumni as your lives progress.

June E. Vutrano, Editor-In-Chief

Josh Lipowsky, Managing Editor

Two years passed in the blink of an eye... And what a ride it has been! I would like to thank June Vutrano and Josh Lipowsky for trusting me with the layout and the creative touch of our publication. PGI became quite a big part of our lives as MSGA students. Countless editing hours at Bobst, Woolworth, the NYU Bookstore and in every single coffee shop with wireless internet and here we are… Our last issue!… Following June and Josh, I would like to express my gratitude to the NYU's Center for Global Affairs' staff and faculty for the extraordinary opportunity they gave us to be part of the PGI family. Erica McGibbon and Cori Epstein, THANK YOU for your immeasurable support and for believing in us! It is time for us to pass the torch to the next generation of PGI's leaders and editors, welcoming them to our family! We will always be around to support you!

To those of you who just entered the program or are still fighting, embrace every moment of this life changing journey! To all of you fellow graduates, classmates and friends, in the words of Henry D. Thoreau, *"Go confidently in the direction of your dreams. Live the life you have imagined!"*

Goodbye, CGA! Thank you for two AMAZING years!

Olga Siokou - Siova, Creative Director
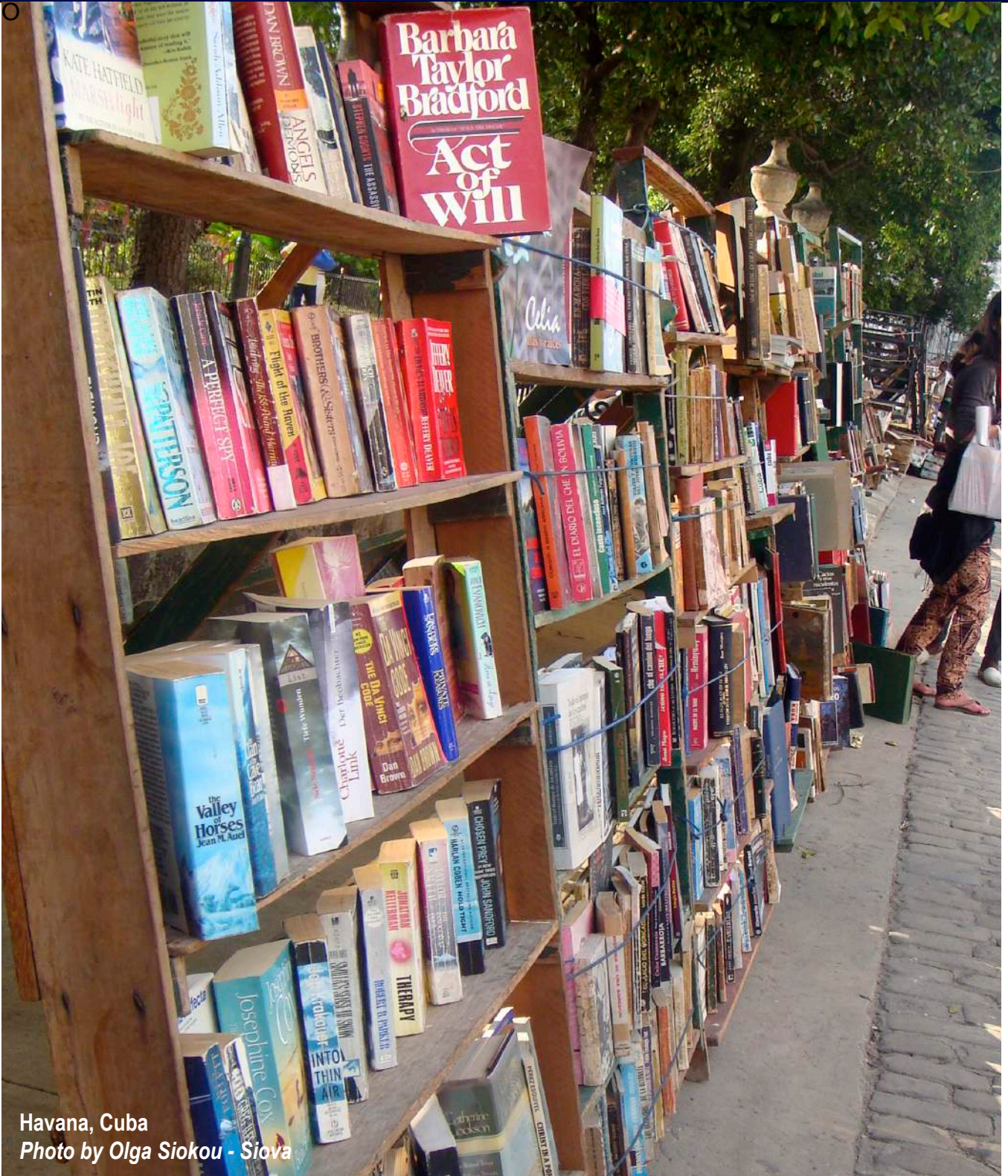
Havana, Cuba
Photo by Olga Siokou - Siova

June E. Vutrano has been the Editor-In-Chief of Perspectives on Global Issues since the Spring of 2013. June is currently completing her capstone project for her master's degree here at MSGA. Her thesis/capstone project will be a documentary film that explores the legacy of the International Criminal Tribunal for the Former Yugoslavia (ICTY) from a jurisprudential vs. a human rights perspective. She is currently traveling and researching for this project. Expected graduation August 2014.

Josh Lipowsky managing editor of Perspectives on Global Issues, is an award-winning freelance journalist and former assistant editor of The N.J. Jewish Standard, where he covered the Iranian nuclear issue, U.S.-Israel relations, and the Middle East. He concentrated in Transnational Security and recently completed his thesis on the political evolution of the PLO and Hamas. He graduated in May 2014.

Olga Siokou-Siova is in the International Relations concentration at the Center for Global Affairs. She is currently interning at the United Nations' Department of Economic and Social Affairs and she is also a Graduate Student Consultant at Search for Common Ground. She holds a B.A. in journalism and mass communication and an M.A. in international studies. Her main interests lie in the field of public diplomacy and the relationship between the media and international affairs. Olga graduated in May 2014.

Zlata Gruosso is M.S. candidate in Global Affairs with a concentration in Transnational Security. Her research focus includes terrorism, organized crime, human rights, and foreign policy. She holds a Bachelor's Degree from Florida International University in International Relations with a minor in French language. She is currently an intern at the Counter-terrorism Desk at Wikistrat.

Nour Hejase is an M.S. candidate in Global Affairs, with a concentration on Environment and Energy Policy. She is interested in the energy policies of countries in the Middle East. She is currently writing her thesis and pursuing an internship in Beirut, Lebanon.

Hsueh-min Patrick Hung is an M.S. student in Global Affairs with a concentration in Energy and the Environment. He holds a B.A. from Oberlin College in English and East Asian Studies, and was an Oberlin Shansi Fellow at Gadjah Mada University in Yogyakarta, Indonesia. His research interests include water resource policy and management, especially concerning its implications for economic development, public health, energy and food security, social justice, and the environment.

Erin Lovall is in the International Law and Human Rights concentration at the Center for Global Affairs. Formerly, she worked as a corporate bankruptcy attorney in Dallas, Texas, for a large firm, the Texas government, a small firm, and a firm she founded with three other attorneys. She currently works as a research assistant for an NYU professor.

Jennifer MacNeill is an M.S. candidate in Global Affairs with a concentration in Human Rights and International Law. Her research focus is transitional justice in the Balkans. During summer 2014 she will be conducting thesis field research in Bosnia and Herzegovina studying the current post-conflict culture of impunity towards perpetrators of war time rape as well as reconciliation barriers and stigmas that survivors of sexual violence are experiencing.

Jane McClenahan is a M.S. candidate in Global Affairs with a concentration in Peacebuilding. Her research focus includes the role of media in peacebuilding in post-conflict societies. She has a particular focus on Myanmar. She holds a master's from the University of Dundee in English and Modern History and a Post-Graduate Diploma from the University of Strathclyde in Journalism. She spent over 15 years working as a journalist, mainly at the BBC.

Ana Defillo is a M.S. candidate in Global Affairs with a concentration in International Development. She is focusing her research on labor trafficking in Latin America, Gender, New Media and U.S /Latin America Politics. Ana graduated in May 2014.

Table of Contents

Trinidad, Cuba
Photo by Carol Collantes

Hollow Gains or Real Progress? The Impact of Gacaca Courts on Rwandan Women

by Laura Odenthal

"What is justice, when it is us the women, the victims of injustice who have to fight for justice?"

– Eddah Mutua Kombo

Among the hardest tasks that any nation can undertake is reckoning with past wrongs while in a state of transition. Many post-genocide societies have attempted to resolve the culture of impunity through justice mechanisms such as truth-telling commissions, criminal tribunals, and/or domestic courts.[1] Despite attempts to deliver justice, these mechanisms do not always address the specific needs, shifting roles, and unique experiences of women. Women are raped, tortured, and systemically terrorized during periods of war and genocide. While many justice mechanisms prosecute crimes that are specific to women, they often do not enact gender sensitive policies to protect women from re-traumatization or social humiliation.[2] The lack of gender sensitive policies and protections for the victims of injustice forces us to ask: *What is justice?*[3]

A number of themes are evident across the scholarship on justice mechanisms. On the one hand, some scholars claim the traumatic nature of justice mechanisms can deter women from participation. In this line of thinking, gender hierarchies put women at a disadvantage and can rob them of justice.[4] On the other hand, scholars argue that justice mechanisms can provide women with a place to tell their stories and to obtain closure on their experiences. Within this school of thought, justice mechanisms can create the kind of leverage that women may be missing in patriarchal societies.[5] An example of this debate can be found in the gacaca, a grassroots mechanism used to establish accountability in Rwanda.

As the dust settled from the genocide, it became evident that the formal legal structures in Rwanda had been destroyed. While it can be difficult to reach a consensus on the best forum to establish accountability for genocide crimes, national courts are often hailed as the best practice.[6] But, against a backdrop of chaos and instability, formal courts and their governing bodies do not have the capacity to deal with the wounds inflicted on a society. As a result, the International Criminal Tribunal for Rwanda (ICTR) was designed to prosecute anyone suspected of "genocide, crimes against humanity and war crimes."[7] But the ICTR fell short for the following reasons: "The lack of death penalty, limited window of genocide crimes and the tribunal's location in Tanzania."[8] Ultimately, Rwandans turned to their own mechanisms of transitional justice that could address the past while simultaneously looking toward the future. Rwanda moved forward with the gacaca courts, which will be fully discussed in the following pages, to establish accountability for genocide-related crimes.

While gacaca has been examined from various nationalistic, ethnic, and legal viewpoints, it is rarely looked at from a feminist perspective. More specifically, there must be a closer examination of how gacaca shaped the experiences of Rwandan women. This article will: 1. explore how gacaca can be "both a product and a producer of relations of power"[9]; 2. take into consideration how skewed gender dynamics allowed women to play an instrumental role in overseeing the gacaca process and beyond;[10] 3. suggest the implementation of gender sensitive justice mechanisms; and 4. discuss how gender-based reparations can foster equality. The aim of this paper is twofold – to raise questions about women's participation in the gacaca courts and to untangle the relationships between gender, justice, and power.

Understanding Gacaca

Gacaca, which literally means "judgment on the grass," is categorized as a form of "hybrid justice."[11] This mechanism was used in pre-genocide Rwanda to settle disputes over land and property rights, but from 2001-2012, gacaca was tasked with the lofty goal of prosecuting and rehabilitating perpetrators of genocide crimes.[12] Courts were established in each village in Rwanda. With mandatory participation, the courts were designed to be a forum that could put offenders on trial in front of the entire community.[13] Each week, potential offenders testified in front of the locally elected judges and the community. This mechanism had the power to "summon witnesses, issue search warrants, confiscate goods, pronounce prison sentences and consider appeals."[14] This process encouraged truth telling and reconciliation, often reducing sentences for those who pled guilty.[15]

According to Article 2 Organic Law 08/1996, Rwanda's genocide code, genocide offenders could fall into the following four categories: "1. Architects of the genocide, murders, and rapists. 2. Perpetrators or conspirators of intentional homicide. 3. Physical assault. 4. Crimes against property."[16] Certainly, specific policies were established during this legal process, but there is little documentation of these proceedings. In turn, the lack of recorded evidence can make a straightforward analysis of gacaca difficult.[17] But, this quick overview on gacaca is only meant to establish context. In the following pages, this article will provide a more in-depth analysis of the relationship between women and gacaca in Rwanda and will also examine whether or not gacaca set a foundation for the social and political gains that have unfolded in present day Rwanda. In order to understand if real social transformation has occurred for Rwandan women, first we must look at the gender dynamics before, during, and after the genocide.

Gender Dynamics in Pre-Genocide Rwanda

Scant literature exists on pre-genocide Rwanda, and even less is written about the role of women. But, in Gender Equality Policies in Rwanda: Public Relations or Real Transformations, Petra Debusscher analyzes the meaning of gender equality in Rwanda. Much of her research implies that Rwandan women had little societal or political influence. Debusscher maintains, "Women were discouraged from voicing their opinions and were expected to defer to men." But Rwandan women were able to carve out a space for themselves as "mothers and food producers."[18] Despite women's autonomy in the private realm, it is safe to say that gender equality was not high on the political agenda at this time. Amid swelling signs of crisis and genocide, however, it became clear that equal rights for women would be temporarily placed on the backburner.

The Perfect Storm

The alleged assassination of Hutu President Juvenal Habyarimana is often seen as the match that lit the proverbial powder keg of violence in Rwanda. But political scientist Dr. Omar McDoom theorizes that it was a "perfect storm of a civil war, an attempt to introduce democracy and the assassination of the head of state."[19] The Hutus' hatred for Tutsis, which partly existed because of colonial-era grievances, were exacerbated by the death of the president.[20] The growing gulf between Hutus and Tutsis and heightened tensions ultimately erupted into violence in the spring of 1994. This climate of mistrust and violence cast the darkest shadow over Rwanda, as neighbors turned against each other for survival. Ultimately, it is estimated that around 800,000 people died. The genocide, which lasted only 100 days but was likely planned for several years, punctured the heart of Rwanda.[21] Plenty of finger pointing remains but some argue that the most glaring offense was the

paralysis of the international community. It was only in the aftermath of the genocide that most outsiders realized the horrors that unfolded. As often happens in the fog of war, many Rwandan women were on the receiving end of these atrocities.

Women During the Genocide

Like many countries in the throes of genocide, Rwandan women experienced profound suffering. According to United Nations estimates, "between 100,000 and 250,000 women were raped during the three months of the Rwandan genocide."[22] A large body of feminist theory has been written on rape as a symbolic instrument of war and as a tactic to conquer enemies.[23] Sexual violence during wartime is meant to reestablish political power, a device used in the Rwandan genocide. In *Surviving Genocide, Thriving Politics, Gerise Herndon* acknowledges, "The bodies of Tutsi women became a specific battleground, a space where rapists claimed victory and expansion of ethnic territory."[24] As a result of the rampant sexual violence, many women contracted HIV. Many women lost their husbands or children. Others fled the country, and were forced to become refugees. But refugee camps rarely provide a safe haven and can create a new batch of security risks for women.[25] In short, there is no masking the harsh reality that Rwandan women faced during the genocide. But, as Mary Balikungeri of Rwanda Women's World Network points out, "The world needs to know that struggle can be positive for women."[26]

Unpacking the Relationship Between Gacaca and Women

In many ways, gacaca signaled the revival of indigenous justice and amplification of women's voices.[27] Gacaca was considered revolutionary: It included women in both the justice and reconciliation process.[28] Traditionally, women were not allowed to participate in pre-genocide gacaca, so the new roles in post-genocide society could be empowering.[29] Suddenly, women were no longer seen as collateral damage of war but instead as high-level members of Rwandan society. Traditional gender dynamics often pervade all realms of society, however, fundamental and profound change can occur if gender relations shift away from this norm. When men are away at war or killed in genocide, women must fill their roles and uphold their responsibilities. Women who once lurked at society's margins can move to the center of the discourse. One such benefit is that women can run the households, which can create independence. If there is no male population, it becomes easier for women to scale the societal barriers that traditionally prevented them from working. In turn, this allows women to step out into the public square and blossom in a number of different directions.

A strong argument can be made that this was the case for post-genocide Rwanda. Women developed new self-images, as gacaca judges, participants and breadwinners. According to Rwanda expert Phil Clark, women made up around 35 percent of gacaca judges or *inyangamugayos*.[30] Women could be elected as judges if they met certain requirements established by Rwanda's genocide code. Among the requirements, elected judges "could not have participated in the genocide, must be free from sectarianism, not to have been sentenced by a trial to a penalty of at least 6 months imprisonment, be truthful."[31] In addition to serving as judges, women also gained empowerment through testimony.

In *Witness to Genocide: Experiences of Witnessing in the Rwandan Gacaca Courts,* Ulrika Funkeson conducts interviews with eight Rwandan women. In one of these interviews, a woman expressed, " after witnessing and saying what has happened to you, you feel better inside your heart and that all things that were heavy in your heart of taken out."[32] Some women viewed their gacaca testimony as therapeutic because it created a space to speak openly about their experiences. Other women wanted to let go of their anger and move on. This was the case for rape victim Pascasie Mukasakindi. In *The Men Who Killed Me*, Mukasakindi states, "despite all that has happened to me, I can forgive those who ask for forgiveness from the bottom of their hearts."[33] What is

more, many women felt their testimonies made it easier to coexist with their perpetrators. Make no mistake; gacaca cannot erase the painful memories associated with the genocide. But, some women argue that it can go a long way in pushing the voices of women to resound louder.[34]

At the other end of the spectrum, there were many Rwandan women who felt that gacaca was traumatic and only delivered a tainted form of justice. Perhaps the most glaring problem with gacaca was its very public nature, which makes confidentiality difficult. Johanna Olsson-Selerud echoes this sentiment in *Women's Struggle in Finding the Truth*. Olsson-Selerud points out that many women suffered flashbacks and were re-traumatized during gacaca. Being mandated to testify about personal matters such as rape in front of the entire village made many women feel, "like they were reliving the months of April 1994 all over again."[35] For women who want to forget the events of the genocide, testifying in gacaca created a mixture of anxiety, fear, and indifference. According to Olsson-Selerud, women experienced anxiety because they were concerned that they would be labeled the enemy or cast out of society as a result of their testimony.[36] Prior to gacaca, some women explained that they had learned to peacefully coexist with the genocide perpetrators. But their testimonies often churned up negative feelings, as the women were forced to turn their peaceful coexistence on its head.[37]

Perhaps more obviously, many women feared that there would be retaliation if they testified. Witness intimidation was not uncommon and this caused many women to shy away from the process.[38] The roots of women's indifference are a bit trickier to pinpoint. Women were making themselves physically and emotionally vulnerable during gacaca, but it seemed to have no bearing on the courts' decisions. Essentially, it seems that Rwandan women grew tired of testifying but still seeing offenders walk free. As one Rwandan woman, Jeannette Uwimana, explained, "I don't go to the gacaca courts anymore, because the people we are accusing are being released. I don't see the point in taking the risk of

sharing my testimony there if it doesn't make any difference."[39] In sum, gacaca may have played a part in eroding Rwandans' trust in the legal system and one another.

Being forced to relive the genocide has made some scholars question whether gacaca actually created more hostilities than it eliminated. Critics note that reconciliation is meant to be a personal journey and that forced participation in this process seems counterproductive.[40] Scholars such as Bert Ingelaere have even gone on to argue, "gacaca may have hindered a natural process of finding a way to live together and deal with the past."[41] However, many argue that the mandatory participation in gacaca was an effort by the Rwandan government to deflect criticism levied by the international community. Despite the closing of gacaca, this debate remains a centerpiece in present-day Rwanda.

Gender Dynamics in Present-Day Rwanda

Without a doubt, the genocide has left an ominous mark on present-day Rwanda; but some believe that from this darkness emerged a rare flicker of opportunity for Rwandan women to change the political and social landscape.[42] Rwandan women appear to be making positive strides and tipping the gender scales in their favor. Local female activists have played an instrumental role in reshaping the country in the wake of the genocide. Women make up 64 percent of the parliament. Rwanda has been touted by the international community as the land where women rule. As a result of women's political participation, policy agendas have centered on the promotion of gender equality. For example, unlike in many African countries, Rwandan women are able to own land and property. Women have reproductive rights and access to contraceptives.[43] In 2009, parliament passed a law against gender-based violence.[44] But much doubt remains about how much weight women's voices actually carry. Some discuss women's progress as

window dressing or an approach to coopt the approval of the international community.

In much the same vein, many scholars fear that the Rwandan government is just paying lip service to feminism but not actually upholding equal rights.[45] It appears that the soaring number of female parliamentarians may be contributing to Rwanda's veneer of progress and women's rights. In other words, critics question if Rwanda has merely employed an "add women and stir" method for policies. This line of thinking assumes that planting women in high-level positions can engender change. On the surface, it seems like an effective way to "transform" societies,[46] but if the state is inherently male, women in positions of power will be essentially having a conversation amongst themselves.[47] Debusscher questions whether "increased female political participation and gender-streamlined policy" can be "adequate to overcome deep-rooted societal gender norms, structures and practices?"[48] The fact remains that for many Rwandan women, these forms of gender-based power relations played out through gacaca.

Fostering Gender Equality Through Reparations

With the passing of the 20-year anniversary of the genocide, the list of unfinished tasks facing Rwandan policymakers is daunting. Chief among these tasks is providing survivors, specifically women, with some form of reparations. An approach to reparations must hone in on the specific needs of women, rather than casting them aside or penciling them in as an afterthought. The framework for gender sensitive reparations is described in *A Window of Opportunity: Making Transitional Justice Work for Women.* This document, created by the United Nations Development Fund for Women, calls upon the international community to incorporate a gender perspective into transitional justice.[49] Perhaps most importantly, Goetz suggests that certain questions are used as a guide when implementing transitional justice mechanisms. Among these questions: "What does justice mean for women affected by the conflict? What were women's experiences of conflict? What were the

pre-existing gendered power relations?"[50] This can help to guarantee that mechanisms such as reparations do not reinforce the pre-genocide power dynamics, which will only perpetuate women's societal disadvantage.[51] The absence of these guiding questions during gacaca is what created a paralysis of justice for Rwandan women. Gacaca was still imbued with power relations, which limited what it could accomplish. Since gacaca did not promote a gender-sensitive approach to justice, other measures must be taken to ensure that women are made whole again.

While no amount of money can undo the past, reparations can provide a springboard for Rwandan women. What is more, reparations do not have to come in forms of money, they can include: "direct restitution of property; restoration of liberty, family life, and citizenship."[52] Reparations can be coupled with gender sensitive legal mechanisms. Such mechanisms could include allowing women to testify anonymously and witness protection. But, most importantly it would create an open dialogue where women can share their needs, wants, and desires for post-genocide society.

More than anything, this mechanism creates potential. It gives women the tools to escape past roles and norms, rather than sinking back into them. Reparation can promote women's participation. Instead of just superficial participation, it can allow women to carve out a place in the public square. Goetz uses the example of Peru and Morocco to make the case for a gender-based approach to reparations. In Peru, reparations were used to overhaul the "access to health housing and education" which led to drastic changes for women.[53] In Morocco, this approach was designed to undercut patriarchal structures. The process was designed to give the reparations directly to female heads of households, rather than the males. Essentially, this gender-based approach to reparations was able to skirt Sharia inheritance law and maximize women's potential.[54] These changes, while small, pave the way for more radical progress.

Reparations can be used as a way to dethrone gender hierarchies and create opportunities for women. At the same time, international actors often express concerns about who will pay the bill for such a lofty expense. This hesitation stems from the way that reparations are presented to the international community. It appears that many critics of reparations think that it is just about throwing money at victims. A case can be made that reparations and the impact of this approach is overdue for a public relations make over. Campaigns for reparations from governments and individuals must clearly define how the money will be spent. The effectiveness of reparations can increase ten-fold when "harmonized with development initiatives."[55] As practitioners in the field, it is necessary to make sure that development initiatives and justice mechanisms are able to speak the same language and can establish common goals. If reparations are presented as part of a broader system to create sustainable livelihoods, the international community may be more inclined to stand behind this approach.

In the context of Rwanda, organizations such as the Survivors Fund (SURF) and the Association of the Widows of Rwanda (AVEGA) advocate for reparations and policy frameworks that will address the needs of women. SURF wanted to drum up support from countries such as France, Belgium and the U.S to establish a survivor's fund by the 20th commemoration.[56] The commemoration and events like it present an interesting opportunity for Rwandan women. In many ways, Rwanda has fallen off the international radar. The attention of the international community is being pulled toward more current crises such as Syria and the Central African Republic. But such commemorations can remind the world of the hardships that Rwandans still face and create support for reparations as a way to finally provide justice to Rwandan women, challenge gender hierarchies, and to advance progress. The need for reparations is more pressing now than ever.

Conclusion and Looking Ahead

As evidence of these milestones – the right to land, access to birth control, and high political participation – it is clear that the women's agenda is coming up strongly in Rwanda. In some respects, these policies cemented the status of women, giving a presence to a community who had been virtually invisible on the international stage. It is difficult to tell if these are just hollow gains or represent sustainable progress. Despite the implementation of gacaca, the shadow of impunity hangs over the rolling hills of Rwanda. However, dealing with the past can be a precondition for establishing lasting future foundations, especially for women. As we untangle the relationship between gender, power, and justice, it is clear that there is still more work that needs to be done. There must be more research to identify and challenge the ways that gender and power still pervade justice mechanisms in Rwanda and beyond. Gender-sensitive reparations can be a step toward dismantling the relations that underpin Rwandan society. Because without these policies and protections for victims of injustice, we must pause and ask – *what is justice?*

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Photo by Sara Monteabaro

Promoting Peace and Security in the Central African Republic: France's role as a catalyst for change

by Livinia Mouries

Problem

As a result of a coup d'état led by Seleka rebels, the Central African Republic (CAR) has been in an utter state of anarchy since March of 2013. French President François Hollande has warned the international community of the "Somalization" of the lawless CAR,[1] calling attention to a failed state that has become a safe haven for international terrorist groups.[2] U.N. workers have also cautioned that the "seeds of genocide" are rapidly being sown along sectarian lines, giving way to large-scale massacres.[3] These developments will drastically impact neighboring countries that have porous borders and weak central governments.[4] France will need to send a full-fledged force in order to regain control of the territory, and in turn, implement a Security Sector Reform (SSR) as well as a Disarmament, Demobilization, and Reintegration (DDR) program.

Context

The CAR has been in constant turmoil ever since it gained independence from France in 1960.[5] Corruption, lack of political inclusiveness, the failure to combat "grey zones," and the lack of reforms gave foreign and local armed groups the sentiment that power could easily be seized.[6] President François Bozize aimed to consolidate his rule by signing the 2007 Birao Peace Agreement and the 2008 Libreville Comprehensive Peace Agreement,[7] which aimed at granting amnesty to former rebels, implementing a DDR program, and establishing an inclusive government.[8] However, an increased loss of control over the national territory, decrease in foreign support, and lack of political motivation in keeping promises, led the Seleka rebels, a coalition of dissatisfied citizens, to overthrow the government.[9] In December 2012, the rebel group rapidly seized key cities[10] compelling President Bozize to call on the country's former colonial ruler for help, France. Already

involved in Mali, France refused to provide military assistance.[11] On March 24, a force of up to 2,000 rebels ousted the president.[12]

Michel Djotodia, leader of the Muslim Selekas and president of the transitional government, rapidly started losing control over the diverse factions of the coalition.[13] In July 2013, large-scale violence prompted the African Union (AU) and the Security Council to pass a resolution for the deployment of an African-led Mission (MISCA) constituted of over 3,600 military and police personnel.[14] The force is currently under-resourced and under-trained, and has failed to prevent violence from ex-rebels, foreign fighters, and civilian communities.[15] There is widespread doubt that even at its fullest capacity, expected by 2014; the AU force will be large and powerful enough to ensure security beyond key cities.[16]

The inability of President Djotodia and the African force to contain the violence is coupled with an overall international apathy for the crisis;[17] France has stood alone in making the CAR a national policy priority.[18] In the current context, French soldiers have ensured the safety of French nationals and have secured the international airport.[19] The government has also been active in trying to increase the number of troops for the A.U. force, while pushing for the creation of a U.N. peacekeeping mission.[20] This leadership role stems from France's colonial past, which has allowed the country to maintain a continuous presence in the CAR by historically propping up politicians, providing aid, and maintaining over 400 soldiers on the territory.[21]

Taking into consideration the CAR's for help, the inefficiency of the A.U. mission, and the urgency of the situation that is happening at a much faster pace than the mobilization of international troops, France should be given authorization from the Security Council to lead an

intervention that will aim at regaining control of the territory. In turn, long-term policies should be put in place in order for the CAR to remain stable.

Recommendations

1. Increased Military Presence

As of November 2013, humanitarian organizations have estimated that 394,000 locals[22] have fled their homes, over one million are at risk of hunger,[23] and thousands have been slaughtered.[24] "Grey zones" have continually proliferated since 2005, particularly in the northeast of the country, where international terrorist groups have thrived.[25] Sectarian violence is setting the stage for genocide, as Christian militias, born out of an anti-Seleka sentiment, continue to target Muslims,[26] and disbanded Selekas, approximately 20,000 fighters,[27] are still causing havoc.

The emergency has compelled France to deploy 800 additional soldiers, raising its troops to about 1,200 for the next six months.[28] The reinforcements will be under the leadership of the A.U. force, and will only have the capacity to secure Bangui and its environs, while avoiding direct confrontation with rebels. Although, French officials have stated that the operation could be carried out on a short-term period, observers have argued that France is downplaying the severity of the situation.[29] The additional forces will be too little to halt the sectarian bloodshed and drive out terrorists and rebels.[30]

In order to stop "another Rwanda,"[31] France should seek the authorization of the Security Council for a Chapter VII mandate.[32] Under this provision, French forces will have to expand their troops and use force to protect civilians; a similar mandate was given in order to regain control of Mali, which was completed in less than three weeks. The former colonial powers' military capability will prove to be the last resort in a country spiraling out of control.

2. Security Sector Reform

Once security is ensured, the French government will have to initiate nation-building reforms to ensure the country's stability. Reforming the army has been on the CAR's agenda since 1996, but the lack of resources, political motivation, and inclusiveness dictating that military personnel be hired on ethnic criteria, soon hampered efforts.[33]

SSR is essential in consolidating the state's control over the territory, and the rule of law.[34] Accountable actors should be put in place in order to create a trustworthy force, especially since the state security forces, the Forces Armées Centrafricaines (FACA), have repeatedly been accused of attacking villages and conducting arbitrary executions.[35] The French government should establish a new leadership that will strengthen the command and control structure, while a clear national security strategy should be determined in order to fight the proliferation of armed factions. Based on the Malian model, French forces should provide infantry and human rights training, intelligence classes, and field hospitals expertise. This training will provide the new army with a sense of cohesion among handpicked and ethnically mixed soldiers.[36]

Furthermore, the French government should oversee the assimilation of ex-Seleka rebels into the army.[37] Quotas will need to be implemented since integrating a massive wave of ex-Selekas would prove dangerous. It is important to avoid "militianizing" the army, as well as putting a supplementary strain on limited resources that cannot support thousands of new soldiers.[38]

3. Disarmament, Demobilization, and Reintegration

The DDR program aims at collecting, documenting, and disposing of weapons from ex-combatants. Individuals are discharged and are gradually reinserted into civilian life through short and long-term assistance that gradually allows them to gain a stable job and income.[39] Implementing the DDR program in the CAR is crucial since state security forces have traditionally had little presence, if any, in the northeastern region.[40] DDR will contribute to the security and stability of the region by promoting development through socio-economic opportunities.

Although the implementation of a DDR program was part of the 2008 Libreville agreement, it was never put in place.[41] Yet, the emergence of the Seleka coalition and other local armed groups was a direct consequence of the lack of opportunities for northeastern locals, a majority of whom are Muslims. France should promote talks between conflicting parties, in this case, the government of President Djotodia who has dissolved the Seleka coalition,[42] and ex-Seleka rebels who perpetuate the cycle of violence.

Safe DDR sites will have to be opened within the capital and surrounding areas, and short-term support packages should be provided. On the long term, economic reintegration will be key in convincing many ex-Seleka rebels, who had not been paid for months by former leader Djotodia,[43] to dispose of their weapons. Considering its knowledge of the CAR, the French government should establish a team of experts that could advise UN organs responsible for DDR[44] by conducting a study identifying training needs, as well as needs of the communities affected. Ex-combatants could be offered jobs promoting the development and the reconstruction of the northeastern part of the country.[45]

Conclusion

A former Central African diplomat stated: "I'm convinced that France will not accept all these atrocities. It will put an end to all that and boost the (political)

transition on a new basis and with renewed vigour."[46] Although the Hollande government has been trying to break away from "la Francafrique," and adopt a more hands-off approach, France is still considered the policeman of Africa. Recent developments have plunged the CAR into chaos at an unprecedented rate. A French intervention remains the last resort for the country, which has often attracted little interest. In turn, nation-building reforms will need to be initiated under the command of the French government in order to break the cycle of violence.

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Ashante, Ghana
Photo by Sam Tyler Powers

The Systematic Analysis of the Recent Coup d'état in the Central African Republic

by Yuki Yoshida

The article analyzes the recent military coup d'état undertaken by the Séléka rebels in the Central African Republic (CAR) in March 2013. For theoretical frameworks, the article reviews the ad hoc mechanism of formation of armed groups developed by Klaus Schlichte (2009) to explore how the Séléka was formed and expanded its rebel movement. A brief literature review on causes and trends of coup is also presented. The article argues that the coup that overthrew the François Bozizé regime can be explained by some member's political motives to seize political power and different types of grievances Séléka members had against the government, namely security concerns, government poor economic performances, and Bozizé's practices of nepotism. The article also sheds light on CAR's history of coup, which has trapped the country into the so-called "coup traps."

Military coup d'état has been a common form of regime change in post-colonial African states, and the Central African Republic (CAR) is no exception. Since its independence from France in 1960, the stability of the CAR has repeatedly been disturbed by five successful military coups including the most recent in March 2013. The coup was in fact expected to occur by the international community in January, when the representative of the U.N. Mission in the CAR disclosed that the Séléka, a coalition of rebel groups in northeastern CAR, "had already seized virtually the whole of the country and were advancing on the capital."[1] Receiving little international support to alleviate the urgent security crisis, on March 24, the Séléka expelled President François Bozizé, and Michel Djotodia, one of Séléka's leaders, declared him the president and announced that he would stay in the position until the next presidential election in 2016. On March 25, Djotodia suspended the constitution and dissolved the National Assembly to consolidate his power. Lacking "strong civil society, organized opposition parties, free press and independent judiciary," no stakeholder currently plays a role of check and balance to prevent Djotodia's abuse of power.[2] Outside the political arena, Séléka members' indiscriminate human rights abuses are threatening the safety of civilians, which undermines legitimacy of the new power holder in the eyes of both internal and external actors.

Since the coup is a relatively recent event, few systematic analyses have been done. The question the article investigates is: What were the primary factors that motivated the Séléka to initiate rebel movement and resort to a coup? The article argues that Séléka's rebel movement and resort to a coup can be explained by political motives of some members who were once expelled by the government to seize the political power, including a number of grievances against the government, namely urgent security concerns outside the capital, the state's poor economic performance, and Bozizé's practice of nepotism.

Ad hoc Nature of the Séléka

The Séléka had no clear and uniform political vision due to the group's ad hoc nature. Séléka, which means "coalition" in Sango, a national language in the CAR, consists of several rebel groups including the Convention of Patriots for Justice and Peace (CPJP), the Union of Democratic Forces for Unity (UFDR), the Democratic Front of Central African People (FDPC), the Patriotic Convention for the Salvation of Kodro, and the Alliance for Renaissance and Reorganization.[3] In addition, the Séléka has also been the host to soldiers from neighboring states, such as Chad, Nigeria, and Sudan, who joined the Séléka "in the hope of benefitting from the financial gains of the rebellion."[4] The Séléka was not a rebel coalition until September of 2012. The

country's northeastern region where the Séléka was formed is "geographically isolated, historically marginalized and almost stateless."[5] Receiving little state oversight and easily obtaining weapons and resources that support the armed struggle from neighboring states, the region served as a desirable ground for the Séléka.

The Séléka was formed to address poverty and human-rights abuses in the northeastern region where most of the Séléka rebels were operating.[6] However, the violence the Séléka engaged in before and after the coup can be labeled as uncontrolled, except for selected targets, suggesting its low degree of organization. The Séléka resorted to the indiscriminate killing of civilians when they entered Bangui, the capital of the CAR in December 2012, as a means to prepare for the attack on the Bozizé regime.[7] After overthrowing the government, the Séléka engaged in a number of human rights abuses such as, rape, torture, summary executions, looting and pillage. In addition to the indiscriminate violence, the Séléka also specifically targeted members of the Central African Armed Forces (FACA) and summarily executed them to weaken state security apparatus that had already revealed its incapability.

Séléka's indiscriminate violence has been criticized at the national and international level, which has had de-legitimizing effects on the coalition. Following the day the coup took place, the Security Council "strongly condemned the recent attacks and the seizure of power by force in the Central African Republic on 24 March 2013 by the Séléka coalition, as well as the ensuing violence and looting."[8] The Séléka has also not gained popular support because of the highly anarchic situations and serious humanitarian crises that continue to threaten the lives of thousands of local populations. Just as the Bozizé regime, the Séléka is already facing legitimacy crisis due to its lack of will and capability to govern the country.

Political motives

Séléka's motivation for a coup can be explained through political motives and their various grievances against the government. With regard to political motives, this coup was the "result of personal ambition and political exclusion."[9] Several Séléka members were former government officials who were once expelled and still seeking the opportunity to seize power. For instance, Michel Djotodia, a Séléka's leader and current president of the CAR, was an official in both planning ministry and foreign ministry under the Patassé and Bozizé regimes. However, when Djotodia engaged in disputes with the government regarding his appointment as consul in South Darfur, Bozizé imprisoned Djotodia in Benin. Since then, Djotodia has been seeking revenge against Bozizé who hindered his career. It is often the case in the CAR that "the armed struggle was conducted by disgraced former politicians looking for vengeance and a return to political power."[10] Thus, the political motives of a few Séléka members to some extent played a role in this insurgency.

Grievances

The grievances of Séléka members against the government's inability to provide the basic security has been more prevalent compare to their political motives. Séléka's initial demand was the implementation of disarmament, demobilization, and reintegration (DDR) of the armed groups and "trafficker's fight for control of diamond-producing area,"[11] in northeastern CAR in order to improve regional security. Although the DDR program was planned during the 2008 Libreville agreement, the Bozizé regime has never implemented the disarmament of the armed groups.[12]

Additionally, CAR's dysfunctional security sector

further undermined state legitimacy, creating a propitious environment for a coup. The FACA has been accused of human rights abuses such as, burning villages, and summary executions.[13] Soldiers who committed human rights abuses enjoyed impunity due to the absence of a military tribunal or prison. Because most FACA soldiers were based in Bangui due to logistics and equipment constraints, the towns outside the capital were highly vulnerable to attacks by local and foreign belligerents. Likewise, a serious lack of capability within the national police force has prevented them from fulfilling its mandate to maintain public safety. As of 2009, there were only 1,350 police officers in the country with a population of four millions, and most of them were stationed in Bangui.[14] The frequent delay in salary payments makes police frustrated, and they often engage in corruption and commit human rights abuses. As a result of corruption and other undisciplined behavior, public image of the police is poor. Considering the fact that the presence of FACA and police in non-capital towns was low, it can be assumed that the threats to public safety in northeastern CAR war largely unaddressed, which reinforced Séléka's grievances against the government.

The government's poor economic performance further exacerbated state legitimacy and contributed to fueling Séléka's grievances. Since Bozizé took office 10 years ago, the government has not promoted economic development.[15] According to the UNDP, during Bozizé's terms, national gross per capita income decreased from $909 in 1985 to $722 in 2012. The current average number years of schooling per person is below seven years, and it has only increased by one year since 1985. Additionally, the Séléka was also dissatisfied with the way the government managed natural resources. The CAR is rich in natural resources, such as diamonds, gold, copper, tin, and uranium.[16] Some Séléka members demanded unconditional return of all the natural resources the government has indiscriminately mined, which has had a negative impact on production. Thus, the government's failure to improve CAR's economy and

mismanagement of natural resources has provided the Séléka with the justification for a coup.

The Séléka was also dissatisfied with Bozizé's practices of nepotism. During Bozizé's second term, a number of his family members were assigned key positions in the government. His son, Francis was appointed defense minister, his other son, Franklin became security manager at the airport, and two other sons were given key positions in the gendarmerie. Additionally, Bozizé's nephews were given key positions in the financial sector, such as the director of the Central Bank ministers of finance, and ex-mines.[17] Moreover, members from Bozizé's ethnic community held other key positions, such as the heads of the presidential guard, the Central African Office for the Repression of Crime (OCRB), and some key posts in the finance ministry. This is not to say that the Séléka has completely been excluded from politics. When the transitional government was established on Feb. 3, 2013, following the peace agreement sponsored by the Economic Community of Central African States (ECCAS), the African Union (A.U.), and the U.N. in January 2013, the Séléka was given the position of the defense minister and four other ministerial positions. However, Bozizé later abandoned the power-sharing arrangement and appointed his associates a number of key ministries, such as foreign affairs, immigration, justice, and public order. Thus, Bozizé's skewed appointment fueled Séléka's grievances.

'Coup Trap'

Besides political motives and various grievances, CAR's historical use of coups as a means to transform regimes, has also contributed to an increased for future coups. In 1965, David Dacko, CAR's first president was expelled by Colonel Jean-Bédel Bokassa.[18] In 1979, Dacko with French support became the president by overthrowing the Bokassa regime. In 1981, however, Dacko was overthrown again by General André Kolingba. In 2003, General François Bozizé overthrew Ange-Félix Patassé and became the president. In most

of the coups, plotters regarded the government as illegitimate, which helped them justify the illegitimate means to overthrow the government. In the CAR, the Patassé regime was criticized for its incapability to alleviate violent protests on the streets, which seriously undermined the safety of citizens and the regime's legitimacy.[19] Bozizé's coup to overthrow Patassé was, therefore, supported by local populations and was even later evaluated as a "good" coup. However, soon after Bozizé became the president, a civil war (the Central African Bush War) occurred in 2004 between the government and the Union of Democratic Forces for Unity (UFDR) led by Michel Djotodia,[20] which resulted in disastrous humanitarian crises. Since 2005, the presidential guard committed human rights abuses, killing hundreds of noncombatants and forcing at least 100,000 people to flee. In addition, Bozizé did not fulfill the terms of a ceasefire and failed to meet the needs of its citizen, such as the demobilization of armed groups, and promoting economic growth. Bozize rather focused on consolidating his position by appointing his associates to key government positions. Thus, Bozizé regime's failures to effectively govern the country harmed state legitimacy and made coup a legitimate means to change the status quo. The Séléka decided to undertake the coup because they had political motives and grievances against the government. But, more importantly, the "coup trap" that has captured the CAR for years to date was also a powerful driving force of the coup.

Conclusion

In sum, the coup was undertaken largely due to Séléka's political motives and various grievances. Some members' political motives can partially explain the occurrence of a coup. Most important, a government's failure to provide basic security needs, and improve the economy. In addition, the nepotism Bozizé practiced throughout his terms not only fueled Séléka's grievances, but also deteriorated state legitimacy and created a propitious environment for a coup. The country's repeated history of coups, legitimized coups

as a method to replace the ineffective government.

Currently, Djotodia serves as an interim president, but it is difficult to say that his regime is legitimate due to uncontrolled violence by Séléka members and its incapability to ensure security. In fact, residents of Bangui showed frustration against the Séléka, which continue looting in the city,[21] and Séléka members themselves admitted that they have failed to provide basic security. Furthermore, in order to respond to ex-Séléka's violence, local traditional militia called "anti-balaka" has recently re-emerged, which has exacerbated the level of security and complicated the situation. The security sector remains incapable of ensuring public safety, which contributes to prevalent criminal activities throughout the country. Thousands of people remain displaced and are facing grave a humanitarian crisis.

Considering the fact that the Séléka deposed Bozizé, the coup can be labeled as success. Yet, it was not a "good" coup because the Djotodia regime continues to fail to provide basic security to citizens. As of April 2013, CAR's economic growth for the rest of the year is foreseen to decline from 3.8 to 2.5 percent, due to political unrest and reduction in foreign aid,[22] which will exacerbate political instability. It would, therefore, not be surprising that anti-Djotodia regime groups would resort to a coup in order to "legitimately" overthrow the incumbent government in the near future.

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Gambia
Photo by Amy Newell

Butare, Rwanda
Photo by Hadley Griffin

Pinochet: Victim of his own trap?

by Gracia Bulnes

Sept. 11, 2001, is a difficult date for many to forget. Some may remember personal loses, others the start of the "War on Terror." For Chileans, Sept. 11 is also a troubling date because it was that day in 1973 that Augusto Pinochet Ugarte, commander-in-chief of Chile's army, overthrew the socialist President Salvador Allende.

It has been 30 years and Chile's society is still divided. The Pinochetistas support the "General's" way of governing, and his opponents remember him as the bloodiest dictator that Chile has ever had. Both groups, however, must agree on one thing: The transition, after 16 years of Pinochet in power, was peaceful. The regime change from a military government to a democratic one represented by the Concertación (Spanish for "Agreement") coalition, made up of center-left political parties, followed the guidelines of the 1980 constitution.

In 1975, Pinochet said: "I will die and the person who succeeds me will also die. But there won't be any elections."[1] Certainly, it must not have been easy for him to assume his defeat in the 1988 plebiscite. Chileans had to wait until 2 a.m. to hear the official results. Despite all his faults, it is difficult to think of many authoritarian leaders who ended their administrations in such a democratic way. Why did Pinochet, as powerful as he was, decide to run a plebiscite with the risk of losing it and then hand over power? This question is what this paper intends to explain.

Taking and Consolidating Power

During the military coup, President Allende committed suicide. Almost immediately Augusto Pinochet was appointed president of the Republic of Chile because he was the representative of the oldest branch of the armed forces. From that moment he promised to create a new order rather than reestablish the existing one. Political parties and the parliament were closed, as was the opposition media. The heads of the armed forces formed the *Junta*: Gustavo Leigh from the air force, José Toribio Merino from the navy and Police General Director César Mendoza. From the beginning, the commanders made sure that each branch of the armed forces remained represented in the government, having the power to change or block legislative initiatives. Pinochet was in charge of the executive power.

The new regime started governing through decree laws in conflict with the constitution of 1925. Meanwhile, a constitutional committee was set without any representatives of the armed forces to draft a new constitution. The members were conservative constitutionalist lawyers. Later it was known as the Ortúzar Commission, and it did not have any power during the military regime. They proposed some guidelines to Pinochet and the Junta a couple of years later, which was complemented by declarations already adopted by the regime. These two things together, and a lot of discussion among Pinochet's chosen advisers, such as Jaime Guzmán, gave birth to the 1980 constitution.[2]

Pinochet's mandate lasted from 1973 until 1989 and is known worldwide as a dictatorship where civil liberties were repressed, human-rights violations took place, and the adoption of neoliberal economic policies drove the country into economic prosperity. But contrary to what the world believes, Pinochet did not act alone; the *Junta* acted as the real power behind him. As Robert Barros writes: "The commanders of the Navy and Air force in 1974 and 1975 accepted their exclusion from the executive, in exchange for rules and procedures that structured channels of effective participation in lawmaking."[3]

In March 1978 the DINA (Chilean Secret Police) was held responsible for the murder of socialist Chilean diplomat Orlando Letelier in Washington, D.C. This triggered a wave of criticism from the international community to Pinochet's regime, even though the U.S. government, in its quest against communism, initially funded it. Other human rights violations during these years also helped turn the international community against the regime.

That same year, Pinochet asked General Leigh to resign, creating a crisis within the armed forces. This was shortly after an Italian newspaper published an interview in which Leigh supported the participation of the leftist government to restore Chilean civilian rule.[4] General Fernando Matthei replaced him. The *Junta* started to set the rules for the coming period.

In 1980, a referendum took place in order to adopt a new constitution based on democratic principles, replacing the 1925 constitution. The government had the monopoly of power, and the opposition was not united to campaign against it. The new constitution was ratified under a lot of skepticism because of problems with the electoral registers, and abstentions counted as "in favor" votes. Despite these irregularities, it was adopted with 67 percent of the vote[5] also endorsing Pinochet as president for eight more years.

In addition, the new constitution provided the legitimacy that the military regime sought in the eyes of the Chileans and the international community. The *Junta* was in charge of the legislative power, preventing the concentration of authority in just one person and also restraining the army. It also set deadlines for a new election to be held in 1988. Pinochet did not have a monopoly power because the navy and the air force commanders had the last word on the government's decision making.

The new constitution set the rules for what was to come. In addition, the economic crisis of 1982 fostered the first public social manifestations against the regime setting the basis for the opposition organization.

Handing Over Power

According to the rules of the constitution, a plebiscite took place in 1988 to ask the population if they wanted President Pinochet to stay in power for another eight years or if presidential elections should be held the following year. One big difference from the previous process was that this election was supervised by the TRICEL, an independent court in charge of watching over the election process.

In February of that year, the *Concertación de Partidos por el NO* (Agreement of parties for NO) was founded. Finally, the division between the Social Democrats and the Allende government supporters came to an end, putting together 16 political parties from center to left and representing all those who were against Pinochet remaining in power. The long duration of the dictatorship was a key factor in achieving agreements between competing political views.[6]

It was not until Aug. 30 that President Pinochet was appointed as a candidate for the plebiscite. Gustavo Leigh, former commander-in-chief of the air force predicted: "The government is going to lose the Plebiscite, they do not have other candidate than Pinochet and he is going to lose."[7] Some polls guided by the Center for Public Studies (CEP) showed Pinochet with 30 percent approval and the opposition with 37 percent. Despite these projections, Pinochet decided to hold the plebiscite anyway, dressed like a civilian to take part of this "democratic task" since he knew that violating the constitution would destroy the government's legitimacy.[8]

It is also important to keep in mind that the armed forces are trained to follow orders; so obeying the constitution was never in doubt. Seeing themselves as representatives of the legislative force, as well as Chilean institutional tradition, further contributed to the chances that the armed forces would make sure that the guidelines of the constitution were followed.

A political campaign took place. The opposition was allowed to have 15 minutes on public television to publicize its campaign. The opposition expected that the transition would take place not through a destabilization process, but rather by influencing the internal evolution to gain an increasing liberalization.[9] They had a very positive and hopeful campaign; their slogan, "Chile, joy is coming," used a rainbow as its symbol and encouraged people to vote even though the party had less monetary support than Pinochet. This public campaign also encouraged the masses to take part in the process as their only chance to manifest their rejection to the military government.

Genaro Arriagada writes: "the opposition had three times more support than Pinochet, yet most Chileans believed that the Dictator would remain in power beyond 1989."[10] Nevertheless, accepting the rules set by the regime was the only way that the opposition, backed by international actors such as the U.N. and Amnesty International, could take over power legitimately.

On Oct. 5, 1988, the YES or NO plebiscite took place under acceptable conditions for a fair election with international observers. Despite skepticism, as Senator Kennedy stated from Washington: "We do not believe that the Plebiscite will mean that Chile finally could live in Democracy,"[11] 90 percent of the population turned to vote. The opposition won with 55 percent of the votes over 43 percent supporting Pinochet.

Chilean historians Cavallo, Salazar, and Sepúlveda write in their book: "There is no doubt that Pinochet was not in favor of accepting the defeat but he did not have the support from the elites. As they corroborate publicly the

results, they pressure Pinochet to do the same."[12] General Matthei was the first to accept the loss publicly. This exposed that the Junta was absolutely convinced of respecting the electoral process and what the constitution stated. Therefore, it was not an enforcement made by the opposition. Given the stance adopted by Merino and Matthei, Pinochet did not have the power to revert the results,[13] and he allowed this shift in power during the previous years of his Presidency.

At 72 years old, Pinochet was defeated by his own rules. He accepted to take part in this process because he never imagined how discredited he was.[14] One big advantage was that as he had previously set the rules, the law protected him even after defeat. Even though he lost, he still remained commander-in-chief of the army and as a lifelong senator with impunity from trial.

Still, he was no longer president of Chile and he did not have any power to decide the fate of the country. "Upon leaving the presidency, he expressed pride – shared by most of his officers – that the armed forces had saved the Fatherland and made possible the nation's political and economic renovation."[15] For him the plebiscite was also a triumph because the opposition votes should be divided among the different political parties that formed that coalition.

Conclusion

This paper began by questioning why Pinochet had accepted handing over power, considering that he had seemingly done whatever he wanted during his 16-year rule. For Patricio Navia, this was something to be expected: "Everyone knows that sooner or later democratic elections will replace dictatorial rule. The dictator in power knows and accepts that. However, both the dictatorship and the opposition ignore when the transition will take place."[16]

Robert Barros makes one of the most convincing arguments by claiming that the reason why Chile faced a peaceful, democratic transition was because the creation of the constitution worked as an inescapable

trap for Pinochet.[17] The other main factor for the transition was that the *Junta* turned to be the real power under the regime, and they remained big supporters of observing the law. Pinochet became a victim of his own coalition.

Others scholars argue that organization of the opposition supported by social manifestations and International Human Rights groups, were keys to making Pinochet hand over power.[18] This argument is not as strong as the former because during the first years of the military regime Pinochet also had a big opposition, but with the support of the *Junta* he was able to dissolve it by exiling opponents or making them disappear.

According to Angell and Pollack: "Pinochet was the victim of his own cunning. Chile is a very constitutionally minded country (and) Pinochet accepted this tradition"[19] in order to stay in power a couple of years. Keeping the winning coalition small is a main factor for authoritarian leaders to stay in power. In this case only four members formed the *Junta*. Together with that, it is important that the dictator make some concessions so the supporting coalition feels that they have control, too.[20] Allowing the *Junta* to have power paved Pinochet's way to defeat and accepting a Constitution put a date for the end of his mandate.

It looks like history prefers to remember Pinochet as a monopolistic authoritarian leader in black Ray-Ban sunglasses who violated human rights; however, the *Junta* was as important as he was, having the power to make him adopt a constitution that ensured guarantees for the armed forces and, in the end, became the main reason why Pinochet had to hand over power against his will. As Ariel Dorfman writes: "The tyrants do not leave because they are good. They leave because the do not have other alternative, because they lost the battle of representing their country."[21]

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Cuba
Photo by Jacqueline Klapak

Havana, Cuba
Photo by Jacqueline Klapak

Bolivia
Photo by Kristina Caputi

Bolivia
Photo by Brian T. Seavitt

Consolidating the Women's Rights Movement in Afghanistan

by Dalia Amin

Years of turmoil within the country, exploitation by foreigners and extremist views have caused Afghan women's rights activists to demand equal access to wealth, health care and education with caution. Today, the fight for women's rights is waged officially and publically. However, the women's rights movement is fragmented due to class status and ethnic and religious differences between various female leaders. Afghan female leaders need to unite their political efforts despite socio-economic and ethnic boundaries to create an organized movement more capable of pushing forth a women's rights agenda in Afghanistan.

Background: Women's Rights Movement

Historically, Afghan women have suffered through oppression and struggled for survival through the Soviet Union's invasion, a series of civil wars in the late 1980s, and under Taliban rule.[1] During this time Afghan women were marginalized in "education, health, the economy, the legal system, leadership, management, and social-planning,"[2] as well as in the political sphere. These restrictions left women with little financial and social ability to run their homes. Afghan women suffer at the hands of "conservative interpretations of Islam and Afghan tribal and ethnic customs, particularly Pashtunwali; an unwritten cultural code of conduct that assigns women to a life largely isolated from the world outside their homes and essentially under the control of the men in their lives."[3] This treatment is justified by the concept that Afghan women are symbols of status and honor for all families. Women need to be controlled and kept under surveillance to maintain the good reputation of the males in their lives.

After the Bonn Conference in 2001, the United Nations assisted Afghanistan through political reconstruction.[4] Since the conference, the situation for Afghan women has improved and altered the discussion on women's rights.

The Bonn Agreement aimed at achieving equal rights for women, and increasing women's participation in the political, economic, social and cultural fields of Afghan life.[5] As a result of the Constitutional meeting, Article 22 of the Loya Jirga declared that discrimination of any kind is prohibited. Article 23, stated that women have equal rights before the law and that these constitutional rights will be reflected politically by reserving 60 seats for women in the lower house and 21 seats in the upper house.[6]

Additionally, the Afghan government established the Ministry of Women's Affairs and signed the Convention for the Elimination of All Forms of Discrimination Against Women. As of 2004, the government also had "68 reserved seats for female candidates in the legislative elections."[7] Furthermore, Afghan President Hamid Karzai ratified the National Action Plan for Women, which ensured that gender equality was a theme in Afghanistan's National Development Strategy. Outside of the political sphere, female leaders emerged in a variety of different fields, and have played important roles in the non-profit sector. Many are combating violence and abuse against women via access to the law and legal representation, while others are fighting for access to education and good health care by lobbying locally and partnering with international agencies.

The achievements made thus far are exceptional for the women of Afghanistan, but many other fundamental problems remain for the female leaders of Afghanistan to address.

Problems

Even with the work many NGOs and female leaders are pursuing, Afghan women continue to struggle. Although efforts have been made to remove the Taliban

altogether, Afghanistan has replaced criminals with warlords that continue to oppress the Afghan population, especially women.[8] Karzai's government lacks transparency and direction, and is buried in corruption. Furthermore, the political system is not fully representative of the female population, the reserved seats for women limit female candidates from accessing the general parliamentary seats, because they are only allowed the 68 reserved seats and nothing more.[9] According to Malali Joya, a former member of parliament, most of the women in government are pro-warlords and are supported by the U.S. government, with little desire to better the situation for women in the country and thus downplay the severity of the current problems.[10]

Secondly, the security situation concerns the Afghan people, especially with the high numbers of U.S./NATO bombs and drone attacks.[11] Insecurity has caused parents to keep their daughters from going to school, and the lack of protection in village suburbs allowed members of the Taliban to torch 650 schools in 2008.[12] Afghan women continue to face brutal beatings and torture at the hands of male family members and become victims of rape and honor murders. But the corrupt judicial system ignores or declines to punish criminals because powerful warlords back the men.[13] Thus many women resort to self-immolation because there is no law to support them. Without proper Afghan forces, armed warlords with private armies will continue to kill the people of Afghanistan[14] and increase strife.

In addition to a weak government and lack of security, there are gaps to fill in terms of educating young women. According to the Afghan Independent Human Rights Commission, "only 5 percent of girls enrolled in school are allowed to pursue their education through the twelfth grade."[15] The lack of education increases unemployment, which leads Afghan women to extreme poverty, which in turn pushes women toward prostitution and sex trafficking.[16]

The most problematic issue that Afghanistan faces in terms of women's rights is the lack of coordination and cooperation among women at the local and national level to resolve the above-mentioned concerns. Action needs to be taken for female professionals participating in the political field to work together, combine efforts, and cooperate. Their unity will help them coordinate an organized movement that will be effective in creating and pushing forward a women's rights agenda.

Critique: Why is the Women's Rights Movement not reaching its full potential?

Despite efforts by a few political leaders and organizations, the women's rights movement in Afghanistan is not reaching its full potential and there has been no adequate approach established to address its obstacles. Below, the problems are outlined and separated into three categorical reasons explaining the lack of alignment in the women's rights movement: ethnic division, class division and a divide between the secular and religious approach.

Ethnic Division

One of the main reasons for a lack of unity is that most female political leaders align themselves across party or ethnic lines. Afghanistan's inhabitants can be separated into seven major groups: the Pathans (Pashtuns), which make up 42 percent of the country, Tajik (27 percent), Hazara (9 percent), Uzbek (9 percent), Aimak (4 percent), Turkmen (3 percent), Baloch (2 percent), and other (4 percent).[17] Around 80 percent of the population in Afghanistan follows the Sunni sect of Islam, except for the Hazara population, which is Shia.[18]

The women in parliament are elected by provincial constituency, and thus represent varying provinces. Many female candidates express interest in representing women from their own districts, but not necessarily representing all women in general.[19] In addition, "MPs for the most part represent the elite strata of society and have limited connections with "ordinary" women and men,"[20] and thus are not fully representing the needs of women.

Class Division

Another defining factor in the lack of cooperation is the dividing line of wealth. This segregation keeps women away from positions of power and also becomes a reason why elected women from different socioeconomic backgrounds don't work together. Moreover, money is necessary to run a campaign, but economic and security issues in Afghanistan leave little room for women from the poor provinces to run for office.

Once elected, rarely do women from the different Jirgas (political houses) work together, and many have differing approaches to issues because some women are selected by parties as "a means to gain 'easy' seats."[21] The members associated with rich parties are better protected and in order to stay in favor, they promote anti-women policies.

Secular vs. Religious Divide

The belief in Islamic law has united the people of Afghanistan for generations and is a foundation for tribal tradition and the main source of influence for Afghanistan's legal system and political bylaw. Many politicians want policy that aligns with Islam, while others want to see religion separate from state. The women leaders in office are similarly divided on the topic.

The split between following Islamic principle or secularism has divided the women's rights movement. In addition, because sentiments against western values and support for western ideology can be perceived as interfering with Islamic principles, many refrain from

sharing ideas that may defer from Islamic belief.[22] For example, some women want to encourage individualism and promote women's rights within schools, while others oppose such teaching.

If female leaders who are elected to represent their constituents don't take their positions seriously, the average woman in Afghanistan will neither have a platform nor any motivation to push forward women's rights and needs.

Recommendations: How to bridge the gap?

In order to achieve the U.S. and Afghan plans for achieving the goals of the National Development Strategy, immediate work needs to be done to resolve the disorganized women's movement in Afghanistan. The following are suggestions for approaching this conflict.

Policy Recommendations:

1. An Afghan Women's Committee (AWC) needs to be established under the Ministry of Women's Affairs (MWA) where head female leaders from all regions and ethnic groups will be represented. The committee will have sub-committees on a variety of issues (education, healthcare, security, advocacy, etc.), and all members will be required to sit on three of these of sub-committees.

The goal of the AWC will be to create space for women from all ethnic, class and religious backgrounds to come together and find common ground to best assist the women of Afghanistan. However, the development of the AWC needs to be handled with care, as it should not be perceived as a platform to push western values on the Afghan public.

Members from prominent NGOs, business firms, and any other organization working on behalf and for women. Male colleagues and ally peers in the field will also be invited. The members of the AWC will require high security while the meetings take place. It may be ideal to provide extra security to certain members.

Funding will come from the United Nations. Bodies such as the Commission on Human Rights and the Commission on the Status of Women will play major roles in financing and advising the committee. Parts of the U.S. funding allocated to the advancement of Women's right will also be deferred to the AWC. The original budget can be small, since the committee will focus on developing goals and creating benchmarks for the association. The budget can be altered annually and increased based on the achievements of the goals set by the AWC in the prior meeting cycles.

The MWA will meet with delegates from the Afghan Women's Network (AWN) and the Revolutionary Association of the Women of Afghanistan (RAWA). These two organizations are preferred because they have a diverse membership and have a vast network and history of service in the country.

Representatives from all offices will meet with U.S. delegates assigned to this mission. At this point this mission will be introduced and a timeline will be created. This mission should begin within six months of the initial meeting and the AWC should start acting on goals within one year. U.N. and U.S. representatives will hold the AWC accountable during quarterly reviews and at the annual summit organized in the United States.

The summit is an important part of this action plan. Female leaders will visit the United States for a three- to seven-day summit, where they can gain skills (e.g., learn how to support each other in parliament, how to approach their male colleagues on controversial issues) and visit models of programs they plan to develop (community schools, women health facilities, women security trainings, etc.).

This initiative needs to be established by the United States and facilitated by the United Nations. The Afghan culture welcomes opportunities to showcase status, and a chance to work with a special U.N./U.S. mission will create a reason for the women who are not passionate about the women's rights movement to put aside their

differences and attend this meeting. Thus, it would be ideal that U.S. Secretary of State John Kerry be present at the opening meeting.

For this mission to be successful, the Afghan women need to be able to have opportunities to share problems and issues, set goals and make decisions without western pressures and in an open-safe environment. In the recommended guidelines presented to the Afghan women representatives, there should be a requirement for the AWC members to reach out to community allies, rally support for their missions and push their agenda in Parliament. Afghan women also need to experience success with small goals that are agreed on by all members before approaching more controversial issues, and have the opportunity to locate and develop professional relationships with male allies.

This will be possible because ethnic and class divisions can be eased when pointed out. Since a "major value in Islam is the idea that all believers are part of united community,"[23] people from different classes and ethnicities will not admit those schisms exist. Publicly, all political groups declare they are the most multi-ethnic party and it follows that female leaders can begin cooperation in that same vein.

Despite the attention that international entities in the past have given to easing ethnic divisions, U.N. and U.S. delegates shouldn't focus there. Priority needs to be given to women's needs. Let them set the agenda and make decisions.

The AWC membership will be diverse. The invitation letters female leaders receive will explicitly mention that. By attending the AWC, women from all backgrounds will be able to sit around an equal table and have their concerns heard. In addition, many political parties have special wings dedicated to getting female votes, so they should be interested in empowering this network.

The secular/religious divide is complicated and will require time to overcome. Afghan women need to first address a surmountable and important issue before

gaining the confidence and momentum to tackle wider religious and cultural issues. It is important to gain the trust and respect of these women to empower them and move written policies into action.

Conclusion

Afghan women are resilient and strong; they have endured many decades of pain and suffering. These women, like other women around the world, want to see their country at peace, and ensure that their loved ones will have access to food, shelter, good education and health care. When the space is created for them to unite, they will cooperate and work together.

With the implementation of the above recommendations, the United States will be able to help Afghanistan reach full stability and celebrate the success of women's equality. Former Secretary of State Hillary Clinton established great relations with the Afghan female leaders and advocated on their behalf while in office. Through Secretary Kerry, the United States must continue our efforts in assisting Afghan women with their plans and assist in establishing a solid women's movement by considering the above recommendations.

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Iraq
Photo by Katarzyna Szutkowski

Photo by Sara Monteabaro

The Special Tribunal for Lebanon and the Global Definition of Terrorism

by Josh Lipowsky

The international community has long agreed on the need to fight terrorism, but at the same time it has been unable to agree on what exactly constitutes terrorism. Despite numerous international resolutions and agreements to combat terror, the old adage "One man's terrorist is another's freedom fighter" has divided the international community and prevented a clear definition of terrorism.

At the request of the Lebanese government, the United Nations created the Special Tribunal for Lebanon (STL) in 2007 to investigate the Feb. 14, 2005, attack in Lebanon that killed former Lebanese Prime Minister Rafiq Hariri and 22 others.[1] In August 2013, the Tribunal issued its first indictment of suspects in the bombing. The STL was the first international tribunal with the authority to weigh on the question of terrorism.[2] Before it could proceed, however, the Tribunal faced a question that has confounded the international community for years: What is terrorism?

This paper will examine the STL's creation of the first international judicial definition of terrorism; past attempts to legally define terrorism and take legal action against terrorists and terror-sponsors; further this paper will examine why defining terrorism remains so difficult and what legal options the international community has moving forward.

The Creation of the STL and its Definition of Terrorism

On Feb. 14, 2005, an explosion at Beirut's St. George Hotel killed 23 people, including former Lebanese Prime Minister Rafiq Hariri. The United Nations swiftly condemned the attack and sent a fact-finding mission to Lebanon. In March 2005, the commission recommended the creation of an independent, international investigation.[3]

In 2006, the Lebanese government requested the United Nations to create an international tribunal to investigate Hariri's murder. In January 2007, Lebanon signed a treaty establishing a tribunal of "international character"; the United Nations signed the treaty the following month. The treaty faced opposition within Lebanon's government, however, and it could not be ratified. In response, Lebanese Prime Minister Fouad Siniora, with the backing of 70 Lebanese parliamentarians, wrote to U.N. Secretary General Ban Ki-Moon to request that the United Nations create the tribunal.[4]

This request and the agreement between Lebanon and the United Nations were framed in UNSC Res. 1664. The Security Council adopted UNSC Res. 1757 in May 2007 to create the STL. The Tribunal came into being in June 2009 as a "hybrid" international court with a mix of international and Lebanese judges[5] meant to apply national law rather than international criminal law.

During its creation, the STL was given jurisdiction over those found to be responsible for the February 2005 attack that killed Hariri, as well as any other connected attacks between Oct. 1, 2004, and Dec. 12, 2005.[6] The STL's basis for interpreting such actions as crimes is derived from:

(a) The provisions of the Lebanese Criminal Code relating to the prosecution and punishment of acts of terrorism, crimes and offences against life and personal integrity, illicit associations and failure to report crimes and offences, including the rules regarding the material elements of a crime, criminal participation and conspiracy; and

(b) Articles 6 and 7 of the Lebanese law of 11 January 1958 on 'Increasing the penalties for sedition, civil war and interfaith struggle.'"[7]

The pre-trial judge submitted a set of 15 questions to the STL Appeals Chamber, requesting clarification on definitions and procedure. The first three questions addressed the issue of terrorism:

i) Taking into account the fact that Article 2 of the Statute refers exclusively to the relevant provisions of the Lebanese Criminal Code in order to define the notion of terrorist acts, should the Tribunal also take into account the relevant applicable international law?

(ii) Should the question raised in paragraph i) receive a positive response, how, and according to which principles, may the definition of the notion of terrorist acts set out in Article 2 of the Statute be reconciled with international law? In this case, what are the constituent elements, intentional and material, of this offence?

(iii) Should the question raised in paragraph i) receive a negative response, what are the constituent elements, material and intentional, of the terrorist acts that must be taken into consideration by the Tribunal, in the light of Lebanese law and case law pertaining thereto?[8]

In February 2011, the Appeals Chamber issued a response that provided a clear definition of what the STL would consider to be terrorism. The STL extended the definition of terrorism from Article 314 of the Lebanese Penal Code: "Terrorist acts are all acts intended to cause a state of terror and committed by means liable to create a public danger such as explosive devices, inflammable materials, toxic or corrosive products and infectious or microbial agents."[9] The Appeals Chamber noted that this list was not intended to be comprehensive, giving the STL the authority to broadly interpret and expand it.[10]

The Appeals Chamber also drew a distinction between terrorism during peacetime and terrorism during war. The Chamber ruled that customary international law recognizes terrorism during a time of peace, has three components: a criminal act, such as murder, kidnapping, arson, or threatening such an act; the intent to spread fear among the population or coerce an international authority to either take an action or refrain from one; a transnational element.[11]

Past attempts to define terrorism

Terrorism has long been a concern of the international community, which has widely condemned terrorism but struggled to define it. In *Terrorism and the Liberal State*, Paul Wilkinson defines terrorism as the "systematic use of murder and destruction, and the threat of murder and destruction, to terrorize individuals, groups, communities or governments into conceding to the terrorists' political aims."[12] After the Sept. 11, 2001, attacks against the United States, Angus Martyn of Australia's Dept. of Parliamentary Information and Research Services presented to Australia's Parliament:

The international community has never succeeded in developing an accepted comprehensive definition of terrorism. During the 1970s and 1980s, the United Nations attempts to define the term foundered mainly due to differences of opinion between various members about the use of violence in the context of conflicts over national liberation and self determination.[13]

The Australian Defense Force defines terrorism as the "use or threatened use of violence for political ends, or any use or threatened use of violence for the purpose of putting the public or any section of the public in fear." This, Martyn writes, is consistent with various international interpretations, although it has not been codified into customary international law.[14]

The UNGA has passed 18 declarations regarding terrorism, largely against specific acts of terrorism, but never clearly defining it. For example, the UNGA's 1994 Declaration on Measures against International Terrorism:

"Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them."[15]

The U.N. came close to creating a definition again in 1999 with the International Convention for the Suppression of the Financing of Terrorism. This resolution criminalized directly or indirectly, willfully or unlawfully collecting monies for:

Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such an act, by its nature of context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing an act.[16]

The convention lists a series of previous conventions aimed at specific acts of terrorism, such as the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation and the 1979 International Convention against the Taking of Hostages.

On Sept. 28, 2001, the Security Council adopted Res. 1373, which called on U.N. members to undertake a number of activities to combat terrorism domestically and abroad. The resolution called on members to:

Criminalize the financing of terrorism; freeze without delay any funds related to persons involved in acts of terrorism; deny all forms of financial support for terrorist groups; suppress the provision of safe haven, sustenance or support for terrorists; share information with other governments on any groups practicing or planning terrorist acts; cooperate with other governments in the investigation, detection, arrest, extradition and prosecution of those involved in such acts; and criminalize active and passive assistance for terrorism in domestic law and bring violators to justice.

The resolution created the Counter-Terrorism Committee (CTC) to monitor 1373's implementation. Like its predecessors, however, it did not specifically define terrorism.

During the 2005 World Summit, the United Nations, on behalf of all member states, issued a condemnation of terrorism "in all its forms and manifestations, committed by whomever, wherever and for whatever purpose."[17] In 2006, the United Nations created a Global Counterterrorism Strategy, "reiterating its strong condemnation of terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes…."[18] The Strategy called upon member nations to: tackle conditions conducive to the spread of terrorism; prevent and combat terrorism; build states' capacity to prevent and combat terrorism and strengthen the role of the U.N. system in that regard; and ensure respect for human rights and the rule of law as the basis for the fight against terrorism.[19]

The strategy cited specific measures for U.N. members to take to prevent and combat terrorism. These measures included refraining from organizing, facilitating, or participating in terrorist activities; cooperating in the international fight against terrorism and complying with existing international laws; ensuring the apprehension and prosecution of terrorism perpetrators; increase anti-terrorism cooperation with other states; and improving terrorism response coordination.[20]

The United Nations' inability to create a uniform definition undermines the seriousness of its resolutions on the issue. Criminal law has three purposes, according to Carlos Diaz-Paniagua, who coordinated the negotiations of the proposed U.N. Comprehensive Convention on International Terrorism: to declare an act is forbidden, to prevent that act, and to condemn wrongful acts.[21]

The criminalization of terrorist acts expresses society's repugnance at them, invokes social censure and shame, and stigmatizes those who commit them. Moreover, by creating and reaffirming values, criminalization may serve, in the long run, as a deterrent to terrorism, as those values are internalized.[22]

Individual countries have created their own definitions of terrorism. Great Britain defines it as the use or threat of violence for advancing a political, religious or ideological cause; the use or threat of violence to influence the government or intimidate the public; or if the action involves serious violence against a person or property, endangers lives, creates a public risk, or is designed to interrupt an electronic system.[23] The U.S. Department of State annually submits a definition of terrorism to Congress for approval. Under that definition, terrorism is "premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents."[24]

There have also been regional agreements that have created their own definitions. The 1999 OAU Convention on the Prevention and Combating of Terrorism defined terrorism as:

Any act which is a violation of the criminal laws of a State Party and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is

calculated or intended to:

(i) intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or

(ii) disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or

(iii) create general insurrection in a State; (b) any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organizing, or procurement of any person, with the intent to commit any act referred to in paragraph (a) (i) to (iii).[25]

Article 3 of the convention, however, creates an exception to the definition for "the struggle waged by peoples in accordance with the principles of international law for their liberation or self-determination, including armed struggle against colonialism, occupation, aggression and domination by foreign forces." These struggles, according to the convention, are not recognized as terrorism.[26]

This distinction illustrates the problem with creating a universal definition. The U.N. resolutions and statements appear clear in the U.N.'s determination to combat terrorism in all its forms. What is missing from these statements, however, is a classification to distinguish a specific act as terrorism from the act of a freedom fighter. *Hezbollah*, a major player at the center of the Hariri investigation, offers an intriguing case study into why the international community has had such difficulty creating a single definition.

Why Defining Terror is so Difficult/Criticism of the STL Definition:

The STL's definition has had its share of criticism. Sectors of Lebanese society, including Hezbollah, have accused the STL of bias and pandering:

It is clear to us that they are subject to political pressure. Any judicial process occurs within a certain political system. In the case of international tribunals, the reference is the international political system, itself dominated by the Security Council, which is a politicized body controlled by our enemies. So we don't doubt the fact that STL judges are subject to pressure. The question is how much pressure can a prosecutor handle or resist?[27]

Following its request to the United Nations to create a tribunal, the Lebanese government did not ratify the agreement with the organization that would have initially created the body. This creates a sense of illegitimacy within Lebanon regarding the STL, although Siniora did have the support of the majority of parliament when he later asked the United Nations to create the tribunal without Lebanon's ratified agreement. The STL, however, has been dogged by questions about its legitimacy.

The STL's definition of terrorism has also earned derision by some legal observers. Ben Saul of the Sydney Law School at the University of Sydney accused the Appeals Chamber of identifying customary international crime of transnational terrorism in peacetime by interpreting "the scope of domestic terrorism offences under Lebanese law." Saul points to regional anti-terrorism treaties, General Assembly and Security Council resolutions, national laws, and other sources to conclude that no customary international crime of transnational terrorism exists. Saul cautioned the Appeals Chamber for concluding that "the national legislation of countries around the world consistently defines terrorism in similar if not identical terms to those used in the international instruments."[28] The Security Council, according to Saul, "has seemingly tolerated a wide variety of national law approaches to terrorism without creating uniformity."[29]

Saul further cites the Tribunal's composition as a hybrid court designed with a limited focus on a series of specific acts within one country. Given that the ruling was also a preliminary decision, he supposed that it may yet change as trials proceed.[30]

Dr. Boaz Ganor, founder and executive director of the International Institute for Counter-Terrorism (ICT) in Israel, argues that without defining terrorism, it is impossible to demand states extradite suspected terrorists, track terrorism financing, or outlaw incitement for terrorism.[31] "In order to reach a higher level of counterterrorism cooperation and activity, higher than it is today, you need a definition of terrorism which will be widely internationally accepted."[32]

At the core of the struggle to create a universal definition of terrorism is the question of whether somebody is a freedom fighter or a terrorist. Lebanese diplomat Sami Zeidan elaborates:

The difficulty of defining terrorism lies in the risk it entails of taking positions. The political value of the term currently prevails over its legal one. Left to its political meaning, terrorism easily falls prey to change that suits the interests of particular states at particular times. The Taliban and Osama bin Laden were once called freedom fighters (*mujahideen*) and backed by the CIA when they were resisting the Soviet occupation of Afghanistan. Now they are on top of the international terrorist lists. Today, the United Nations views Palestinians as freedom fighters, struggling against the unlawful occupation of their land by Israel, and engaged in a long-established legitimate resistance, yet Israel regards them as terrorists. Israel also brands the *Hezbollah* of

Lebanon as a terrorist group, whereas most of the international community regards it as a legitimate resistance group, fighting Israel's occupation of Southern Lebanon.[33]

The lack of an internationally accepted definition results in inconsistent classifications of terrorist groups. This is evident in individual countries' policies and also within the global media, which transcends borders and politics. Newspapers articles will frequently refer to *"Al Qaeda* terrorists" but *"Hamas* militants." Uri Heilman, managing editor of the Jewish Telegraphic Agency (JTA) newswire, explained JTA's distinction after receiving complaints:

Militant is a wider term of use, encompassing not only those who perpetrate terrorist violence, but those who practice, advocate for or otherwise promote the use of violence against Israel or Israelis. In this case, the headline suggests that the lull between Israel and this wider group – not just the perpetrators of terrorist attacks who detonate bombs on Jerusalem streets and stab settlers in their beds – may be over.

At the same time, our use of this phrase draws a distinction between militant Palestinians and non-militant Palestinians, the latter of whom are not using violence against Israel or Israelis.

Willfully and repeatedly referring to Palestinian terrorists as militants smacks of a double-standard applied only for Israel and the Jewish people, and JTA categorically rejects it. It's why we clearly called the March 23 Jerusalem bombing a 'terrorist attack' in the story's second sentence, and why Hamas, which is mentioned later in the story, is referred to as a 'terrorist group.'[34]

Reuters does not use the words "terrorist" or "terrorism" unless they are in quoted material. Per the Reuters handbook:

Terrorism and terrorist should not be used as single words in inverted commas (e.g. terrorist) or preceded by so-called (e.g. a so-called terrorist attack) since that can be taken to imply that Reuters is making a value judgment. Use a fuller quote if necessary. Terror as in terror attack or terror cell should be avoided on stylistic grounds.[35]

Even the media is unable to equally apply the term "terrorism," but the impact of not having a uniform definition extends beyond the headlines. The following case studies demonstrate the inconsistencies in how terrorist organizations are viewed, both internationally and internally.

Hezbollah

Hezbollah encapsulates the entire debate over the definition of terrorism. In 2013, the European Union added *Hezbollah's* armed wing to its list of recognized terrorist organizations. Despite the previous acceptance of Hezbollah as a terrorist entity in the United States, Israel, and Great Britain, this decision followed a long and contentious debate regarding whether or not Hezbollah's actions qualify as terrorism.

Hezbollah is credited with attacks against Israeli soldiers during that country's occupation of southern Lebanon, ending in 2000; the 1983 attack on U.S. military barracks in Lebanon – the largest terrorist attack against Americans prior to Sept. 11, 2001; and the 1985 hijacking of TWA flight 847.[36] The organization is also accused of continuing cross-border attacks following Israel's withdrawal from Lebanon in 2000. Following a July 2006 Hezbollah attack that killed eight Israeli soldiers and resulted in the capture – and death – of two other soldiers, *Hezbollah* launched thousands of rockets into Israeli territory.

U.N. Resolution 1701, which ended the conflict, demanded that *Hezbollah* disarm.[37] U.N. Resolution 1559 calls for "the disbanding and disarmament of all Lebanese and non-Lebanese militias."[38] *Hezbollah* stands in violation of both of these resolutions as it has

continued to rearm itself since 2006. *Hezbollah* is also suspected of involvement in the 1992 attack against the Israeli embassy in Buenos Aires, Argentina, the bombing of a Buenos Aires Jewish community center in 1994, and the 2012 bus bombing in Burgas, Bulgaria.[39]

Complicating *Hezbollah's* role, the organization provides social services in Lebanon, particularly in the south where the government has a weaker presence. Further, since 1992, *Hezbollah* has had an elected presence in Lebanon's parliament, blurring the line of state responsibility for its actions. Some E.U. members were concerned that because of *Hezbollah's* involvement in the Lebanese government, labeling the group a terrorist organization would complicate European relations with Lebanon.[40] Illustrating this, Lebanon's president, Michel Suleiman, told the European Union that Hezbollah is "a main component of Lebanese society."[41]

While *Hezbollah's* critics call it a terrorist organization, *Hezbollah's* supporters view it as a legitimate resistance force fighting Israeli occupational forces, first on behalf of Lebanon and then on behalf of the Palestinians. "Today it is seen by most people in Lebanon not only as the force that ended Israeli occupation of most of the invaded Lebanese territories, but as the shield that defends Lebanon from future Israeli invasion and occupation," wrote London Metropolitan University's Sami Ramadani.[42]

Hezbollah's increasing participation in the Syrian civil war, however, has eroded its wider support. The Gulf Cooperative Council labeled the organization as a whole as a terrorist organization in June 2013 because of its involvement in Syria.[43] In July 2013, the European Union labeled *Hezbollah's* armed wing a terrorist organization,[44] although *Hezbollah* does not internally distinguish between its military, political or social services wings.[45]

Prior to the E.U.'s decision, former Canadian Justice Minister Irwin Cotler argued that *Hezbollah* "has used both the threat of violence and actual violence – including political assassination – to gain political power."[46] He pointed to the group's suspected involvement in Argentina and Bulgaria, as well as involvement in the criminal drug trade in South America and destabilizing impact on Syria by joining that country's civil war, to support the European reclassification.[47] "[T]ransnational terrorism in general – and Hezbollah terrorism in particular – constitutes a fundamental assault on the security of a democracy and on individual and collective rights to life, liberty and the security of the person," Cotler wrote.[48] To not classify *Hezbollah* as a terrorist organization would violate the E.U.'s principles:

> The foundational principle of anti-terrorism law is the protection of human security – the security of a democracy and the human rights of its citizens. By failing to black-list Hezbollah, the EU not only violates this foundational principle of human security but those very values for which it was awarded the 2012 Nobel Peace Prize.[49]

PLO

The Palestine Liberation Organization (PLO), created in 1964, is widely credited for a number of terrorist attacks against Israel and Israeli interests during the 1970s and '80s. The organization began a process of politicization in the 1970s that brought it political recognition, despite its terrorist activities.

In 1974, the Palestine National Council adopted the 10 Point Program, which declared, "The Palestine Liberation Organization will employ all means, and first and foremost armed struggle, to liberate Palestinian territory…."[50] That same year, then-PLO Chairman Yasser Arafat declared to the U.N. General Assembly: "The difference between the revolutionary and the terrorist lies in the reason for which each fights. For whoever stands by a just cause and fights for the freedom and liberation of his land from the invaders, the settlers and the colonialists cannot possibly be called terrorist…."[51] Following Arafat's speech, the United

Nations granted the PLO observer status, recognizing it as the sole representative of the Palestinian people.

In 1985, Arafat declared that the "PLO denounces and condemns all terrorist acts, whether those by countries or by persons or groups, against unarmed civilians in any place."[52] He distinguished, however, between terrorism abroad and military operations against Israel within the territories the Jewish state captured in 1967. Arafat's announcement came just a month after the hijacking of the cruise ship Achille Lauro by members of the Palestine Liberation Front (PLF), a member organization of the PLO. The standoff ended after two days and resulted in the death of one American citizen, Leon Klinghoffer. In 1997, the PLO settled with the cruise line and Klinghoffer's family.[53]

Regardless of the PLO's recognition in the United Nations, the United States and Israel did not recognize the PLO as a terrorist organization until the 1991 Madrid Peace Conference. As with Hezbollah, there were two views of the organizations within the international community. Because of the failure of the United Nations to create a recognized definition of terrorism, Hezbollah and the PLO were able to shield themselves under the banner of national liberation. This led to inconsistencies in how U.N. members interacted with them. In particular, the world's two superpowers – the Soviet Union and the United States – had opposing policies recognizing the PLO. In 1988, when the PLO declared the creation of the state of Palestine, the Soviet Union recognized the proclamation while acknowledging its past support of the PLO.[54]

Al Qaeda

Founded in the late 1980s by Osama bin Laden, *Al Qaeda* is dedicated to creating a global Muslim caliphate.[55] Like *Hezbollah* and the PLO, Bin Laden defined his own actions and drew his own justification for terrorism:

Terrorism can be commendable and it can be reprehensible. Terrifying an innocent person.... is

objectionable and unjust, also unjustly terrorizing people is not right. Whereas terrorizing oppressors and criminals and thieves and robbers is necessary for the safety of people and protection of their property.....The terrorism we practice is of the commendable kind for it is directed at the tyrants and the aggressors and the enemies of Allah, the tyrants, the traitors who commit acts of treason against their own countries and their own faith and their own prophet and their own nation. Terrorizing those and punishing them are necessary measures to straighten things and to make them right.[56]

In the *Journal of Military & Veterans' Health*, Gregor Bruce warns that this sort of self-identification by terrorists will provide "reassurance and motivation" that will ensure terrorism's continued existence.[57] Granted, *Hezbollah* does not recognize the authority of the STL or its definition of terrorism, but a recognized, universal definition of terrorism allows the international community to keep control of the narrative. Without a definition terrorist organizations have leeway to define themselves and their acts, but with a widely recognized international definition they would have more trouble selling that narrative to local populations. Such a definition would also give local law enforcement more authority to pursue these organizations and prevent their ascension to regional politics – such as *Hezbollah* in Lebanon – without first abandoning terrorism.

Creating a uniform definition

The United Nations has, through various resolutions, created definitions of specific terrorist acts and measures to take against them. It has, however, failed to create a concise and universal definition of terrorism itself. Without such a definition, U.N. member nations will remain at odds with each other in enforcing the United Nations' various terrorism countermeasures. Further, as U.N. Under-Secretary-General for Political Affairs Ibrahim A Gambari wrote in 2006: "UN moral authority on terrorism would be greatly enhanced if

agreement could be reached on a Comprehensive Convention on International Terrorism, which would establish a definition for terrorism and outlaw terrorism in all its forms."[58]

The STL has failed to galvanize the international community to adopt its definition. A globally recognized uniform definition is necessary to ensure appropriate coordination and cooperation between countries in fighting transnational terrorism. Without such a definition, countries will continue to apply their own definitions of terrorism, which, as revealed in the previous section, has resulted in international disagreements and failure to coordinate policies. This will hinder efforts to prosecute the crime of transnational terrorism as it will prevent international investigations and prosecutions.

During 2013's ICT 13th International Conference: World Summit on Counter-Terrorism, Ganor proposed the adoption of a succinct global definition: "Terrorism is the deliberate use of violence aimed against civilians … or civilian targets in order to achieve political ends – sociological, nationalist, and religious."[59]

Ganor's definition is a simple one. Given the divide in the international community on achieving a definition, simplicity is necessary. The credibility of the United Nations and its terrorism instruments rests on the organization's ability to create a uniform definition of terrorism. To gain the widest acceptance, a definition has to come from the UNGA.

Conclusion

The STL's definition, while not perfect, provides an opportunity for the Security Counil. The STL came into being because of a Security Council decision; the actions of the STL therefore reflect the will of the council. Using the STL definition as precedent, the Security Council can amend the definition to one that satisfies the permanent members. It is in the General Assembly a definition is likely to face the most opposition, but to gain the widest acceptance, the definition must then pass through that body.

In order to incorporate Ganor's definition, the Security Council has to address the rights of people fighting for national liberation. The philosophical argument that one man's terrorist is another man's freedom fighter must be put to rest. Said the late U.S. Sen. Henry Jackson: "Freedom fighters don't blow up buses containing noncombatants; terrorist murderers do…. It is a disgrace that democracies would allow the treasured word 'freedom' to be associated with acts of terrorism."[60]

The international community has sidestepped the question of the legitimacy of violence in national liberation movements. Armed resistance to an occupying force has some legitimacy and has been successfully used by the United States in its revolution against Great Britain and by Israel, again against Great Britain. The Security Council has repeatedly condemned targeting civilians, but the debate still rages over whether Hezbollah and organizations like it employ terrorist methods. This requires an international convention clearly outlining what is specifically permitted under the banner of national liberation movements. This is the only way to succeed in enforcing a non-subjective differentiation between terrorist and freedom fighter.

The global community remains largely divided on this distinction. Without agreement, the terrorism conventions of the United Nations remain ineffective as it is left up to individual countries to determine whether specific acts are classified as terrorism. The STL definition is a base from which to move forward, but it is only the first step.

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Middle East
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Turkey's Energy Policy: From a Human Rights Perspective

by Brian Seavitt

Turkey is known as a corridor between the East and the West. Similar to the benefits of the Silk Road, Turkey continues to use its geopolitical position to boost its economy through shipping, aviation, and energy pipelines. Turkey's growth potential relies heavily on market integration, but if the Turkish government wants to realize this potential, it will have to resolve a number of issues related to human rights abuses and environmental degradation.

One of the problems in Turkey has been published in a recent U.N. Committee on Economic, Social, and Cultural Rights report. The report focuses on the development of hydro-electric power plants (HEPP) in the southeastern part of the country. That is where most of the construction plans for HEPP will occur over the next 10 years – the project is formally known as the Southeast Anatolia Development Project (GAP). Ankara's goal is to construct 1,700 dams to help satisfy the expected increase in domestic energy consumption of 6.5 percent per year until 2022. Ostensibly, this section of Ankara's energy strategy may seem like a good policy since hydropower has traditionally been viewed as environmentally friendly and because Turkey is only using about 18 GW (31 percent) of its nearly 70 GW hydropower potential.[1] What the committee's report calls into consideration over the proposed dams are both the displacement of Turkey's marginalized citizens and the disruption of water flows into neighboring Iraq and Syria.

Turkey can prevent destabilizing relations with its citizens and its neighbors in the region by safeguarding against the threats of hydropower production. Through a flexible approach that respects each of these countries' needs and capabilities, Ankara will be in good position to foster a multilateral agreement that exemplifies the benefits of international compromise and cooperation. In addition to Turkey's regional challenges, it can also become a model for sustainable development around the world. By developing a regional resource agreement in the Middle East, Turkey will be well prepared to assist the international community in the development of an international emissions reduction scheme (ERS). Turkey could help shape the environmental conditions of such an agreement while ensuring protections for its airlines and shipping industries – two foundational segments of Turkey's economy. If Turkey can provide an equitable amount of sacrifice to mitigate the effects of climate change, it would further improve the country's prospects for sustainable development in the region.

Renewable Energy Landscape in Turkey

Ankara needs to focus on reducing its imported energy supply by developing and increasing its vast domestic renewable resources. At the moment, Turkey acquires 70 percent of its domestically consumed fuel from its hydrocarbon rich neighbors – mainly Iran, Iraq and Russia.[2] Domestic production relies approximately 65 percent on thermal production, 30 percent on hydropower, and 5 percent on non-hydroelectric renewables.[3] To resolve the issue that 90 percent of Turkey's energy comes from fossil fuels, both the privatization of Turkey's energy sector and the recently adopted feed-in-tariff are expected to produce growth in the country's renewable energy portfolio. By increasing renewable energy production to meet 30 percent of energy consumption by 2030, Turkey will be on a path to relieve itself from foreign energy dependence and achieve its Kyoto Protocol obligations. Domestic hydropower, which currently accounts for 10 percent of Turkey's total energy consumption, will be the largest contributor in this endeavor. Domestic hydropower potential is nearly four times more than the amount of installed capacity. Therefore, Turkey is planning to increase domestic energy production by constructing hundreds of small hydro-power projects (small HEPPs because the E.U. only recognizes dams with retention ponds smaller than 15 km2 as renewable

energy sources).[4]

The environmental protection and cost saving benefits Turkey is able to gain from increasing its renewable energy capacity and energy efficiency initiatives are enormous. In fact, among countries in the Central and Eastern Europe region, Business Monitor International's risk/reward rating (RRR) assessment lists Turkey as the country that would benefit most from renewable energy production.[5] Part of the reason Turkey's rating is so high is because hydroelectric development will be good for the country's economy. In Turkey, a larger percentage of the capital investment into each HEPP will stay within the country because Turkey has the technology to build these plants. Therefore, the labor dollars put toward engineers and contractors will circulate within the domestic economy.[6]

Furthermore, because hydroelectric energy is dispatchable, it complements increases in non-dispatchable renewable energies, such as wind and solar, of which Turkey has abundant potential. In fact, only 80 MW of 8,000 MW are currently being exploited.[7] Solar capacity can also increase as the present solar energy capacity is listed at 262 ktoe (kilotons of oil equivalent), but is estimated to achieve a total of 35,000 ktoe per year. In addition, Turkey's geothermal production is expected to increase to 6,300 ktoe per year by 2020; an admirable goal but still significantly short of the potential 35,000 MW that could be used.[8]

Domestic Human Rights Violations

For Turkey to achieve full hydropower potential, Ankara aims to leave no river untouched. The development of Turkey's dams are underway, but because the domestic legal system allows project developers exemptions from international development guidelines, the UN Committee on Economic, Social, and Cultural Rights is finding numerous human rights

violations taking place in the country. Communities inhabiting land along the Tigris and Euphrates rivers are being marginalized through the expropriation of their lands and the inadequate amount of restitution they receive in return. In addition, downstream users of the rivers' water often suffer from pollution caused by the construction of dam projects. Because of this situation, tens of thousands of people in Turkey are not able to realize several basic rights including: the right to an adequate standard of living (article 11), the right to the highest attainable standard of living (article 12), and the right to take part in cultural life (article 15).[9] For example: the 78,000 Kurdish people living downstream from the Ihsu Dam on the Tigris river will be effected by 400 km of inundated riverine ecosystem and 300 archeological sites – one of which is the 12,000-year-old town of Hasankeyf.[10] The Ihsu Dam Campaign (IDC) publicized these abuses, which resulted in German and Austrian investors to withdraw their funding.

Unfortunately, human rights abuses related to infrastructure construction are not limited to HEPP projects. The world famous Baku-Tbilisi-Ceyhan Pipeline project, which was supported by the International Finance Corporation, was rife with human rights violations. The approximately $3 billion project was hailed for its successful completion, but, when examined closely, was found to be in breach of five core equator principles, on at least 127 counts.[11]

Turkish Courts

Turkey's legislation on expropriation and resettlement (Law No. 2942), which defines developer's exemptions, reflects the deficiencies inherent within the state's development and infrastructure projects. The relevant international guidelines that are not being followed by developers in Turkey include: the Basic Principles and Guidelines on Development-Based Evictions and Displacement, the World Bank Safeguard

Policies, and the recommendations from the World Commission on Dams.[12] Furthermore, despite Turkey's plans to add 1,700 dams to its energy infrastructure investment, environmental impact statements (EIS) at the basin and country level have been disregarded.[13] Because there is no requirement for an EIS, community participation is not present in any of the development plans.

In addition to the U.N.'s findings on Turkey's breach of ESC rights, both the U.S. State Department and the European Court on Human Rights (ECHR) have criticized Turkey for failing to uphold a range of human rights protections – many related to the environment. Even though the ECHR does not itself express the explicit right to a healthy environment, the maintenance of the environment is indirectly supported in other articles.[14] Furthermore, Puraite and Deviatnikovaite (2013) note evidence supporting the claim that a decent, healthy, and sound environment is an economic and social right comparable to those promoted in the 1966 U.N. Covenant on Economic, Social, and Cultural Rights (ICESCR).[15]

As a result of Turkey's neglectful policy towards these international standards, compensation for citizens' expropriated lands does not reflect replacement value. This leaves scores of marginalized populations to fight against the insecure position of indebtedness as they struggle to reestablish their livelihoods.[16] Turkey's unwillingness to abide by international human rights laws directly inhibits the progress and stability of its international relations. This helps to explain why the Worldwide Governance Indicator ranks Turkey's "control of corruption" and "rule of law" in the 60th percentile among the world of states – among the lowest of all OECD countries.[17]

Improving Domestic Relations

Protecting human rights in Turkey requires changes in legislation that incentivize proper development procedures and deters evasion. One way to implement such a "stick" and "carrot" approach to human rights would be to establish a process that certifies HEPP projects for having followed EIS and other international development guidelines. Only when a project is certified can the project developer use the certification to obtain the country's feed-in-tariff ($0.073 per kWh) for the energy it produces.[18]

In addition to displaced persons being compensated fairly, the HEPP developers should also be required to provide nearby cities part of its feed-in tariff revenues to further compensate for the pressures placed on local municipalities.[19] Turkey can also avoid displacing communities altogether by forgoing HEPP projects and increasing job opportunities through solar, wind, geothermal, and biomass projects instead. Turkey can integrate its Kurdish communities with such a training program at the University of Duhok in Northern Iraq where specialized solar panel-production training already exists.

International Water Sharing

Efficient water sustenance agreements are of increasing importance among the three riparian states of Turkey, Iraq, and Syria. Population growth combined with climate instability has rendered Turkey's water resources a "gold mine" in the Middle East. Both Iraq and Syria are looking to Turkey to supply its water resource needs via the Euphrates and Tigris rivers. These rivers originate in Turkey and discharge into the Persian Gulf after the Tigris flows through Iraq and the Euphrates flows through both Syria and Iraq.

Syria and Iraq depend on the water from Turkey's watershed for their livelihoods. In Syria, agriculture makes up 30 percent of the nation's GDP and accounts for 25 percent of the workforce.[20] In Iraq, agriculture also dominates a large part of its economy as it attributes two-thirds of its water usage to irrigation. Water from the Euphrates and Tigris is utilized less efficiently in Iraq and Syria because agricultural production potential in both countries is less than it is in Turkey. However, because

there is always the potential for a politically motivated embargo to erupt, each country prefers to maintain its own food supply.

Improving International Relations

Turkey will need to consider its relations with its neighbors if the country is to realize its economic growth projections. The country's political stability has recently been called into question after peaceful protests quickly escalated into police brutality earlier this year. Further destabilization produced by Turkey's neighbors would only set the country's market integration ambitions further back. Therefore, by developing a proper and equitable water sharing agreement with Syria and Iraq, Turkey can utilize its watershed resources as a tool for peaceful cooperation in the region.

Turkey can stabilize its relations with Syria and Iraq by signing a multilateral water sharing agreement that allows the Tigris and Euphrates rivers to continue to flow at an equitable pace. The World Bank can also be considered for funding agrarian expertise in the agricultural production areas of the Tigris and Euphrates watershed regions.

Syria

As a result of greater agricultural efficiency, Turkey and Syria will be able to form an agreement based on virtual water supply: the price of crops can be established by calculating how much water it takes for them to be produced. Turkey can then be repaid through crop sales in return for the amount of water it provides for Syria's agricultural and sustenance needs. By allowing Syria to continue to use the expertise they already have in the agricultural sector, Turkey will be able to grow their economy and support their neighbors.

Iraq

Turkey can also resolve its water conflict with Iraq through the Kurdistan region of Iraq. In 2012, the Kurdistan Regional Government (KRG) signed a

contract with Exxon Mobil to extract and explore the oil fields of Northern Iraq.[21] Baghdad did not approve of this agreement and has since threatened to engage Kurdistan's capital, Erbil, militarily if a resolution is not found. However, the KRG has continued to increase oil exploitation by recently signing an agreement with Ankara to build pipelines from Northern Iraq into Turkey. These pipelines will allow Erbil to easily move its oil and gas to world markets. In exchange for Ankara's help, Erbil will provide Turkey with 10 million cubic meters of gas annually.[22] Because Ankara and Erbil have close economic relations, an agreement between the two on water resources should come relatively easily. Therefore, an agreement that allows for an uninterrupted flow of water into Iraq will help to ease the tension among Baghdad, Erbil, and Ankara. The agreement should propose for Turkey to allow equitable river flows into Iraq in exchange for Erbil supplying Turkey with solar panels at a discount. Solar panel manufacturing is already underway in Northern Iraq, and with an intelligent workforce, Erbil could become a hub for solar panel production.

International Climate Change Deliberations

The moral imperative for countries and corporations to reduce their impacts on the environment is gaining traction. Moreover, the Earth's carrying capacity cannot maintain our population's current rate of consumption.[23] Because Turkey is a quickly emerging economy, it will be a country of particular focus at every international meeting on climate change over the next century. Turkey is actually in a good position to reduce its GHG emissions even though its economic and population growth rates will continue to rise over the next nine years. [24]

Historically, Turkey has contributed less than 1 percent of total greenhouse gases globally. However, the country has grown to be the 24th largest GHG emitting nation in the world today.[25] Turkey's emissions growth is mainly due to its reliance on thermal resources, which relates to the country's growth in its transportation

sector; namely, maritime trade and aviation. Business Monitor International provides a detailed account of Turkey's energy practices. This report forecasts Turkey's GHG emissions continuing to grow along with per capita GDP into the foreseeable future unless significant emissions reduction measures are taken.[26] In light of Turkey's growing contribution to climate change, the country should be amenable to an agreement on an international ERS. Nevertheless, Turkey will surely continue to protect its main industries; namely, aviation and shipping. To this end, an agreement should consider several aspects. A) It should exclude aviation from any regional emissions agreements. B) It should provide for the facilitation of technology transfer in all fields sustainable.

Creating a Level Playing Field

The shipping and aviation industries present a significant contribution to climate change. Together they account for approximately 7 percent of total global emissions;[27] a figure that is expected to double by 2050.[28] Therefore, emissions in these two industries need to be reduced.

However, the shipping and aviation industries are advancing toward emissions reduction agreements at different paces. The aviation industry is already undertaking processes that will reduce its emissions because the E.U. forced its ERS on all airlines. In October 2013, the International Civil Aviation Organization agreed to develop carbon neutral growth after 2020 (CNG2020). However, the marine industry is not faced with the same degree of pressure as the airline industry because the European Union did not include maritime operations in its ETS. Therefore, in order to achieve Pareto efficiency during the adjustment period, e.g. until 2050, international emissions reduction schemes should exclude commercial airline activities but include shipping operations with the requirement that technological assistance be provided to the shipping industry.

Marine

Turkey's shipping sector provides both economic and strategic benefits. Turkey is currently the 15th largest exporter of containerized cargo in the world (1.6 million tons).[29] In the decade between 1998 and 2008, Turkey's shipping industry grew from approximately 2,800 to 33,500 employees.[30] Turkey is also the seventh largest exporter of steel in the world, which makes it a good candidate country for shipbuilding to increase.[31] Finally, supporting Turkish shipyards supports the Turkish navy. Turkey is located in a region of the world that is relatively unstable; therefore, preserving defense capabilities will continue to be a primary concern in the country.

Emissions in the global shipping industry need to be addressed because they account for 3 percent of the world's total GHG emissions and are predicted to double by 2050 if no action is taken.[32] The International Maritime Organization (IMO) is currently working with all member-states to reduce GHG emissions. However, energy efficiency improvements in the shipping industry need to advance much quicker if they are going to have a significant effect.

Turkey should agree to an international carbon reductions scheme for maritime operations if an international committee agrees to provide technological assistance to Turkey's shipping industry. The reason Turkey will need the assurance of technology transfer is because the demand for more efficient shipbuilding will increase if a carbon reduction scheme is adopted. Such an agreement would benefit the companies that are in a better position to transform its fleets, leaving the companies with sufficient carbon reduction technologies to be forced out of business.

In addition to new shipbuilding, all new ships require maintenance and repair that should be performed with the latest eco-friendly technologies. E.U. countries, which have been operating under environmental regulations for nearly a decade, already have these

systems in place.

In summary, shipping manufacturers with technological advantages would gain a competitive advantage in the race to build and repair efficient vessels. In order for Turkey to protect its market share, it will need to be ensured that the technology currently being used by other shipyards will be shared with Turkey's shipbuilding manufacturers over the short-term (at least until an ERS implementation date). If developed countries can agree to provide technology transfer in the shipping industry, Turkey could use shipyard profits to invest in more clean energy technologies. Such an investment is especially crucial in Turkey because of its energy intensive industries of iron, steel, and cement.

Aviation

Commercial airline operations should not be included in an international emissions reduction framework that is linked to a country's budget. Pegasus Airlines and Turkish Airlines are projected to experience strong growth into the foreseeable future. In fact, Turkey is being called Europe's fastest growing aviation market. The number of flights into and out of the country is expected to increase 7 percent each year from 2012 to 2019.[33] For Turkey to maintain its market share in the aviation industry and support overall market growth, it will need to compete on a level playing field with other airlines. The International Civil Aviation Organization (ICAO) is already developing a balanced emissions reduction scheme for the aviation industry.

Conclusion

The steps taken by the international community today can greatly reduce the potential problems future generations face. The world's expanding population combined with a diminishing supply of vital resources seems to align humanity's fate with a Malthusian devastation. However, Turkey can help create sustainable solutions by supporting its neighbors in the region and by working with countries whose practices are sustainable.

Turkey has always regarded its water resource as its sovereign and permanent right to use as it wants. Meanwhile, Syria and Iraq call the rivers "international waters," thereby providing each its right to an equitable amount of water. Whether Turkey is correct to claim that it has the right to use its water resources as it deems fit is immaterial to the fact that by limiting water to its neighbors may cause regional conflict. To further ensure Iraq and Syria that Turkey's responsibilities as stated in the agreements are upheld, Turkey should ratify and abide by the U.N. Convention on the Law of the Non-Navigational Uses of International Watercourses, which obligates state parties "to use the international watercourse in a manner that is equitable and reasonable vis-à-vis the other States sharing it."[34]

Domestic courts play a critical role in ensuring human-rights responsibilities. However, Turkey has historically relied on negligent environmental and human-rights policies to attract foreign direct investment in hopes of growing its economy. Indeed, companies have traditionally viewed countries with fewer regulation requirements as more attractive investment opportunities. However, the development discourse is starting to change as international investors are shying away from development projects that do not follow the safeguards outlined in international investment guidelines.

In light of this change in Turkey's investment environment, Ankara would benefit most if they focus on reducing the level of corruption in its legislative and judicial branches. Once proper safeguard mechanisms are imparted, Turkey can be a very influential force in promoting human rights protections and environmental stewardship around the world. The country has recently attempted to do this by extending its foreign bribery laws to include the activities of organizations and institutions in the country. Turkey could also reduce corruption by making significant improvements to whistleblower protections.[35] This would help to curb corrupt practices by creating a precedent for exposing illegal activities.

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The Web of Reconciliation Development: An Intervention in Bosnia and Herzegovina

by Zlata Gruosso

In July 1995, Serb forces under the command of General Ratko Mladic took over the Bosnian town of Srebrenica. The main targets of the mass killings were male Bosnian Muslims.[1] Based on reports provided by the International Committee of the Red Cross (ICRC) during its humanitarian work during the war in Bosnia (1992-1995), more than 7,000 men and young boys were killed in Srebrenica,[2] deemed as the "single worst atrocity during the war and in Europe since World War II."[3] Previous to the massacre, the U.N. Security Council determined Srebrenica to be a "safe area" as a means to protect the civilian population and allow for the provision of humanitarian aid.[4] Today, in the Srebrenica-Potocari memorial for the victims of the genocide, there are 8,372 tombstones.[5]

Drawing upon current peace-building needs in Srebrenica, recommendations provided by the Post Conflict Research Center (PCRC) and the work of the International Commission on Missing Persons (ICMP), I will propose a new peace-building intervention WORD (Web of Reconciliation Development) framework, using Lederach's "Web Process" framework and William Ury's "third side" approach. Based on data from the PCRC, accounts from those who survived the genocide and family members of those killed and missing; the main peace-building needs include acknowledgement, re-establishment of relationships and truth-telling about the war. First, is the need to end a culture of denial regarding the genocide and war crimes (especially since mass graves have been uncovered), which commonly begin with the leadership, and trickles down into the communities. Second, both Serb and Bosnians need dialogue and reestablishment of relationships as a community as part of the healing process, as well as reparations and compensation for the victims and their families. Third, children need to learn the truth about the genocide, the war and peaceful coexistence.[6] Hence, civil society will play an important role in the reconciliation process, and in assisting with the implementation of an educational program where both Serb and Bosnian youth will have the opportunity to interact with each other and learn about reconciliation, truth about the war, ethnic equality and tolerance.

The first section of the paper will provide a brief historical account of the war in Bosnia, with a focus on the Srebrenica genocide. The second section will focus on designing the Web of Reconciliation framework: Who is the framework designed for, funding and facilities, dialogue, educational program and the role of civil society. The third section will focus on an analysis of Lederach's Web of Reconciliation[7] and William Ury's "third side" approach;[8] and how they will help address the needs of the intended groups. The final section of the paper will provide a brief summary, and will underline the elements that would allow the WORD framework to benefit both sides in the conflict.

Historical Account

In 1992, the war in Bosnia and Herzegovina broke out (July 1995, the Srebrenica massacre took place) culminating with the signing of the Dayton Peace Accords in 1995. The number of people killed during the war in Bosnia is estimated to be between 200,000 and 328,000. Prior to the war, the population in Bosnia was about 4.3 million people. Over 2 million people in Bosnia were displaced during the war.[9] Historical grievances against Bosnian Muslims, combined with the aspiration for an "ethnically pure greater Serbia," led to Serbian animosity and hostility, and eventually to genocide.[10]

The town of Srebrenica in Eastern Bosnia, was declared a "safe area" by the U.N. Security Council, and placed under the safeguard of a small Dutch peacekeeping contingent, DUTCHBAT (Dutch Battalion), which was under the command of the U.N. in conjunction with UNPROFOR (United Nations

Protection Force). However, DUTCHBAT's mandate was ambiguous, and possessed only a limited number of arms.[11] On July 6, 1995, the Bosnian Serb army, under the command of General Ratko Mladic, surrounded Srebrenica. During the siege of the enclave, the Dutch commission was unable to protect the civilian population or to prevent the attacks. As a result, more than 15,000 men fled to the forests in an attempt to escape from the Bosnian Serb Army.[12] Many of these men were ambushed, captured, and killed, or sent to concentration camps near the town of Tuzla, which was under the control of the Bosnian army.[13] Other men remained in Srebrenica and were forced to walk to the U.N. compound in the town of Potocari. Once in the compound, men were separated from their families, and many were later murdered.[14] Hence, the Srebrenica massacre symbolizes the most evident representation of genocide and the ethnic cleansing of the male Muslim population in Bosnia.

Today, the bodies of many of the 9,000 victims are still missing, and mass graves continue to be uncovered.[15] In 2009, 534 "partial" remains from the Srebrenica genocide were found, and were finally laid to rest by their families.[16] In July 2013, the bodies of 409 victims were finally buried in the Srebrenica Potocari memorial, almost two decades after the genocide.[17] On Nov. 1 2013, authorities in Bosnia uncovered a mass grave containing 231 bodies and body parts of 112 victims from and around the town of Prijedor, North-Western Bosnia.[18] Finding the bodies of their loved ones is not only important in bringing a sense of closure to victims' families, it is important in providing the crucial material evidence needed to substantiate that mass killings took place, and that denial of the genocide is no longer acceptable. The uncovering of mass graves in Srebrenica "is perhaps the most prominent example of the importance to history of the presence of bodies."[19]

WORD Framework Design

What is the WORD Framework?

"If there would not have been Muslims in Srebrenica, the genocide would not have happened. Only truth will give us solace. Without truth and acknowledgement we cannot think of a bright future"

– Hatizda Mehmedovic, Founder Mothers of Srebrenica Association

The WORD Framework is an intervention directed at helping a community that has been deeply affected by conflict, in this case the Srebrenica genocide of 1995. To begin the reconciliation process, the proposed peace-building framework will enable those affected the most by the conflict – the families of the victims, survivors, and youth – to address prevailing issues, such as the need for acknowledgement, and the need for truth, among others. During a visit to the Potocari Srebrenica Memorial on June 2013, it was shocking to learn that Serbs have not visited the Srebrenica Memorial to this day, because many continue to be in denial. Hasan Hasanovic, a survivor of the Srebrenica genocide stated: "I am deeply sorry that some people still deny the reality of genocide in Srebrenica. I truly hope that this will change in time."[20] Therefore, addressing the needs of the victims is crucial. Through a number of extensive dialogue sessions, where each session will focus on particular needs, and issues, both Serbs and Bosnians will be able to discuss their own individual needs and grievances and learn each other's point of view on the conflict. Hopefully they can reach reconciliation and create an environment of empathy as well. The educational program within the

framework will educate youth about the genocide, and guide them toward a path of understanding, truth, and reconciliation.

Who is the Framework Designed For?

The proposed peace-building framework is designed for three specific groups. The first group is the family members of the victims of genocide, including the victims whose remains have not been found. It is important to stress that besides the need for acknowledgment and putting an end to denial, finding the remains of their loved ones and giving them a proper burial is an important and necessary component of the healing and reconciliation process.

The second group includes the survivors. This group is particularly important since they have and continue to suffer from extensive trauma. Survivors witnessed major atrocities such as the murder of friends and family members, and in many cases suffered torture. The third group is the youth. This group is significant as well, since they were not alive or were too young during the war in Bosnia. Therefore, I believe that youth are particularly vulnerable to ethnic intolerance as well. Since they are likely to learn distorted accounts of the genocide from their families, and learn incorrect history of the war and the genocide in school. Therefore, it is crucial for youth to learn the correct truth.

Funding and Facilities

Funding is an important and necessary element for a "society emerging from conflict, where poverty, ongoing ethnic, political, religious rivalry, and lack of adequate infrastructure continue to be an issue."[21] Hence, it is crucial for the proposed intervention in order to guarantee that the services (including assistance to the local government for compensation and reparations) and infrastructure necessary for the program continue. The dialogue sessions and the educational program will take place in schools and spaces provided by local businesses (e.g., restaurants in Srebrenica and the nearby towns of Tuzla, and Bratunac, where many

survivors, and families of the victims live as well). Funding will be provided by the World Bank Post Conflict Fund (PCF), which provides grants for social and physical reconstruction, under the direction of the Conflict Prevention and Reconstruction Unit. The PCF is important since it not only welcomes submissions from NGOs but from civil society groups in conflict regions as well.[22] Finally, it is necessary to point out that the World Bank has been concerned with post-conflict funding since the 1990s, and 25 percent of the loans it has provided are aimed at post-conflict regions.[23]

Developing Dialogue and Relationships

"Conversation has the unique quality of providing a meaningful space for participation and interchange. In conversation, I gain entry into another's thoughts and feeling" [24]

Dialogue is an important component in the healing and reconciliation process in post-conflict regions. Although Serbs and Bosnians have been living next to each other after the war, the community in Srebrenica, as previously addressed, continues to suffer a series of unresolved issues. Through sessions of dialogue, Serbs and Bosnians will have the opportunity to address their needs, ask questions, tell their own stories of survival, talk about family members they lost, and begin the process of rebuilding relationships. A good example of dialogue as a tool toward reconciliation is the Association of Mothers of Srebrenica, founded by Hatizda Mehmedovic, a Bosnian Muslim survivor of the genocide. Hatizda lost family members including her husband and sons, whose bodies have never been found. Like many others, she was forced to leave Srebrenica during the war. Upon her return, Hatizda founded the Mothers of Srebrenica Association. Today there are more than 2,000 members, the majority women.[25] Mothers of Srebrenica represents a safe haven where mothers and wives remember their loved ones, cry, provide moral support for each other, and feel safe to talk about the genocide.[26] Why do these women feel free and safe to talk about the genocide? These

women are mothers and wives who lost their husbands and sons; they are Bosnian Muslims; they are all survivors and witnesses to the genocide; and they all share the same desire and need for acknowledgment, truth, and reconciliation.

Finally, the same approach used by the Mothers of Srebrenica will be implemented in the framework, with the inclusion of Serb women as well. Women are an important part of the community, and they can play a key role in engaging and bringing the community together for dialogue. Dialogue sessions will not be limited only to women; men and women in the community will participate together as members of a community, emphasizing the importance of inclusion.

Based on Lederach's representation of the web of relationships, maintaining and reestablishing relationships are essential in the process of weaving a strong and stable web of relationships,[27] in this case, the Serb and Bosnian community. In order to establish strong relationships or a strong web, and achieve reconciliation, a number of key points and steps will be considered and followed, during the dialogue sessions.

First, both sides, Serbs and Bosnians, will have different approaches, and understanding of the conflict, which must be addressed and recognized. Second, this process necessitates time, adjustment, and commitment, keeping in mind that these may change.[28] Third, families of the victims and survivors will need acknowledgment and an end to denial in order to reestablish relationships. During the third step, the continuation and strengthening of relationships and dialogue are important. Fourth, it is imperative to stress that in order to reach this point in the framework all previous steps and issues must have been taken and addressed and hopefully resolved. Once the dialogue sessions have achieved their objective, a visit to the Srebenica-Potocari memorial will take place, where Serbs and Bosnians will go together as a community, as a symbol of reconciliation. The web is strong and complete.

In order for participants to feel comfortable, and in a welcoming environment, food will be served during the dialogue session. The sessions will take place at different locations, which will be determined by the participants; for instance, restaurants, participants' homes, or schools. As described by Ury, "bridge-building takes place all around us, sometimes without us even perceiving it - at family meals, on school projects, in business transactions, and at neighborhood meetings."[29] Finally, the number of dialogue sessions needed to reach the final step will depend on the number of participants and the progress made, since the dialogue sessions may bring extremely difficult topics to the surface. The presence of support staff such as psychologists, psychiatrist, and counselors might be necessary during certain sessions.

Educational Program

"Children that attend schools today, many of which were used as concentration camps, do not know what really happened. Children need to know the correct truth,"

– Mehmedovic, Hatizda

Almost two decades have passed since the war and the Srebrenica massacre in Bosnia. Based on the PCRC work in Bosnia, the main concern is that young people "are growing up without appropriate education, and peace studies. Therefore, it is absolutely necessary to reform the education system, and to enable young people to cross entity lines, learn about the war, connect with each other, and learn that there are no borders between people."[30]

The PCRC has created a project called Srdan Aleksic Youth Competition, where young people from various regions in Bosnia (e.g.Srebrenica, Tuzla, Bratunac) are encouraged and given the chance to learn about "moral courage, learn and share stories about peace-building, and inter-ethnic support in their own communities."[31] The Srdan Aleksic Youth Competition is a very useful tool in education. It presents young people

with an opportunity to use their imagination while they learn, research, and interact with other young people in Bosnia – young people who, like them, might not have been educated about the war; have been taught different accounts about the war, and most troubling, ethnic and religious intolerance and denial and hatred toward one another. Encouraging youth to take the initiative in learning about the horrors of war is a major step, but teachers, parents, and their communities must be involved in the process.

The PCRC's work and projects are vital to the proposed framework since its mandate is to promote and develop "an environment of sustainable peace and facilitate the restoration of intergroup relationships in Bosnia and Herzegovina and the greater Balkans, using creative multimedia projects and programs, which encourage the promotion of "tolerance, moral courage, mutual understanding, and positive peace."[32] The PCRC encourages and work toward integration and inclusiveness, in essence peace and reconciliation among all peoples in the Balkans.

In order for both Serb and Bosnian youth to learn the truth about the war, ethnic tolerance, and peaceful coexistence, first they need to interact with each other and learn together. Hence, introducing a project such as the Srdan Aleksic with the inclusion of youth from Serbia, coupled with changes in the educational system (making sure that teachers are not biased) and the political structures. Finally, the proposed educational program will be all inclusive, interactive, and it will provide students with all the tools necessary to expand their knowledge and imagination (e.g., computers, textbooks).This environment will encourage students to see each other as equals, without being distinguished or judged because they are Bosnian or Serbs.

Civil Society

As stated by former U.S. Secretary of State Colin Powell, "a civil society is one whose members care about each other and about the well-being of the community as a whole."[33] Civil society groups continue to play an important role in peace-building, in particular in post-conflict regions.[34] A number of functions of civil society have been identified during a research project called "Civil Society and Peacebuilding" by the Centre on Conflict, Development and Peacebuilding (CCDP). These include: Protection of citizens against violence, Inter-group social cohesion (bringing people together from adversarial groups), and facilitation of dialogue.[35] As described by Ury in the Third Side approach:

The third side is not a transcendent individual or institution who dominates all, but rather the emergent will of the community. The third side possesses the power of peer pressure and the force of public opinion. It is people power.[36]

"Third side" is the people, the community, family, and civil societies that push for change and justice, and point toward the creation of institutions that will assist them in bringing their needs and demands to light. The International Commission on Missing Persons (ICMP) is an institution that works closely with families of the missing, encourages the participation of the community, promotes the work of other organizations, and very importantly, ensures "the cooperation of governments in locating and identifying those who went missing during armed conflict or as a result of human rights violations."[37] "Not being able to find the missing has been labeled as torture by the families, and only when the mass graves were discovered, families of the victims began to accept what really occurred in Srebrenica and to their loved ones."[38] The ICMP's work has not only been important for the families in finding their loved ones, but it has been involved in outreach as well, by educating youth about the war. The discovery of mass graves and DNA testing, have proven to be instrumental in proving that genocide did occur.[39] In addition, in 2004, the Parliamentary Assembly of Bosnia and Herzegovina, adopted the Law

on Missing Persons. The Law on Missing not only protects the rights of the missing but of their families as well, by providing them with social and economic benefits.[40]

In summary, the work of institutions such as the ICMP and the PCRC that work closely with the communities, families of the victims, survivors, youth, and civil society groups such as the Mothers of Srebrenica, show that in addition to the government, the international community, and NGOs, peace-building would not be effective without the inclusion of citizens and communities. Finally, the third side "is the voice that urges us to heal old grievances, it is the capacity to listen to the other side and show empathy; it is the impulse to respect the basic human needs of all."[41]

Analysis

Lederach and Ury's frameworks were selected as a basis for the proposed peace-building intervention for various reasons. First, Lederach's "web of relationships" framework must have a strong foundation, which grows as relationships are reestablished. Much attention and importance is placed on communication, dialogue, commitment, and flexibility, while appealing to one's imagination, as important components in creating a strong and durable web. In addition, it is important to understand that as previously addressed in the paper, the process of building a strong web is not static. Relationships, circumstances, and processes change. In post-conflict regions, such Bosnia and Herzegovina, people must be allowed to have a voice, express their grievances and needs and educate the youth. Without dialogue, and relationships, people and communities, especially in regions where ethnic divide, religious intolerance and historical grievances led to genocide, will not be able to reach reconciliation. Lederach's web framework utilized critical components necessary in addressing the needs of the victims, survivors, and youth.

Ury's 'Third Side" approach touched upon an instrumental element, which complemented Lederach's framework: the important role of people, civil society, families, communities, and, once again, dialogue. Governments, NGOs, and the international community, have learned that without involving the ordinary citizen, and without the help of civil society groups, such as the ones introduced in the paper, the peace-building process in less effective. Survivors, families of the victims, and communities who suffered and were victims of the horrors of war need to be taken into consideration during the peace-building process, which is what Ury stresses in the third side approach.

Conclusion

The WORD framework is a new proposed peace-building framework based on the current peace-building needs for the survivors and families of the victims of the Srebrenica genocide of 1995. The younger generations were either not alive or very young during the war, and many lack proper education on the war and the genocide in Srebrenica. Therefore they are an important target group in the framework. The proposed intervention will attempt to aid the target groups (survivors, families of the victims, and youth) in resolving their peace-building needs, through the implementation of an educational program, extensive sessions of dialogue, and with the help of civil society groups such as PCRC and organizations such as the ICMP, in reaching a long lasting and peaceful reconciliation.

Being of Croatian decent, having lived in Croatia during the war, and having had the opportunity to learn from survivors, and families of the victims of the Srebrenica genocide, I hope and wish that the proposed framework will help Serbs and Bosnians, reestablish and strengthen relationships and build strong communities where denial, lack of acknowledgment, and ethnic and religious intolerance are no longer present. Whether we are Croatian, Bosnian, or Serbian, we must remember that we once lived peacefully together during a time when we saw each other as equals and religion and ethnicity did not dictate our relationships or our ideals.

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Privatizing Russia's Oil: Case Study of Yukos

by Margreta Chudnovsky

In the years since the dissolution of the Soviet Union, Russia has become more integrated in the global economy as around one-third of Europe's gas, coal, and oil imports come from Russia. But recent events in Ukraine's Crimea region have certainly put Russia back in the spotlight. In fact, on Monday, March 3, 2014, the Russian stock market index, the RTSI, fell more than 12 percent, wiping out about $60 billion in asset value, a sum higher than the cost of the Sochi Olympics.[1] These events have also brought back into the spotlight the lingering questions regarding the stability of Russia as a market economy. In order to assess Russia as a market economy though, it is necessary to understand the privatization of Russia's economy.

The Russian post-Soviet privatization program has been surrounded by over two decades of controversy for contributing to the criminalization of the economy and the highly inequitable distribution of wealth. The reformers in Russia expected that privatization itself would create a class of owners and managers who stood to gain from building up the value of firms and would thus pursue value-creating strategies in managing them. The rationale was that private capital would substantially reward the emerging private sectors and lead to the establishment of the necessary institutional infrastructure to support free market enterprise.[2] "The central tenet of [the reformers'] faith, private property, was ultimately all that [they thought] mattered.[3]

" However, the key institutions that are required in a market economy, including property rights, a functioning legal system, and a banking system with regulatory institutions, did not, and still do not, effectively exist in Russia. This paper presents a case study of Yukos Oil company to serve as a model for analyzing the processes involved in and consequences of Russia's privatization program, given that the oil industry it is one of the economy's most strategic sectors. Privatization was implemented in an environment of a weak state, which did not have the capacity to prevent the asset stripping strategies that were pursued and legitimized the persisting lack of property rights.

The initial vertical integration stage of privatizing Yukos, from 1992 to 1995, proved to be unsuccessful in establishing an efficient private enterprise. Even after the full transfer of company ownership to private agents following the loans for shares program in 1996, the management, headed by then CEO Mikhail Khodorkovsky, chose to strip the company of its assets and thus diminished its value. Subsequently, the privatization of state-owned companies such as Yukos led to the creation of privately owned firms with no effective regulation, pursuing strategies with astonishingly destructive social consequences.[4] Even when management began developing incentives to invest in the privately owned companies and build up their value, as Yukos did after 1999 – the arrest, trial process and conviction of Khodorkovsky since 2003 demonstrated the continued interplay between politics and the private sector in Russia. And contrary to the reformers' expectations, privatization alone was not sufficient and has not resulted in an effective institutional framework to support private enterprise.

The 'Shock' of Privatization

The post-Soviet shock therapy reforms that were pursued under the guidance of the IMF and World Bank reformers assumed that removing price controls and replacing them with rapid privatization would lead to greater efficiency and welfare, even though there were simply no mechanisms for social distribution outside the state, which controlled elements such as services and wages. The government reformers under the leadership of Anatoly Chubas believed that a wide distribution program was politically helpful in the short-run. Once

support for the program was mobilized and the rights to property were transferred to a dispersed group of private owners, the process would be irreversible. A more efficient structure of ownership could later be developed through the mechanisms of capital markets.

There were other reform policies and strategies discussed such as the one put forward by George Soros that was a more involved approach for the West to play a role in Russia's restructuring, as the United States did in postwar Europe with the Marshall Plan. But this approach was not pursued, in part, as the Western democracies did not want to take the responsibility to cover the bill out of their own budgets and also because Russia was not willing to accept such an intrusive approach. The IMF and World Bank subsequently undertook the task of heading Russia's path of privatization.[5] Instead, the money that was given to, or raised by, the government for balance of payments and budgetary support disappeared in government bank accounts or more likely in their pockets, given the lack of an institutional infrastructure. If all of the pensioners had received their pensions and the unemployed had been given unemployment benefits, the consequences of privatization, the economy's transition and the development of an effective institutional infrastructure in Russia could have taken a different course. Instead standards of living in the former Soviet Union dropped dramatically, with two-thirds of Russians today still living near the poverty line,[6] and a predatory and unregulated business culture controlled by a disproportionately wealthy oligarchy consolidated control over the private sector.

Stage One: Vertical Integration

The early years of economic reform in Russia, and particularly in the oil industry, convey that the privatization process contributed to the criminalization of the economy and the inequitable distribution of wealth that occurred. These early years of economic reform followed the disintegration of the Soviet Union, when all of the oil industry enterprises were entirely state owned and reported directly to the Ministry of Fuel and Energy. Yet by 1992 presidential decree 1403 established the first three Russian oil companies to be partially privatized and restructured as vertically integrated oil companies (VIOCs); Yukos Oil Company was among these three companies. The VIOCs were organized according to the principles of vertical integration, which consisted of a parent company and its production, refining, and marketing subsidiaries. The parent company received a 51 percent equity-voting stake in its subsidiaries.[7] The federal government intended to retain a 51 percent ownership stake for three years in all of the VIOCs' oil producing, refining and marketing subsidiaries. The remaining 40 percent ownership shares were sold in investment tenders and 15 percent were distributed to the employees, management and the public through privatization vouchers.[8] Many Russians were persuaded to think that they were supporting a fair program of wealth and ownership distribution under which they would be true beneficiaries of privatization. The common slogan repeated by Yeltsin was "we need millions of owners, not a small group of millionaires."[9]

The intended goal of Russia's reformers in restructuring the oil industry was to promote growth and development by creating private enterprises in which management would focus on utilizing company resources productively and generate revenue for the company and its shareholders. The VIOCs however proved to be structurally inefficient and were utilizing the operational practices of Soviet oilfield development methods. In fact, after 1992 the oil production of Yukos consistently declined so that by 1994 the company produced merely 196 million barrels per day, compared to its 1986 production level of 520 million barrels per day.

In fact, on average, 35.5 percent of the company's total oil wells were idle by 1995, which partially explains this decline in oil production. However, this decline in production was not unique to Yukos because since 1993 there was a decline in Russia's total oil production from 357 million tons to 305 million tons by 1995.[10]

The partial privatization itself was not sufficient for promoting growth and development because the country lacked a basic infrastructure of laws and law enforcement, such as legal protection for minority investors and regulation of the managers' fiduciary responsibilities, which govern a firm's corporate practices.[11] In theory, private property was expected to create incentives for choosing managers who would follow acceptable corporate governance practices in managing the VIOCs. However this did not occur primarily because "the establishment of the VIOCs in 1992 was facilitated by the general directors of the former Soviet oil enterprises who wanted to keep their newly gained autonomy and control over their enterprises."[12] The distribution of assets and subsidiaries among the VIOCs resulted more from former Soviet contacts and influence than from economic or strategic logic and became a method for appeasing the former Soviet oil industry ministers and managers to ensure that they would support the privatization program. In fact, managers had been allowed to obtain controlling blocks of equity fixed at just 1.7 times their July 1992 book value, which given hyperinflation levels of 1,350 percent in 1992 and 900 percent in 1993 was virtually at no cost. These managers were also given subsidized direct and indirect credits or permitted to use company capital to buy shares as well as to purchase those vouchers given to workers. By 1994, managers had gained majority control in about three-quarters of the privatized companies and continued to run most of the remaining companies.[13] Some of the reformers themselves later commented that "the ownership structure emerging from Russian privatization ... [gave] managers too much control relative to what is needed to speed up efficient restructuring."[14]

Stage Two: Loans-For-Shares Program

The second stage of privatization began with the loans-for-shares program, proposed by the owner of Oneksimbank, Vladimir Potanin, and supported by several other major Russian banks at the time. The financial institutions that supported the program were ultimately its primary beneficiaries. These were the banks that had thrived from 1991 to 1994, a period of hyperinflation in Russia. However by the end of 1995, given the rapid currency depreciation, the commercial banking business became much less profitable for them. At this point, the financial institutions began to gradually shift their focus from the banking sector to the industrial sector and were very much in favor of the proposed loans-for-shares program.[15]

The loans-for-shares program was formally approved by the federal government in September 1995, due to the government's need for funds to finance the growing budget deficit and according to some also to finance Boris Yeltsin's re-election campaign. According to the conditions of the loans-for-shares program, the financial institutions proposed to lend funds to the Russian government. The repayment of the loans was secured by the controlling government stakes, with accompanying voting rights in a number of major oil, metals, and telephone companies. The stakes in these companies were to serve as security to whoever would loan the government the most money. In the oil sector the auctioned companies included Yukos, Surgut Holding, Sidanco, LUKoil, and Sibneft. This would be phase one of the loans-for-shares program. If the government failed to repay their loans by Sept. 1, 1996, the lending institutions could set into motion phase two of the program by selling those government shares that they were holding as collateral.

Despite the federal government's need for funds, there was little competition during phase one of these auctions and most purchases were significantly below their market prices. This was primarily because the rights to manage these auctions were divided among the major

banks, which contrived to win the auctions that they managed at astonishingly low prices. Tactics included having the auction manager participate in two separate consortia to meet the formal requirement for at least two bids, each of whom bid the government's reservation price or slightly above that. No one else bid at all and most foreigners were either excluded formally or understood that it was pointless to try to bid.[16] Consequently, the government received considerably less revenue than they had anticipated and needed, despite the fact that by the end of 1994 the proportion of the population living below the poverty line tripled to a third and GDP fell by 47percent during the period from 1991 to 1994.[17]

In the case of Yukos, Bank Menatep, in a syndicate with Tokobank and Stolichnyi Bank, arranged the company's first auction. Bank Menatep was formed by Mikhail Khodorkovsky and several other Soviet bureaucrats in 1988 and was considered to be the only Russian bank to demonstrate an industrial focus from its inception. In fact, in 1992 Bank Menatep created the company Rosprom to administer its industrial group of enterprises.[18] ZAO Laguna, a Menatep affiliated company, won the auction for Yukos in December 1995, and Menatep obtained a 33percent stake in Yukos for a loan of $159 million to the federal government. This was a very profitable deal for Menatep, given that Yukos had annual sales of roughly $3 billion at the time.[19] Once the Menatep-Rosprom group gained control of Yukos, the company became "the central part of their [industrial] empire."[20]

As the lending financial institutions expected, the federal government did default on repaying their loans by the established due date of September 1, 1996. The lending institutions consequently began selling the shares they were holding as collateral from the government and Bank Menatep organized the second auction for Yukos. "A basic pattern emerged [during phase two of these auctions], which broadly reflected the array of restrictions and special deals established in 1995."[21] The financial institutions that organized the second loans-for-shares auction again acquired

controlling stakes in the same companies that they were auctioning. The winner of the second auction for Yukos was ZAO Monblan, another at-the-time unknown Menatep affiliate. At the news conference after the sale, a Menatep executive could hardly restrain his laughter when he stated that he did not know who owned the company that had just purchased Yukos. The government's stake in Yukos was purchased for merely $160.1 million, a price that was barely above the original loan amount of $159 million in 1995 and just above the required minimum bid price of $160 million in 1996.[22]

The Aftermath Of Loans-For-Shares

The structure of Russia's oil industry changed considerably following the loans-for-shares program "by favoring the emergence of financial-industrial groups [FIGs]," such as the Menatep-Rosprom group.[23] And by the start of 1997, the Menatep-Rosprom group owned more than 85percent of Yukos shares; the company's ownership structure is illustrated in Table 1 (see Appendix).[24] The loans-for-shares program also gave rise to the Russian oligarchs, a small group of bankers and industrialists, such as Khodorkovsky, who were able to gain control of strategic companies, such as Yukos, at a fraction of their true value during a time of "uncertain property rights, an underdeveloped legal system, and poor investment conditions."[25] In fact, according to a popular Russian joke, the loans-for-shares program was referred to as prikhvatizatsia, from the Russian term khvatat', to grab, which referred to it as the grabbing of assets program.[26]

In economic terms, an oligarchy is a market divided between a few main players and much of the criticism regarding the loans-for-shares program focuses primarily on the emergence of this disproportionately wealthy oligarchy. And although a large redistribution of wealth is expected to occur in a transition economy, the real controversy concerning the wealth redistribution in Russia was that a very slim margin of the population, the oligarchs, had benefited. In the years following the loans-for-shares program, the wealth gap between the

oligarchs and rest of Russia's population grew as they pursued asset-stripping strategies in managing the companies that they had purchased.[27]

In the case of Yukos, the unstable political and economic environments provided management with more profitable incentives to manage the company by stripping its assets, for example by extracting the firm's cash flows that would otherwise go to the government as taxes or to shareholders as dividends. "Self-dealing was easy, running a business for profit was hard, growth prospects were dim . . . capital markets were rudimentary, managerial skill was scarce, [and] unprofitable firms were subsidized while profitable ones were heavily taxed."[28] Furthermore, without a significant presence of investors outside the Menatep-Rosprom group to check the company's corporate practices, there were no enforceable restrictions on the asset-stripping strategy that was pursued, as studies analyzing the company's financial statements at the time have shown. Management was estimated to be pocketing over 30 cents per dollar of company revenue while not paying workers their salaries, defaulting on tax payments, destroying the value of Yukos subsidiaries, and not reinvesting into the company's oil fields. The subsidiaries also went from earning a pretax profit of approximately $1 billion to having minimal profits or outright losses.[29] And although this was not an advantageous strategy for Yukos in the long run, it was preferable to pocket guaranteed short-term profits versus investing into uncertain future profits, given the lack of an effective legal infrastructure to prevent that.

In an effort to consolidate Yukos and its subsidiaries, during the period from 1997 to 1999 there was a series of transfers of subsidiary shares offshore and a significant dilution of minority shareholders. Khodorkovsky himself proposed "a massive new share issuance [package of its subsidiaries] at prices that valued the [subsidiaries] at 1percent or less of their true value, and perhaps 10percent of their [already] depressed trading prices."[30] The shareholders who opposed these proposals could sell their shares back to

Yukos at a total price of $33 million for the production subsidiaries even though the production subsidiaries' proven oil and gas reserves equaled approximately $13 billion. In order to implement Khodorkovsky's proposal, Yukos needed 75 percent of shareholder votes, of which they already owned 51 percent. The day before the subsidiary shareholders meeting, Yukos found a judge who deemed that the minority interest shareholders were violating Russia's Antimonopoly Law. Everyone but Yukos and its affiliated shareholders were consequently excluded from voting on the proposed package. The proposal was then passed and the Menatep-Rosprom group's control, over Yukos and its subsidiaries, was primarily consolidated.[31] It is thus evident from the corporate practices surrounding the privatization of Yukos, that by 1999 the necessary capital market laws, such as those protecting minority interest investors, were not being enforced in Russia. Furthermore, although the Securities Commission was created as early as 1994, it had a small budget, and lacked the political authority to investigate such corrupt practices of companies such as Yukos. As a fully privatized company by 1999, Yukos had become even less operationally and financially efficient.

Modernization Makeover

In an effort to reverse its operational and economic underperformance by 1999 management decided to give Yukos a foreign led modernization makeover, "a process of technological upgrading and productivity improvement where foreign firms control key aspects of the [production] process".[32] Yukos formed a strategic alliance with a Western oil field service company, Schlumberger Limited. The aim of this alliance was to upgrade and develop the company's oil production practices. Schlumberger was also given increasing authority to renovate the company's outdated oil wells and to cut company costs, which were among the highest in the oil industry worldwide. They were also responsible for opening a high-tech training center in Moscow, where dozens of Yukos employees came on a monthly basis from all over Russia to test new company technology and equipment.

By bringing in the Western mangers and technology to renovate the company and particularly its outdated oil wells, production of Yukos was boosted rapidly. This boost in oil production translated into an average annual growth rate of 26 percent in operating revenue, from $9.03 million in 2000 to $11.37 million by 2002. The willingness by management to give up some control over the company to its Western partners provided Yukos with increasing access to the latest foreign technology and modernized operational and financial practices. This played a crucial role in improving the company's operational efficiency and achieving such a remarkable annual growth rate during the five-year period.[33] The significant increase in oil prices worldwide, following the 1998 financial crisis also significantly helped Yukos boost its growth and value in subsequent years. Thus, a combination of market and firm-specific changes led to substantial productivity gains, improved financial performance by the company and a more equitable distribution of company wealth among its shareholders.

In an effort to increase transparency and improve its corporate image, Yukos spent roughly $300 million.[34] "In January 2000 Khodorkovsky made his first [formal public] statements about increasing shareholder value and improving corporate governance as part of a deliberate policy to increase the market capitalization of the company."[35] The company also introduced a corporate governance charter in 2000 and more independent foreign directors were brought onto the board. As of September 1999, Yukos and its three subsidiaries, Yuganskneftegaz, Samaraneftegaz, and Tomskneft, all had the lowest corporate governance rankings according to a rating of the twenty-one major Russian companies. Among the corporate governance measures considered in this survey were disclosure and transparency, asset stripping, limits on foreign ownership, and management attitude towards shareholders.[36] However, since 2001 the company began issuing annual financial statements in accordance with the US Generally Accepted Accounting Principles (GAAP). This was also done in an effort to

attract foreign investment and to be listed on the New York Stock Exchange.[37] Yukos was aiming to prove itself as an attractive investment despite the fact that Russia was still a country with a weak legal framework and standards governing corporate practices.

After launching the modernization makeover in 1999, foreign investors did begin investing in the company, as evident from the ownership structure as of 2002, shown in Table 2 (see Appendix). This ownership structure conveys that despite the continuing majority stake in Yukos held by Bank Menatep, there also began to develop a growing presence of foreign investors, a phenomenon that really did not exist prior to 1999.[38] Yukos shares also began trading on the Berlin, Frankfurt, and London stock exchanges and on the over-the-counter (OTC) market in the United States, indicating the company's increasing ability to raise capital in international markets. Thus, by 2003, Yukos was able to increase its value to over $20 billion dollars from $1 billion in 1999.[39] Thus, the growth that the company experienced from 1999 to 2003 was due to company specific efforts to modernize and attract foreign investors along with market conditions of rising oil prices.

Conclusion: Was Privatization Enough?

The growth that Yukos experienced and its operations however were not sustainable following Khodorkovsky's arrest in 2003 by Vladimir Putin's government. There was subsequently a drastic decrease in production and revenue with the official declaration of bankruptcy by the company in 2006 and the subsequent sale of its assets, primarily to the state owned Rosneft. This case study of Yukos conveys that without the institutional infrastructure, which includes an independent legal infrastructure, the incentives created by privatization can lead to asset stripping rather than wealth creation.

Khodorkovsky's arrest in 2003 according to the government was due to tax fraud but according to much of the international community was for openly

contributing to a Kremlin opposition party – Yabloko. Khodorkovsky's trial and sentencing lasted until 2005, when he was sentenced to nine years in a Siberian prison camp. The process of seizing the assets of Yukos and the televised trial, part of which Khodorkovsky spent in what looked like a cage with his business partner, Platon Lebedev, reinforced the tremendous uncertainty of property rights and the lack of an independent judicial system. The case demonstrated the continued interplay between politics and business in Russia and the lack of an effective institutional infrastructure for sustained growth to occur and benefit a substantial part of the population. And contrary to the reformers' expectations privatization itself had not led to the establishment of an institutional framework that protects private property and investors.

The processes involved in, and consequences of, privatizing Yukos are also very relevant today. The Russian government approved a new privatization plan in 2013 for the period 2014–2016. This is a second three-year privatization program. Previously, in early November 2010 the Russian government approved a privatization plan for the period 2011-2013, for selling stakes in 11 state companies.[40] This wave of privatization could be expected to create legitimate private property in Russia, make the Russian economy more competitive and efficient, and create demand for further institutional change. The conflict with Ukraine has certainly resurfaced concerns of Russia's stability as a market economy amid massive investor sell-offs. And as Russia finds itself back in the spotlight with serious questions raised regarding its stability as a market economy, the situation in some ways is similar to the dilemma of Akaky Akakievich, the hero of Gogol's The Overcoat. It seems that most Russians and the international investment community seem to agree on the need for an effective institutional infrastructure as – the new overcoat, "but not on its size, length, color, where to buy it, the price to be paid, or the urgency of acquisition – immediately or perhaps at some unspecified date in the future."[41]

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Bolivia
Photo by Kristina Caputi

Myammar
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Marrakech
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"Direct Your Story": An Intervention for Troubled Youth

by Carlotta Jones

In 2011, there were 2,359[1] non-Hispanic and 970[2] Hispanic males below the age of 17 serving time in a juvenile detention center in the United States. For females, there were 551 non-Hispanic[3] and 151 Hispanics[4] serving time. Scientific studies have discovered that adolescents are more prone to take risks[5] and have less control over their emotions due to the underdevelopment of their brain.[6] Adolescence is also a time when peers have the most influence on a youth's decisions.[7] This is significant when thinking about developing programs for youth in conflict with the law. Therapy has been the most widely used method to help adolescents identify ways in which to control their reactions to situations, understand their feelings, and transform their thinking of the world. Dramatherapy is a form of therapy involving theater to help patients work through situations in their lives. Based on previous studies in the field, this form of intervention is in addition to mental health services for youth in conflict with the law. The intervention, "Direct Your Story" will utilize role-playing and story-writing as a preventative and rehabilitative program.

This article will review current initiatives and programs in the Michigan to prevent juvenile delinquency and rehabilitate youth in conflict with the law, as well as the benefits of dramatherapy versus cognitive behavioral therapy. The second portion of this article focuses on the design of the intervention: the target audience, when it will take place, funding, staffing, number of sessions, the program process, and participant assessment. The third section analyzes Maslow's Hierarchy of Needs Theory and how "Direct Your Story" helps in meeting the needs of the youth who will participate in the program. The final section summarizes the article and reiterates why Michigan would benefit from "Direct Your Story."

Current Initiatives in Michigan

The state of Michigan has numerous organizations that work in conjunction with the Department of Human Services (DHS) to provide services to youth and their families. Eagle Village, located in Hersey, Mich. has a program entitled, "Changing Lanes Intervention Center," which lists the following as ways in which they help troubled teens: "*anger management, discovering destructive behaviors, life skills training, learning to make good decisions, communication skills, group and individual counseling, group-based interventions....*"[8] This program is not unique in that most programs connected with DHS offer similar services.

In addition to these organizations, there are three state-operated facilities in Michigan: Bay Pines Center, Maxey Training School, and Shawano Center. These facilities house juvenile offenders and offer educational and mental health services, various forms of life skills, vocational training, volunteerism and/or part-time employment. The most common form of mental health service is cognitive behavioral therapy, in which:

[The] focus of therapy is on how [the patient is] thinking, behaving, and communicating today rather than on [their] early childhood experiences. The therapist assists the patient in identifying specific distortions (using cognitive assessment) and biases in thinking and provides guidance on how to change this thinking.[9]

The difference between cognitive behavioral therapy and dramatherapy is that dramatherapy allows participants to:

take on a fictional character or role, play with small objects, create scenery or enact myths. As this happens, they project aspects of themselves in the dramatic material. ...[T]hereby externalis[ing] inner conflicts.[10]

The Association for Play Therapy – United States[11] lists 135 locations in Michigan that provide play therapy, including some of the organizations that work with DHS and several school districts. Throughout the United States, children and adults reap the benefits of therapy through play, although it is more common to conduct this form of therapy with children. Play therapy provides space for children to communicate what is happening in their world notwithstanding their underdeveloped ability to communicate verbally, as their brains are still developing.[12] Older youth tend to find therapy in a group, individual, or family setting. The difference with "Direct Your Story" is that the youth will not only benefit from a group of their peers, but from individuals who have overcome challenges in their lives to which the youth can relate. They will be encouraged to express themselves in a manner that allows them to distance themselves from the situation, unlike cognitive therapy.

Program Design of 'Direct Your Story'

What is the program?

"Direct Your Story" is more than an intervention for troubled youth. It allows youths to express themselves in a safe environment, share their feelings, and to have peers available to listen and offer advice. It is for youth who do not have individuals in their lives to help them sort out their emotions. The program is an attempt to help them develop their sense of empathy and recognize feelings in others.

Role taking and personification can enable a client to experience what it is like to be someone else, or to play themselves with a dramatic representation of an aspect of their own lives. This connects to the process of creating empathy and can help in developing ways in which a client relates to others. It can also assist in the process of seeing a problematic situation from the point of view of another.[13]

Funding for the Program

The Office of Juvenile Justice and Delinquency Prevention ("OJJDP") provides federal grants to programs that address: "Drug Courts, Community reintegration, Gender specific (female) programs, Community based programs, Prevention, Minority over-representation (MOR) and Disproportionate minority confinement (DMC) programs."[14] "Direct Your Story" would fall under the categories if community based programs, community reintegration, and prevention. The Development Services Groups partners with OJJDP to assist agencies with their program initiatives focusing on juvenile justice prevention/rehabilitation.[15] Development Services Groups assists with research and evaluation, as well as training and technical assistance. Although the program will be evaluated internally, this outside service will help ensure that the program is within the criteria and guidelines to continue receiving funding from OJJDP. Continued funding will ensure that young people have access to a program that encourages creativity in solving problems and receive support during that process.

Target Groups

There are three target groups for the program. The first is in-school youth at risk of being in conflict with the law. These students have gone through traumatic situations in their lives that are manifesting in the form of depression, physical aggression, anti-social behavior,

irritability, or through self-inflicted injuries. They have not been in contact with the juvenile courts. The second would be youth with active cases before the juvenile court who have been sentenced to perform community service, attend community programs, or produce restitution to their victims. The last would be youth serving time in detention or adult jails. This group poses the greatest challenge, as they have committed crimes so severe that the court has deemed it necessary to detain them in a secure facility.

What these young people have in common is that they have a story to tell. They are all dealing with the daily challenges of growing up and not knowing what to do. Some may have support at home, while others may not. The purpose in bring together young people with different backgrounds is to share their stories and find support amongst their peers. The hope is that each will learn from others and gain insight from different perspectives. With the help and guidance from drama therapists, counselors, guest speakers, student interns, and each other, they will journey through their life stories and come out able to cope with their emotions and express themselves in positive ways.

Groups will be composed of 10 youth specifically referred to the program by a therapist/school counselor/ social worker and/or a judge. The groups, for example, will consist of three in-school youths, three youths ordered to participate in a community program, and four youths from juvenile detention centers. The 3-3-4 scheme is adjustable to provide flexibility and allow new youths to replace others who have decided to stop participating or are transferred to other forms of therapy or programs. Youths must consent to participating and parents/guardians must sign a form allowing their child to participate and waive all liability, to the extent that the child suffers an injury or harm beyond the control of the staff and police officers. They also acknowledge that their children will be in contact with youth detained in juvenile detention centers.

Who are the Supporting Staff and Community Volunteers?

The staff will consist of drama therapy professionals who may be from local colleges or have their own practices in Michigan. These individuals are willing to lend their time to conduct sessions with the group. A mental health professional will always be on the premises to assist in the sessions (i.e., psychologists, psychiatrists, or counselors) – preferably two or three that have committed to completing a series of sessions with the same group of youth. Michigan-based universities will also receive an extended invitation for their students studying in the mental health field or social work to participate in a six-month internship to assist in the program. Police escorts for youth placed in detention centers will remain on the premises to ensure the safety of the other participants, in the event a participant becomes too difficult to continue with the group.

In addition to regular staff, individuals from the community with past experience within the juvenile justice system, such as an offender, will be invited to share their stories with the group. These individuals will have overcome challenges and are leading successful lives. Community volunteers are considered model citizens, who have jobs, and have not had contact with law enforcement and a clean record for the past five years. Ex-gang members will have an opportunity to share their stories with the group, not to scare the youth into changing their behavior, but as an example of how they can change their lives for the better. Individuals that have survived past abuses will also be asked to share with the group how they have learned to cope and have overcome their past.

When and where will it take place?

The program will depend on businesses with large space, local schools, city hall (for permission to use community centers), and local theaters to provide three hours of time to allow sessions to take place in their venues. Money from a federal grant will pay for the

space. These businesses will benefit from participating in a community program – in conjunction with the government and local schools – that is working to reduce juvenile crime in their community, thus lowering their risk of becoming victims. The sessions will occur once a week, after school, for two hours, to allow guests to speak to the group. The program will take place between 3:30 p.m. and 6:30 p.m. This will allow students to remain at school or be transported by bus to the venue for sessions. The ideal time for the start and end of the program will occur between 4 p.m. and 6 p.m. Each week, parents, detention staff, therapists, social workers, school counselors, and the juvenile court will receive a schedule with the venue location. Parents will be responsible for picking their child up from the venue or will pay a small fee to have them bused home.

How many sessions will there be?

The artistic process has its own sense of time and it is not chronological. When the creative process is forced or obligated, less than desirable and artificial outcomes emerge. People working with reconciliation need to rethink healing as a process paced by its own inner timing, which cannot be programmed or pushed to fit a project. People and communities have their own clocks.[16]

– John Paul Lederach The Moral Imagination

The number of sessions ultimately depends on the individual participants. However, 24 sessions would be the ideal because such a timeframe would give participants six months to become comfortable with other members and to build a community of support. It may take longer for some individuals to begin the process of exploring their feelings and making connections from the fantasy (drama participation) world to reality. The intent is not to rush any participant but allow them to work through the process at his or her own pace and time. Only then will true change occur. The program is not to force them to see another's point of view, but for them to find enlightenment and make

changes on their own.

What is the Program Process?

Phil Jones in "Drama as Therapy" lays out a simple format for sessions: 1. warm-up, 2. focusing; 3. main activity; 4. closure / de-roling, and; 5. completion.[17]

The sessions will begin with a warm-up session to allow participants to prepare for the session ahead. A variety of activities can take place at this time, such as icebreakers to help participants share basic information about themselves. The reason for participating in the program will not be discussed with other group members, unless participants want to share. Once the group has a good sense of the other members, the warm-up sessions will follow a pattern of sharing something good that happened that week or they anticipate taking place. The warm-up portion is followed by the focusing session that will give the group an idea of what will take place, and then by the main activity.

For the first few main activities, participants will act out pre-scripted situations. The script will only identify a specific role and will not provide dialogue for the participants. One participant will play the victim and the other the perpetrator. Each participant will have a turn role-playing in a different situation, provided there is enough time. After a scenario is performed, a discussion will follow and the acting participants will have time to react to one another and talk about how they felt and what they believe the other individual felt. The audience will weigh in with their thoughts, if any. The entire session follows the pace of the group. No member will be forced to participate during the session. The entire process begins and ends with the individual participant. After the main activity has ended, several things can take place: time for participants to express their feelings about what took place, share new insights, silence for reflection, and/or time for questions.[18] The therapist will then prepare the group to leave for the day and follow up with any participants that have any remaining issues they would like to discuss.

Once the group has become accustomed to the process, they will be encouraged to write their own stories and to incorporate props, masks, customs, or objects they deem appropriate to help them act out their stories. They will be allowed to perform alone or enlist other group members to join them. They may use verbal dialogue or none at all. Staff will be available to assist members in writing their story and ways to portray it. Participants are encouraged to work independently while away from the group and seek help when necessary. Participants will each volunteer for a session in which they want to perform their story.

How Will the Program be Assessed?

The program will be assessed based on the outcome of the participants. If participants make progress, then the program is working. If they do not make progress, the program may not be the best fit for them, as dramatherapy is not for everyone. Because each participant is different, the program itself cannot be deemed a failure based on the number of participants who do not make progress. During each session, the overseeing therapist and student interns will observe the participants to collect information to compile progress reports. In addition, assessments will come from the participant's therapist/school counselor/social worker, parents/guardians and the participants. The therapist/school counselor/social worker will inform the program staff of behavior and/or attitude changes that they observe since the youth began the program. Since participants are referred to the program, use of their history with mental health, behavior problems, and their attitudes/moods will provide a starting point to determine any positive progress. Participants have a major part in identifying any progress that they have made, i.e. their progress with controlling their emotions, their interactions with other people, or their general change in perspective about the world around them.

Any small, positive progress is a success. If participants are able to begin to recognize how their behavior and reactions affect a situation, there is

progress. A lack of progress is a sign that the program may not be the right fit for a participant. This determination will be decided based upon assessments from those outside of the program that work with the participant, in addition to progress reports filled out by the student interns and overseeing therapist. This information will be shared with the participant's parent/guardian, as well as the judge, if applicable. Together, all of the reports will speak to the amount of progress being made in the program. If it is determined that the participant should be removed from the program they will be referred to other forms of therapy that will help them on their journey to better self-awareness, self-control, self-esteem, and empathy for others.
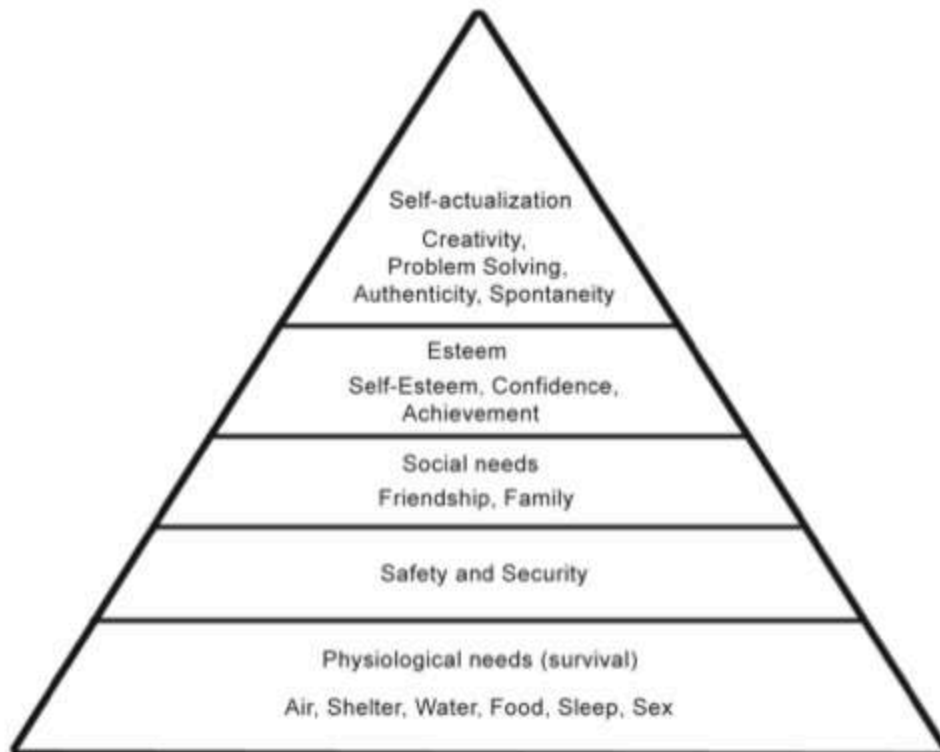
Decreasing Juvenile Crime

"The artistic five minutes, I have found rather consistently, when it is given space and acknowledged as something far beyond entertainment, accomplishes what most of politics has been unable to attain: It helps us return to our humanity, a transcendent journey that, like the moral imagination, can build a sense that we are, after all, a human community."[19]

– John Paul Lederach, The Moral Imagination

Maslow's Hierarchy of Needs and Dramatherapy

This program aims to help at-risk youth and youth in conflict with the law to understand themselves and to help develop their cognitive thinking in viewing the world through a lens of self-awareness and their ability to control what they can and to accept what they cannot. Emphasis will be on empathy, as crimes are directed towards other people, or indirectly through property damage or theft. If the youth can learn to put themselves in someone else's shoes and begin to treat others as they wish to be treated, their attitude and behavior towards others will likely change, thus less criminal behavior – "Do to others as you would have them do to you" (Luke 6:31).[20] Therefore, the community will see a decrease in juvenile delinquent behavior as more youth progress through the program and begin to live peacefully within the community, becoming examples for others.

The three target groups can find themselves somewhere within the first three tiers of the pyramid. Generally, those in the juvenile detention centers have obtained the bottom tier (Physiological Needs), but may not feel that they have Safety and Security in the detention center or within their community. In fact, in their community, they may have been trying to survive, which is why they behave/d the way that they do/did. Dramatherapy will allow them to express their feelings in a creative manner when they cannot put them into words, or may not want to speak about them. It is also possible that they have told their story so many times, that they have become detached from it and have buried any feelings associated with their past.[21]

Self-actualization
Creativity,
Problem Solving,
Authenticity, Spontaneity

Esteem
Self-Esteem, Confidence,
Achievement

Social needs
Friendship, Family

Safety and Security

Physiological needs (survival)
Air, Shelter, Water, Food, Sleep, Sex

Maslow's Hierarchy of Needs Pyramid
"Needs." *Environmental Justice Organisations Liabilities and Trade*. Web. 04 May 2013. <http://www.ejolt.org/2012/12/needs/>.

Youth referred to the program to work on their behavior may have the first two, bottom tiers, but lack their social needs and/or they do not feel safe and secure in their homes or at school. Youth in school that are misbehaving may also fall into this same category. Many factors play into why the youth has yet to obtain needs that most of us take for granted. The aim of "Direct Your Story" is to help each individual meet these needs, no matter where they are in life.

The program will not be able to assist in meeting basic needs or safety and security, as that is the job of DHS and their parents/guardians and to a limited degree, their schools, to ensure the well-being of the youth.

The program is designed to help youth meet their social needs by bonding with others their age and thus form their own special family. They will be able to depend on each other and know that they are understood and not judged. The program hopes to help build their self-esteem, through encouragement of supporting staff and their peers. Through connections with others and viewing themselves in a different light, they can begin the healing process and even learn to forgive themselves and work on the aspects of their life that they can control and learn to accept those that they cannot. Participants will fulfill their creative needs by writing their own stories and playing roles in other participants' stories. They are encouraged to make their own props, and to be creative through other means besides drama, to express their feelings in an artistic and/or symbolic way.

Summary

"Direct Your Story" is a program based on therapy that utilizes theater and drama. The process allows individuals to act out situations and/or experiences that they would otherwise not be able to express verbally, or are unable to connect with in their everyday lives. Through "Direct Your Story," referred youth will work toward writing their own story and expressing themselves through drama. By exploring their feelings and taking on different roles, they will be able to learn to identify their feelings and to empathize with others. Instead of seeing the world through the lens of a victim, they will see themselves as equal to others and begin to see the world in a more positive light, in which they can control themselves and their reactions to others.

This program is not for everyone; the intention is to reach those that it can. Therapists and other staff members, including their peers, take a journey with the youth to help them meet their social needs – bonding with others and creating their own sense of family. By helping them build their self-esteem – if they care for themselves, they will know how to care for others. Through developing their creativity, they will discover their ways to cope with life's challenges in ways that are more positive. Instead of focusing on their current situation, they face their past to deal with the issues that brought them to their present situation. In doing so, they begin to heal, recognize their feelings and others, develop their sense of empathy and will become less of a threat to society. A hopeful possibility will be that participants will become role models for other youth in their community and possibly take on the role as "mentor" for other troubled youth.

Endnotes

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[4] ibid.

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Kigali Memorial of Tutsis, Rwanda
Photo by Hadley Griffin

To Catch A Predator

by Erin Lovall

The International Criminal Court (ICC) was created to end impunity for the worst crimes – genocide, crimes against humanity, war crimes, and the crime of aggression – but it cannot carry out its mandate if it cannot gain custody of the individuals accused of those crimes. Since its creation, the ICC has issued warrants for the arrest of 21 individuals. Currently, over half remain at large. Neither the ICC nor the United Nations possesses an adequate law-enforcement mechanism to arrest individuals indicted by the ICC. Although states parties to the Rome Statute for the ICC and states referred to the ICC by the U.N. Security Council are obligated to arrest and surrender suspects to the ICC, many fail to do so. This memorandum sets forth three practical recommendations designed to dramatically improve the court's ability to apprehend suspects.

Key Points

• The U.N. should explicitly authorize all U.N. forces, peacekeeping and otherwise, to arrest and surrender suspects to the ICC.

• An international Special Operations Force should be created and tasked with locating, arresting, and surrendering fugitives to the ICC. The force would be created via a separate treaty in order to protect and respect sovereignty rights and allow non-states parties to participate without requiring ratification of the Rome Statute.

• The U.N. should utilize direct and indirect diplomatic pressure and/or sanctions to encourage states to cooperate with the ICC and abide by their obligations under international law, particularly in situations where the Special Operations Force could not operate.

Background

In the 1990s, the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) were created by UNSC resolution to prosecute genocide, crimes against humanity, and war crimes committed in those regions.[1]

The statutes and rules of the ICTY and ICTR do not provide the tribunals with direct enforcement capabilities. Article 29 of the ICTY Statute and Article 28 of the ICTR Statute require states to cooperate with the courts in the "investigation and prosecution of persons accused of committing serious violations of international humanitarian law" and to comply with requests for assistance or orders issued by the courts regarding, inter alia, arrest, detention, surrender, or transfer of accused persons to the court.[2] The ICTY's lack of an enforcement mechanism has resulted in manhunts that have lasted for years[3] and the alleged kidnappings of suspects.[4] The ICTR has also experienced difficulties in gaining custody of suspects due to its lack of an enforcement mechanism.[5] Almost 20 years after the ICTR's creation, nine ICTR suspects remain at large.[6]

The Rome Statute creating the ICC went into effect in 2002.[7] Part nine of the Rome Statute is a similar but more elaborate version of the ICTY/ICTR cooperation provisions.[8] Although the Rome Statute clearly requires state parties to comply with requests for arrest and surrender made by the ICC, state parties have repeatedly refused to do so.[9] As one example, the ICC issued a warrant for the arrest of Saif Al-Islam Gaddafi in June 2011.[10] Libya, where Gaddafi is currently in custody, has made no effort to surrender him to the ICC despite the court's repeated reminders that is obligated to do so.[11] In another example, arrest warrants have been issued for six individuals for atrocities committed in Darfur,[12] including one for Sudanese President Omar al-

Bashir.[13] Sudan has refused to cooperate with requests to arrest and surrender Bashir and three others who remain at large, as have several other state parties that President Bashir has visited while under indictment.[14] In other cases, states have attempted to use politics to avoid their obligations under the Rome Statute. For example, the Kenyan president and deputy president are currently under ICC indictment for their alleged roles in election violence. Although they have thus far cooperated with the court, they have also (1) actively lobbied Kenyan legislators to vote for Kenya to cease being a state party to the Rome Statute, (2) lobbied other African states to abandon the ICC, both directly and through the African Union, (3) spread negative propaganda that the ICC is "hunting Africans," and (4) attempted to convince the UNSC to defer their cases under Article 16 of the Rome Statute.[15]

Recommendations

As set forth above, ICC warrants for 12 individuals remain outstanding.[16] In the majority of those cases, the whereabouts of the fugitives are known; so well known, in fact, that the ICC has not implemented tracking mechanisms similar to those used by the ICTY and ICTR because they are unnecessary.[17] Reliance on states parties to arrest and surrender accused individuals has resulted in notorious flaunting of the court's authority, politicking against the court, and, most devastatingly, delays in justice for the victims of atrocities.[18] As a result, the following recommendations to reform the ICC system of arrest and surrender are necessary to create a fully functioning system of international criminal justice:

1. Explicitly Empower U.N. Authorized Forces to Arrest and Surrender ICC Suspects.

To date, U.N. resolutions authorizing peacekeeping operations have mostly forbidden the use of force – except to protect the peacekeepers themselves – and have been silent regarding the powers of peacekeepers to detain or arrest those committing atrocities.[19] Similarly, U.N. resolutions referring situations to the ICC for investigation have been completely devoid of specificity or direction regarding the ability of any type of U.N. force to arrest individual suspects.[20] The ICC chambers have informed the UNSC of refusals by states parties and parties to referrals by the UNSC to cooperate and the ICC prosecutor has implored the UNSC to act, but the UNSC has declined to do so.[21]

To remedy such systemic failures in the future, the UNSC should explicitly set forth the authority of U.N. forces – peacekeeping or otherwise – that are deployed in the territories of states parties to arrest and surrender individuals pursuant to ICC arrest warrants. The UNSC has already begun to make this change. Recently, it authorized peacekeeping troops deployed in the Democratic Republic of Congo (DRC) to arrest ICC suspects located within the state. This type of authorization should be the rule, not the exception.[22] Similarly, when the ICC gains jurisdiction by UNSC referral over situations involving non-states parties, the resolutions should explicitly set forth the authority of UN forces or the forces of other international organizations (such as NATO) to arrest and surrender individuals under ICC warrant to the Court. If any authorized forces are not U.N. forces, the resolution should also set forth an explicit funding regime for those forces. Since such authority has been granted in the DRC test case without any negative consequences, resistance that has been exhibited by states on this issue in the past should be lower.[23]

2. Create an International Special Operations Force Tasked with Locating, Arresting, and Surrendering Fugitives.

Article 43 of the U.N. Charter directs member states

to enter into special agreements with the UNSC to govern the manner in which the state will provide "armed forces, assistance, and facilities … for the purpose of maintaining international peace and security."[24] In the almost 70 years since the U.N. Charter was adopted, no such special agreements have been negotiated and no international military force has been created pursuant to Article 43.[25] While there are obvious distinctions between a global military force and a global police force, many of the same reasons a global military force has not been created would apply equally to a global police force: enduring concerns about sovereignty, the effectiveness and reliability of such a force due to divided loyalties, and concerns of global power imbalances.[26] Therefore, while a global police force may theoretically be the most efficient and effective way to locate, arrest, and surrender suspected war criminals to the ICC, the impracticality of such a suggestion warrants that it be dismissed for the time being.

A feasible alternative would be the creation of an international Special Operations Force (SOF).[27] The SOF's purpose would be to locate, investigate, arrest, and surrender fugitive war criminals to the ICC and other tribunals prosecuting war crimes, crimes against humanity, and genocide. The SOF would be under U.N. control – as opposed to being an arm of the ICC – in order to keep its mandate broad enough that any international criminal tribunal, hybrid war crimes tribunal, or purely domestic war crimes tribunal could utilize it.

Because the SOF would be created by U.N. treaty, it would only have jurisdiction to act in the territories of states that ratified the treaty or otherwise provided express, written consent.[28] In the event that a state that did not ratify the treaty but still provided written consent for the SOF to operate within its borders, the writing would specify, at a minimum, what actions the SOF would be authorized to take, who the SOF would be permitted to arrest and extradite, and the expiration date for the SOF's authority. For ratifying states that later wished to rescind such ratification, rescission would only impact future SOF operations.

The SOF's personnel would be comprised primarily of military, law enforcement, and intelligence personnel from the ratifying countries. Non-ratifying countries would be permitted to provide expertise, support, and personnel with the express understanding that such provision and support would not alter their non-ratification status.[29] Drawing experts and personnel from a broad range of states, both large and small, would allow for the creation of a force of highly-skilled and highly-trained individuals with expertise in tracking and apprehension, familiarity with sophisticated technologies, a wide variety of language skills, and a wide base of diplomatic relations and contacts. Personnel would be provided immunities similar to those contained in status of forces agreements.[30]

Creating an SOF would not completely solve the problem of fugitive war criminals since it is doubtful that every state would ratify the treaty or allow the SOF access to its territory. However, it would provide a flexible, permanent law enforcement mechanism that could be used to apprehend at least some fugitives and, if successful, could provide momentum for the creation of a force with a greater global mandate. For now, the limited mandate, built-in sovereignty protections, immunities for personnel, optional state participation without ratification, and optional rescission would address the primary complaints and fears associated with the creation of such a force.

3. Robustly Use UNSC Diplomatic Pressure and Sanctions.

As set forth above, part of the problem with fugitive suspects is the UNSC's failure to punish states, including states parties to the Rome Statute, that refuse to arrest and surrender fugitives living or travelling within their borders.[31] States have been emboldened to ignore their obligations to the ICC by the U.N.'s reticence to enforce those obligations. A change in U.N. policy on this issue would likely change state behavior. The U.N. is uniquely situated to put diplomatic pressure on states for their failure to honor their obligations to the U.N. and the ICC.

When diplomacy and threats of sanctions have failed, the use of U.N. sanctions has proven effective.[32] The U.N. has also shown the capacity to work with powerful states and powerful organizations to effect change.[33]

In the future, where the U.N. refers a situation to the ICC, the referral resolution should contain explicit language setting forth the consequences for the failure by the state in question or by states parties to the Rome Statute to cooperate with the ICC. Moreover, the UN should take action when it is informed that states are not abiding by their obligations under international law to cooperate with the ICC. Direct and indirect diplomacy and sanctions will be especially important in situations where the SOF cannot operate. The knowledge that the UN will enforce consequences for inaction or active stonewalling of the ICC, whether or not the SOF is able to act within a given state, will strengthen the overall arrest and surrender regime. And since the SOF would be the primary arrest and surrender mechanism, the UNSC could focus its efforts on encouraging states to sign the treaty and only resort to larger-scale diplomacy and sanctions after all SOF-related efforts have been exhausted.

Endnotes

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[2] Updated Statute of the International Criminal Tribunal for the Former Yugoslavia ("ICTY Statute"), art. 29, as amended September 2009, http://www.icty.org/x/file/ Legal%20Library/Statute/statute_sept09_en.pdf.; Updated Statute of the International Criminal Tribunal for Rwanda ("ICTR Statute"), art. 28, as amended January 31, 2010, http://www.unictr.org/Portals/0/English/Legal/ Statute/2010.pdf.

[3] For example, General Ratko Mladić, a former general and commander of the Bosnian Serb Army who oversaw the massacre of over 8,000 Muslim men and boys in Srebrenica, was initially indicted in 1995 but evaded capture until 2011, allegedly with the knowledge and assistance of high-level individuals in Serbia. See, Prosecutor v. Radovan Karadžić and Ratko Mladić, Case No. IT-95-5-I, International Criminal Tribunal for the Former Yugoslavia, "Indictment," July 24, 1995. See also, Ratko Mladic Arrested: Bosnia War Crimes Suspect Held, BBC News, May 26, 2011, http://www.bbc.co.uk/news/world-europe-13561407; Julian Borger, Ratko Mladic: The Full Story of How the General Evaded Capture for so Long," The Guardian, April 2, 2013, http://www.theguardian.com/world/2013/apr/02/ratko-mladic-life-run.

[4] For example, Dragan Nikolić, an ICTY suspect, claimed that he was kidnapped in Serbia by unknown assailants and transferred to the Stabilization Force, the NATO-led peacekeeping force stationed in Bosnia and Herzegovina. Prosecutor v. Dragan Nikolić, Case No. IT-94-2-PT, International Criminal Tribunal for the Former Yugoslavia (Trial Chamber II), "Decision on Defence Motion Challenging the Exercise of Jurisdiction by the Tribunal," October 9, 2002, ¶ 15.

[5] For example, in 2010, the ICTR's chief prosecutor accused Zimbabwe of protecting Protais Mpiranya, one of the ICTR suspects who remains at large, and petitioned the United Nations to pressure Zimbabwe to cooperate with the Court. Zimbabwe denied for years that Mpiranya was hiding in the country, but after threats of UNSC sanctions, Zimbabwe commenced a manhunt last year. Mpiranya remains at large. See, Lance Guma, Zimbabwe: Govt Protecting Rwandan Genocide Suspect, All Africa, December 14, 2010, http://allafrica.com/stories/201012150150.html; UN Forces Zim to Hunt Down Fugitive, The Standard, November 18, 2012, http://www.thestandard.co.zw/2012/11/18/un-forces-zim-to-hunt-down-fugitive/.

[6] Adam Bemma, Rwanda: Almost 20 Years On – International Justice Still Fails Rwandans, All Africa, November 26, 2013, http://allafrica.com/stories/201311260475.html. See also, Edwin Musoni, Rwanda: UN Court Says Closing in on Genocide 'Big Fish,' All Africa, November 5, 2013, http://allafrica.com/stories/201311050220.html?viewall=1; ICTR Website, Cases: Accused at Large, http://www.unictr.org/Cases/tabid/77/Default.aspx?id=12&mnid=12.

[7] Rome Statute of the International Criminal Court, entered into force July 1, 2002, 2187 U.N.T.S. 90, http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-10&chapter=18&lang=en; Schabas, An Introduction to the International Criminal Court, 13-19. Currently, 122 countries have ratified the Rome Statute, although countries such as the United States, Russia, China, India, and Pakistan have notably not ratified. International Criminal Court Website, Assembly of States Parties: States Parties to the Rome Statute, http://www.icc-cpi.int/en_menus/asp/states%20parties/Pages/states%20parties%20_%20chronological%20list.aspx.

[8] Rome Statute, arts. 86-102.

[9] Rome Statute, art. 89(1): "State parties shall, in accordance with the provisions of this Part and the procedure under their national law, comply with requests for arrest and surrender" (emphasis added). See also, Valerie Oosterveld, Mike Perry, and John McManus, The Cooperation of States with the International Criminal Court, 25 Fordham International Law Journal, No. 3 (2001), 767, 770.

[10] Prosecutor v. Saif Al-Islam Gaddafi and Abdullah Al-Senussi, Case No. ICC-01/11-01/11, International Criminal Court, "Warrant of Arrest for Saif Al-Islam Gaddafi," June 27, 2011. Note – if the UNSC refers a situation involving a non-state party, the ICC has jurisdiction over that situation. See Rome Statute, art. 13(b). Libya is not a state party to the Rome Statute, but the Libyan situation was referred to the ICC by the UNSC through Resolution 1970 and Libya pledged to cooperate with the Court. See, S.C. Res. 1970, S/RES/1970 (2011).

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Havana, Cuba
Photo by Carol Collantes

Bolivia
Photo by Kristina Caputi

The Influence of Microfinance On Women's Empowerment

by Chardonee' Wright

History of Feminism

Combating the subordination of women and ensuring political, economic, and social equality served as the foundation of early feminist movements. Indian women continue to face a host of challenges and obstacles and high levels of poverty and gender inequality continue to plague this highly populated country. According to the World Bank, as of 2012 only 11 percent of seats in India's national parliament are held by women; and while 74.8 percent of agricultural workers are rural women, only 9.3 percent actually own land.[1] As feminist theories continue to emerge surrounding the inequality issues at hand, many institutions and programs have emerged to help empower women and raise their status in society. How successful are financial institutions that provide resources to impoverished women? Is there a linkage between empowering women and the economic development of a country? This article will examine the effect that microfinance has on the economic equality and empowerment of women in India. Through the postcolonial feminist lens, this article explores the question of whether the implementation of microfinance institutions in India promotes international cooperation and aid in overcoming women's subordination.

Around the end of the Cold War, feminist perspectives began to enter into the international relations discipline. Feminists argued that inter-state conflicts were not the only issues at hand. A woman's trivial participation in policy making, poor status in society, and suffering as a casualty of war warranted a greater focus on a woman's ability to achieve political, social, and economic equality. Feminist theory developed during the 1960s and 1970s gives an overarching view and details why women's subordination exists. Post-structural, post-colonial, socialist, liberal, and Marxist feminist theories approach women's subordination with different lenses. Post colonial feminists "focus on colonial relations of domination and subordination, established under European imperialism in the eighteenth and nineteenth centuries."[2] Popular postcolonial feminist Chandra Mohanty disapproves of Western feminist depictions of southern women. Mohanty claims that Western feminists view third-world women as lacking in agency, victimized, and under-educated. The gap of interpretation of women's subordination between Western views versus southern views is addressed by postcolonial feminism, which believes that women's subordination must be addressed within cultural context, rather than universality. Postcolonial feminists believe that subordination should solely be understood in terms of geographical location, race, and class. The study of feminism centers around the questionable aspect of how global politics would be transformed if more attention was focused on women's experiences. To understand the impact of how women's experiences interconnect with global politics, gender analysis was introduced. Putting on a gender lens enables us to view international politics in a different way. According to feminists, gender is described as, "a set of socially constructed characteristics describing what men and women ought to be."[3] Critically examining the connection between knowledge and power, feminists argue that most power has been created with only men in mind. Many feminists start their observations and studies at the micro-level in order to comprehend and recognize how the livelihoods of individuals are influenced by global politics. If we start at the micro-level and move our examination upwards and ultimately define relationships between global politics and local individuals, we can begin to understand how developmental programs either help or hurt these individuals.

Three waves of feminist movements dominated communities and cultures from the early 19th century up

until today, with the last wave starting in the mid-1990s.[4] Elizabeth Cady Stanton spearheaded the first wave, focused on equal opportunities for women. On July 19, 1848, Stanton organized the world's first women's rights convention in New York.[5] While using the Declaration of Independence as her blueprint, Stanton created the "Stanton Declaration of Sentiments," which addressed gender inequality, women's rights to own property, and their inalienable right to vote. Middle class, educated white women primarily directed this first wave of feminism.[6] With the interruption of the Civil War and the two World Wars, women's rights were deemphasized as America emphasized unity and nationalism.

The second wave of feminism erupted during the late 1960s and early 1970s up until the 1990s and encompassed radical women's liberation movements. During the second wave, much emphasis was placed on women's reproductive rights and sexuality. Anti-war and civil rights movements were on the rise and many women organizations were birthed, such as the National Organization of Women, which was spearheaded by Betty Frieden.[7] While the first wave of feminism was led by mostly white, middle-class women, this second wave incorporated African–American women and women from developed nations.

Lastly, the third wave of feminism, also known as "post-colonial feminism," emerged during the 1990s. As previously discussed, post-colonial feminism places a greater emphasis on addressing women's subordination issues culturally, rather than universally. Post-colonial feminism challenges the way Western feminist view non-Western women.[8] Post-colonial feminists argue that privileged Western women's false knowledge leads to false assumptions about non-Western women.

The Birth of the Grameen Bank and Microfinance

In the fight for gender equality, individual actors, humanitarians, non-governmental organizations, and international institutions have fought tirelessly to promote fairness and parity. Raising the status of women in society was on the agenda of Bangladeshi economist Muhammad Yunus in his influential and significant contribution to society through the Grameen Bank. In 1976, Yunus was the head of the Rural Economics Program at the University of Chittagong in Bangladesh. At the time, he launched a research project to build a foundation that would provide banking financial services to the rural poor, help alleviate poverty, and raise the status of poor women in society.[9] What started as a mere project has changed the course of women's empowerment forever. As the project's popularity and success increased around the surrounding area, the Grameen Bank (GB) was established in 1983 as a banking institution that provided microcredit to the poorest of the poor in society. The GB has key aspects that differentiate it from typical banking institutions. The GB's banking system is not based on any mutual collateral; rather, it is based on creativity, mutual trust, participation, and accountability.

The purpose of the GB is to increase banking and financial services to poor men and women in rural areas, abolish the misuse of the poor by money lenders, provide training and empowerment for women and the disadvantaged for the purpose of promoting self employment, and to help its borrowers increase their income and savings accounts. Roughly 8.3 million borrowers have supported the GB with 97 percent of those borrowers being women. Other programs offered include the Struggling Members Program for the disabled, mentally challenged, and beggars, scholarships for borrower's children, micro-enterprise loans, educational loans, life insurance, savings

accounts, and pension accounts.[10]

The most prominent feature of the GB is its use of "microcredit," which is interchangeably associated with Grameencredit. Grameencredit are small loans given to borrowers under the GB who have proven their responsibility and accountability to manage money through the GB's small-borrower group program. Every GB branch spans across 15 to 22 villages and includes center and bank managers. These managers familiarize themselves with the local village, prompting the interest of women to become borrowers. Any woman who is interested in receiving Grameencredit has to be enrolled in a five-member, homogeneous group that promotes collective responsibility.

The "Three C's" of microcredit serve as the foundation upon which the GB operates and examines the potential of a future borrower. The three "C's" are character, capacity, and capital. The character of a woman is based upon her past behavior in controlling debt obligations, her capacity is based upon how much debt she can consume, and her capital is based upon any existing assets she has. Within these small groups, only two women are allowed a loan at once and their repayment behavior is monitored over a period of time. If the two women have been successful in repayment methods, two more loans are disbursed to the members within the group and finally to the fifth member. With careful observation and discipline, all five members of the small group will be able to eventually receive microcredit. In doing so, many women pursue the path of self-employment by making pottery, garment sewing, and weaving. As women become entrepreneurs, their dependency on their husbands lessens and allows them to have a voice in personal and family decision making. Microfinance grew rapidly and this phenomenon was seen as an empowerment tool for women to gain financial freedom and become independent entrepreneurs.

The Adoption of Microfinance and Importance of Andhra Pradesh, India

Andhra Pradesh is one of the largest states in southern India with 30 percent of microfinance operations occurring here and it serves as the center of microfinance operations in India. Multiple and diverse structures of microfinance institutions (MFIs) vary in size including equity banks, non-profit NGOs, specialized banks, and NGOs converted into microfinance institutions. SKS Microfinance Limited, BASIX India, and Share Microfin Limited are three of the largest microfinance institutions that are established in Andhra Pradesh. Additionally, various lending practices, such as private microfinance institutions, government run self-help groups, and lending from family and friends operate within Andhra Pradesh. Consequently, failure in this state has a domino effect on surrounding markets throughout India.[11]

In 2010, speculation from the media and government concerning excessive profits, women committing suicide in relation to loan repayment, and high interest rates by microfinance institutions caused much focus and scrutiny on Indian microfinance institutions, specifically SKS Microfinance Limited. Under the assumption of corruption within these institutions, the Andhra Pradesh government began to force borrowers to default on their loans, resulting in a dramatic decrease of the repayment rate of loans from a staggering 99.5 percent to 5 percent. These mass defaults had an undesirable and damaging impact on the microfinance sector in this region. Staff members of SKS Microfinance Limited blamed the downfall on the government's false charges of corruption and fraud within the company. Dr. R. Divaker, vice president of programs at SKS Microfinance Limited, stated that a 20 percent decrease in savings rates from 90 percent to 70 percent occurred during this time of upheaval.[12]

With microfinance institutions serving as the core empowerment tool in promoting the growth of small businesses and economic development, poor borrowers

ultimately felt the effects of the halt of loans. The halting of loans by large microfinance institutions caused borrowers to seek financial assistance elsewhere. Primarily, this assistance came from family and friends. Seeking financial help from financers other than microfinance institutions had a negative effect upon borrowers. For example, when borrowing from microfinance institutions, a loan of 1,000 rupees yielded an interest rate of 25 RS. When borrowed from private financers, the same loan amount yielded an interest of 150 RS. Thus, the use of microfinance businesses were key in poor borrowers promoting growth in their small businesses. What once was deemed as a fulfilling and promising gateway out of poverty and into financial freedom had suddenly reversed for many Indian women during the crisis of 2010. Politicians against microfinance argued that microfinance lenders were not ensuring that borrowers were using the loans for income-generating activities and purposes.[13]

The Andhra Pradesh Microfinance Institutions (Regulation of Money Lending) Ordination 2010

In October 2010, the government of Andhra Pradesh passed The Andhra Pradesh Microfinance Institutions Act, which focused on controlling the financial sector and overseeing the conduct of MFIs. Rules under this ordinance outlined that MFIs could not lend to self-help groups without first obtaining approval from formal banking systems that may have already covered them, and meetings between MFIs and borrowers were to be conducted in government buildings.[14] All MFIs operating within the state are to apply through a registration process that featured penalties for incorrect information and a time restriction. Additionally, all registration forms are subject to inspection and are accessible to the general public. Section 10 of the ordinance outlined that registrations are also subject to cancelation following any rule violation. Grounds for an MFI to be subject to cancelation are increasing high interest rates contrary to what was stated in the registration application, recovering money from loans that were given, and functioning in regions that are not permitted in the ordinance.[15] On Dec. 14, 2010, the assembly of Andhra Pradesh passed an official bill to help regulate the functions and operations of MFIs. Although many MFIs demanded amendments, none were made to the ordinance.

Alternative Neo-Liberal Lens

The neoliberalism theory focuses on how states and other actors can achieve cooperation within the international system.[17] An anarchic international system makes it incomprehensible for states' policies and behaviors to achieve international cooperation. The shared self-interest and overall goal that Yunus was attempting to obtain through the Grameen Bank and microfinance was to implement an institution in the poorest neighbors that would give potential borrowers financial freedom and independence. Eventually, through microfinance, Yunus wanted to alleviate poverty and to raise the social class of women in society through cooperative effort. MFIs ensure these interests are adequately obtained through closely monitored collective responsibility, such as self-help groups and through the tedious work of branch and center managers in keeping records of borrowers' information. Yunus wanted to give a voice to the voiceless and highlight the fundamental human right of the poor to have access to credit. However, there are obstacles in international cooperation, which have been outlined in this article.

When the Grameen Bank's microcredit first launched in Bangladesh, specific guidelines were put in place to ensure the highest standard of excellence was given to the poorest of the poor, including bank and center managers working with borrowers who were unable to pay off their debts. Unfortunately, those same practices were not abided by, resulting in the crisis in Andhra Pradesh. Any actors that were involved with microfinance in India that had their own self-interest in mind – instead of the cooperative effort to help the poor – played a role in the crisis of 2010. This crisis serves as a prime example as to what can happen when self-interest dominates over cooperative effort. Not only did

the financial sector in India suffer a huge and negative hit, but also the effect trickled down and eventually borrowers felt the pinch. States with similar interest have a lot in common and the operation of international cooperation can run smoothly if these institutions are free of self-interest, defection, and autonomy.

Post-Colonial Feminism Critique and Conclusion

The post-colonial feminist perspective is very relevant because it causes us to keep in mind the differences between women around the world. Clustering women's needs together in homogeneous categories not only desensitizes individuality, but it portrays a false reality that all women are facing the same problems and to the same degree. Western women's perspectives regarding non-Western women must be based on facts and evidence, rather than false knowledge. The same goes for non-Western women in making assumptions about Western women. Many non-Western women perceive Western women as very privileged and spoiled, but Western women also face gender inequality, poverty, and homelessness. In fact, based upon cultural context, women face many facets and degrees of problems related to gender inequality around the world. When addressing women's subordination, critically examining issues within a cultural context allows post-colonial feminist to eventually branch out to the universal understanding of women's needs. Women's subordination must be addressed and understood in its cultural context, rather than universally.

Taking the modern case of the Grameen Bank, the adoption of microfinance methodology has had two totally different outcomes in Bangladesh and in India. You cannot use one tool of empowerment and apply it to different geographical locations without adjusting those tools to fit the needs of the specific race and social class to which it is assigned. Women differ in social class, race, age, and beliefs. These differences serve as foundational principles when building any type of developmental program to combat a global issue. This article has provided evidence that the use of the microfinance institutions to empower women in Bangladesh worked well as a banking and financial tool, but had different and detrimental outcomes in India. With a focus on Andhara Pradesh, India, implementing microfinance institutions had both positive and negative effects on overcoming women's subordination. Up until the crisis of 2010, microfinance institutions in India were able to provide a glimpse of hope for women entrepreneurs who lived in the slums and had dreams of a better future. These women put their trust in MFIs hoping that these loans would help ease the burden of poverty and jumpstart them onto a brighter path. With the astonishing number of suicides and many women fleeing their towns because of failure to pay loans, it seems as if the exact opposite was achieved for Indian women during this period.

During the crisis of 2010, the halting and prevention of loans made it trickier for borrowers to obtain loans, resulting in anxiety and stress placed upon borrowers. The pressure was so high on borrowers that there were 80 reported suicides linked to borrowers repayment obligations.[18] It is truly disheartening to see Yunus's original vision for microcredit as an instrument in alleviating poverty and promoting social and economic development take such a drastic, negative turn in India. Discipline, unity, hard work, and courage are the four principles that govern the Grameen Bank. Those principles appeared to be minute for the women in India as problems began to occur at the corporate level.

With any developmental system or program, there will be profound strengths and weaknesses. However, there is a linkage between empowering women and the economic development of a country. Although we have witnessed the strengths of microcredit through Bangladesh and some of its weaknesses through the operations in India, overall, microcredit is a powerful and resourceful tool for promoting economic development. If the social class of women never rises, how can developing countries expect other areas of their country to thrive successfully? At the 2011 Asia-Pacific

Economic Cooperation Women Summit, former U.S. Secretary of State Hillary Clinton described women as the "untapped resource that can help the global economy recover and expand."[19] The importance of empowering women goes beyond our expectations. Thriving women can literally change an entire generation. Women play many roles in society such as mothers, leaders, entrepreneurs, and wives. Within these roles, women possess the power to influence those around them. Empowered women can support and assist each other and produce amazing transformations in society as a whole. If legislators remove laws that act as barriers and obstacles for women, provide equal rights for all genders, and offer the necessary tools of empowerment, we would see admirable results in our economy.

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Bolivia
Photo by Janeska Soares Sadowski

Photo by Sara Monteabaro

Despite U.S. Efforts, a Sisi-led Government Foreshadows a Return to Strong-Man Politics in Egypt

by Andrew Apostolopoulos

On March 26, 2014, Egyptian Field Marshal Abdel Fattah al-Sisi declared his candidacy for Egypt's forthcoming presidential election. As Sisi commands massive popularity, it is widely accepted that he will sweep the forthcoming elections on May 26 and 27. His critics, who are primarily comprised of supporters of the opposed President Mohamed Morsi, see this announcement as the final stroke in the counterrevolution of the events of 2011 that saw the removal of Hosni Mubarak from power.

The United States now finds itself in the familiar position of compromising democratic values for regional security; yet, while Washington debates how to respond to a Sisi-led government, Egypt grows less dependent upon the West. This stark reality foreshadows an Egyptian regime moving away from democratic revolution rather than toward it – a government that has more similarities with the ideals of former President Gemal Nasser's Free Officers Movement of 1952 than the Arab Spring protests of 2011.

A comparison between Sisi and Nasser is not purely academic; according to news source Al-Monitor, since the fall of President Morsi, Nasser's visage has been a common sight at pro-Sisi demonstrations in Tahrir Square. More importantly, Sisi, like Nasser, is far from a supporter of the Muslim Brotherhood; the only major difference between the two men is that Nasser openly opposed the organization whereas Sisi appears to maintain an air of indifference.

This lack of concern may seem benign in comparison to Nasser's purge of the organization; however, Sisi's impassiveness has allowed Egypt's judicial institutions to severely marginalize the role of the Brotherhood in Egypt's politics. For example, the military establishment remained silent when the Egyptian judicial system reclassified the Brotherhood as an illegal organization in September of 2013. More recently, Sisi and the Egyptian military distanced themselves from a judicial ruling on the March 26 that imposed the death sentence on 529 Brotherhood members and supporters, all of whom were accused of being involved in violent protests toward the end of President Morsi's rule. From these events, it is evident that the future of the Brotherhood is currently bleak. A Sisi-led Egypt will be, at best, indifferent to the Brotherhood and, at worst, staunchly oppressive of the organization.

Consequently, Sisi is likely prepared, at least initially, to face an Egypt without substantial U.S. funding. He is aware that the reversal of the current U.S. freeze in aid is contingent on Egypt's ability to uphold due process and democratic norms; the use of the death penalty against 539 Brotherhood members hardly fits this criterion. Sisi may, however, be banking on the fact that the U.S. is eventually likely to choose security concerns over democratic ideals. One such demonstration of U.S. prioritization of funding toward Egypt is already evident; although the State Department froze assets to Egypt in light of Morsi's removal, it has continued to provide funds for the use of counterterrorism, nonproliferation, border security programs, and development programs in Sinai. The Obama administration may circumvent Republican-led efforts in Congress to stem aid to Egypt by citing an exception based on national security. Consequently, a Sisi-led Egypt may eventually attain funding from Washington despite the perversion of democratic principles.

While U.S. Secretary John Kerry has not yet finalized how U.S. aid to Egypt will change in light of Egypt's current political atmosphere, a Sisi-led Egypt may not require the same extent of U.S. funding as have previous governments. Like Nasser, Sisi recognizes the power of working with the most amicable world power. In light of

Washington's aid freeze, the Egyptian military has openly turned toward the Kremlin, an overture that, according to The Jerusalem Post, has resulted in a $2 billion arms deal with Russia.

The new Egyptian regime also has several friends closer to home, particularly the Kingdom of Saudi Arabia, the United Arab Emirates, and Kuwait. All three of these nations recognize the historic importance Egypt plays in Middle East politics. These countries also understand that what happens in Egypt impacts the region at large and that militant Islam poses a threat to their continued stability. As such, it is not surprising that all three countries have decided to provide Egypt with billions of dollars in aid.

Given these circumstances, Sisi is likely to enter Egypt's political area with a strong support system, a situation similar to Nasser's position in 1952. Unlike during Nasser's time, however, Sisi faces an Egypt with a crumbling economy and hostile challenges at home and abroad. This reality combined with the likelihood that the government will continue to face mass public protests foreshadows a Sisi presidency that will mirror the draconian nature of Hosni Mubarak's rule. Unfortunately for Washington, the United States no longer has the political and economic clout to directly influence Egyptian politics and policies; like the rest of the world, the United States is now forced to adopt a wait-and-see strategy in Egypt.

Lake Kivu, Rwanda
Photo by **Katerra Billy**

Has the justice system failed Mexican women?

by Marisa Ahuja

Mexico has come a long way in recent years in making sure that the country's legal framework includes a gender perspective that prevents discrimination against women and promotes gender equality. This seems logical considering that according to data from the National Council of Statistics and Geography (INEGI), women in 2013 represented 52.2 percent of the total population, a figure that has remained stable for the past six decades.

Many of the triumphs for women in Mexico can be ascribed to women in the public sphere, but while advocating the increased participation of women in the public sphere, the female murder rates in Mexico are achieving crisis status.

Numerous international organizations and Human Rights NGOs have demanded more effective actions and responses to the numerous cases of forced disappearances and assassinations of women in Mexico. In 2009, the Inter-American Court on Human Rights, ruled against Mexico in the case of the sexual abuse and murder of eight women in Ciudad Juárez, Chihuahua. As a result, the court ordered a set of guidelines for the Mexican government to instate and follow, including the creation of a database that documents information on disappearances and the femicide of women. To this day, no such database exists, and while the government has launched big campaigns that raise awareness against gender violence, the problem, far from diminishing, has become larger.

Just last year, the president of the Commission of Human Rights for the House of Representatives, Miriam Cárdenas Cantú, received a report by the Nobel Women's Initiative, highlighting the fact that femicides in Mexico have increased 40 percent since 2006. The State of Chihuahua, for example, has seen a raise of 1,000 percent in femicide between 2007 and 2010, and has an estimated female murder rate of 34.73 per 100,000, much higher than the world average. The militarization of certain regions that has become part of the strategy on the war on drugs has also exacerbated violence against women, particularly in vulnerable towns, where indigenous women and human right defenders are exceptionally at risk. A report presented by the undersecretary of Human Rights of the Ministry of the Interior in Mexico shows that at least eight states, including Chiapas, Chihuahua, Distrito Federal, Durango, Guerrero, Michoacán, Oaxaca and Sonora have seen a worrisome increase in femicide risk in the later years.

According to reports by the Women's Nobel Peace Initiative and the United Nations, approximately 95 percent of the femicide cases in the country go unpunished, even though femicide was redefined in the general law for "Women's Access to a Life Free of Violence," the term has only been recognized in the penal codes of 19 out of 31 states.

The government responded to international pressure by launching massive campaigns raising awareness against gender violence. However, little has been done in terms of impunity. Women are afraid to come forward in cases of domestic and other types of gender violence because they know there is very little chance their claims will be taken seriously. They fear not only impunity for their aggressors, but being targeted for speaking up. And in the meantime, violence is escalating to murder.

It is time for government rhetoric to become government action. Women, and particularly vulnerable groups such as indigenous women, need to be able to feel safe in their communities. The justice system needs to recognize femicide as a separate crime and make sure that the perpetrators don't get a free pass. Education campaigns have to target men as well as women, but they have to go hand in hand with judiciary changes.

Gambia
Photo by Amy Newell

Middle East
Photo by Sameer Kanal

Japan's Energy Security: Is a Nuclear Free Japan in the Horizon?

by Zlata Gruosso

"There is nothing more costly than nuclear power. Japan should achieve zero nuclear power plants and aim for a more sustainable society."

– Junichiro Koizumi

Two years have passed since the Fukushima nuclear disaster in March 2011. The future of energy security in Japan has since then been quite problematic, and one could argue, quite unstable, especially since a growing anti-nuclear movement has grown place as a result of the Fukushima disaster. Therefore, the time has come for Japanese leadership to make a decision on the future of their energy security. If Japan decides to re-activate nuclear reactors, the best scenario is a hybrid between nuclear and renewable energy.

In an Oct. 2, 2013, article in The New York Times, "Former Japanese Leader Declares Opposition to Nuclear Power," Martin Fackler reported that Junichiro Koizumi, Japan's former prime minister, had declared that "Japan should rid itself of its atomic plants and switch to renewable energy sources like solar." This was quite a dramatic change for Mr. Koizumi, since during his time as prime minister he was a strong supporter of nuclear energy, even appealing for "Japan to become a nation built on nuclear power." At the same time, Mr. Koizumi pointed out the importance of the anti-nuclear movement as "a potential potent political force", according to Fackler's report. On the other side of the spectrum, is Economy Minister Akira Amari's standpoint on nuclear energy. Amari, writing from an economics perspective, focuses on "cheap energy security" as a priority. Therefore, part of Amari's plan for achieving "cheap energy security," is to restart nuclear reactors that are believed to be safe according to a report by George Nishiyama in The Wall Street Journal.

Which role does the Japanese population play in the pro-nuclear energy battle that seems to be brewing within the Japanese leadership? Based on opinion polls in Japan, more than half of the population opposes re-activating the nation's nuclear plants. A final and important point that needs to be considered when presenting the best option for Japan's energy security is that we must not forget that Japan is a resource-poor country, and a resource-poor country cannot crudely make a decision regarding its energy security future.

Japan must decide soon which stance to take regarding the future of its energy security. Japan should consider a hybrid nuclear energy/renewable sources of energy scenario. First, nuclear energy is cheaper and cleaner. Second, other sources of energy such as oil, coal, and gas, emit more CO_2 and will continue to place both an environmental and economic burden on Japan. Third, renewable sources of energy such as solar are not only environmentally friendly, they would also allow Japan to rely less on other nations for its energy sources. Finally, it is quite unlikely that Japan would take nuclear energy off the table, since it became the main response to the 1973 oil crisis and a means for Japan to increase its energy security and decrease its reliance on other countries.

It is still too early to tell if a nuclear-free Japan is on the horizon, but the growing anti-nuclear sentiment among the Japanese population, the divide within the government, and continuing environmental problems as a result of the Fukushima disaster, seem to point to a different energy future. The energy security future in Japan appears to present itself as a hybrid energy future where the use of nuclear energy will slowly be reinstated (with stricter policies), combined with an increase on oil and gas imports, and more investment in renewables sources such as solar.

The Elephant in the Room

by Nour Hejase

Silent in his demeanor, yet massive in size, the elephant in the room waits to be noticed. Formally dressed men and women, heads of states, gather in that room yet they don't seem to see it. They take turns discussing climate change, pointing fingers at whose fault it is. They focus so much on the problem; that the most apparent solution evades them. The elephant in the room is not global warming, it is technology.

The fact is greenhouse gases, primarily CO_2, have caused the earth's surface temperature to rise. The International Panel on Climate Change's (IPCC) 2013 report states that scientists are 95 percent sure that human activity has been the "dominant cause" for global warming since the 1950s. Focusing on hindsight and trying to redeem points for innocence is completely unnecessary. What is necessary is acknowledging the elephant. Technology has been rising to the occasion every time a crisis occurs and then it is put back in the corner.

Accessing phones, computers, and the Internet is not the kind of technology referred to here. The elephant is in the labs, the classrooms and think tanks; it is in the brains of people capable of problem solving. Policy makers are the only ones who can enhance that technology and feed that elephant allowing it to grow into its deserved grandeur.

How does one feed the technological elephant? Money, grants, public support and search for potential. Our human history has been filled with landmark moments from Thomas Edison's simple light bulb to the one in Steve Jobs' mind that led to the iPhone. Nobody had a problem seeing the results; but the challenge is always reaching that potential for invention and innovation. That is where policymakers must find value and allocate funds. Technology is humanity's biggest chance.

Projects around the world are being constructed in hopes of redeeming our planet; yet our planet's most unnatural, yet astounding, setback is cost. Companies cannot afford investments in brand new technologies, countries cannot afford feeding their own populations and the list goes on. The solutions are so clear, it is the decisions that are misled and misplaced.

The suggested solution here is basically a shift in government spending. According to the peace lobby group "Friends Committee on National Legislation," 37 percent of U.S. citizens' tax money in 2012 went toward military spending. A mere 3 percent was spent on energy, science and the environment. A clear discrepancy is apparent in priorities. An immense intellectual asset is simply put on the back burner and suffocated by military expenditure. The widely acclaimed notion is that necessity is the mother of invention. It is still unclear how states do not consider our current situation a necessary call for action.

CO_2 emissions have surpassed the safe 350 parts per million (ppm) and are now bordering 400. It is only safe to say that the sustainability of the world we live in is generally "unimportant" up until now for policy makers. Hence, my second suggestion is a people's call for action. Crowd funding initiatives can leverage the costs and the support that governments fail to provide. Crowd funding provides roots for entrepreneurs in the clean energy and environment sectors. This approach is working with renewable energy ventures dealing with solar and wind. It could also hold in fueling newer technologies and alternative energy sources.

In "The Watchman's Rattle," Rebecca D. Costa considers a radical new theory of collapse; yet provides insight on what humans have done before to survive and what they are still capable of. She describes a situation that seems very relevant in this argument for technology.

Captured from the 1950s American sitcom "I Love Lucy," Lucy is standing at the factory conveyor belt picking the pieces of chocolate moving in front of her. Costa compares humans' cognitive abilities to Lucy, and the conveyor belt to complex situations. That is, the faster the conveyor belt moves, the more complex the situation and the fewer pieces of chocolate Lucy can remove. So it is convenient to denote that our current climate change situation is becoming more complex and we are still able to mitigate relatively by finding new ways to produce less CO_2. However, the challenge is global and if coal is diminishing in the States, then it's increasingly used in China and India. We can only bear so long before we completely lose the ability, or the chance, to slow our exponentially speeding conveyor belt.

Reaching out to science, investing in technology, funding research and enhancing education to fuel innovation are recommended. Policy makers and the people have to nourish that elephant until it sits on that conveyor belt and rids it of all complexity; finally countering global warming.

Daniel Drezner ties together foreign policy and horror in *Theories of International Politics and Zombies*

by Joseph Gillis

Theories of International Politics and Zombies
Daniel W. Drezner
Princeton University Press
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168 pages

As a member of the Council on Foreign Relations and The Zombie Research Society, Daniel Drezner is well qualified to explore the zombie apocalypse from the perspective of international relations in Theories of International Politics and Zombies. Drezner is a professor of International Politics at Tufts University and a writer for Foreign Policy. He has written a number of books, including All Politics is Global: Explaining International Regulatory Regimes.

After a brief survey of zombie films and literature, Drezner "stress tests" specific theories of international relations to determine how they might confront the zombie apocalypse. Under a realist approach, Drezner argues that international relations will remain "largely unaffected" because all parties will act in their own self-interest and maximize their own security. Drezner cites a potentially unfavorable outcome: powerful countries might take advantage of the chaos in order to expand their territories, as Russia did to reabsorb Belarus in World War Z.

Liberals, Drezner asserts, would believe that globalization would lead to international cooperation in order to eradicate the zombie infestation. Drezner also views risks associated with liberalism, including an "open global economy," which would facilitate the spread of zombies, and implausibly, the development of organizations that would (e.g., "Zombie Rights Watch") hinder the eradication of the undead. Ultimately, Drezner

contends liberalism would lead to a positive outcome: "To use the lexicon of liberals, most governments would kill most zombies most of the time."

Under social constructivist theory, Drezner proposes a humorous, though improbable, outcome of assimilating zombies into our culture and suggests that remaining humans would feel pressure to conform to "zombie practices."

Neoconservatives, Drezner argues, might act more rapidly against zombies because they are the first to perceive threats (even when there is no threat to be seen, as in Iraq). It is possible they might overreact, and see "zombies and despots as part of the same overarching threat." Drezner also explores, through an American perspective, how domestic and bureaucratic politics might influence the global community's response to the zombie apocalypse. Given the threat to national security, the executive branch could decide to act on its own without consulting Congress. Drezner suggests that eventually public sentiment would change and "impose significant constraints on counter-zombie policies." Drezner emphasizes that organizations would need to work together, and bureaucracies within each organization could make cooperation problematic. Last year's shutdown of the U.S. government is a good case study in the crippling effects of domestic and bureaucratic politics, but one might hope that a zombie apocalypse would lead to bipartisan cooperation.

Drezner concludes that no matter what perspective you use to confront the zombie apocalypse, powerful states would be better off than weaker ones. He also concludes that most international relations paradigms are state-centric, which render them useless in addressing the problems of modern society: "Perhaps, however, the ability of these theories to explain current global threats and challenges is more circumscribed

than international relations theorists proclaim in their scholarship." Theories of International Politics and Zombies is an enjoyable read and a good recap of the Zombie canon, and is insightful for those interested in international relations and transnational security.

Finally, in what should help us all sleep better at night, Drezner posits: "the zombie canon's dominant narrative of human extinction is overstated."

Theories of
INTERNATIONAL POLITICS AND ZOMBIES

Daniel W. Drezner
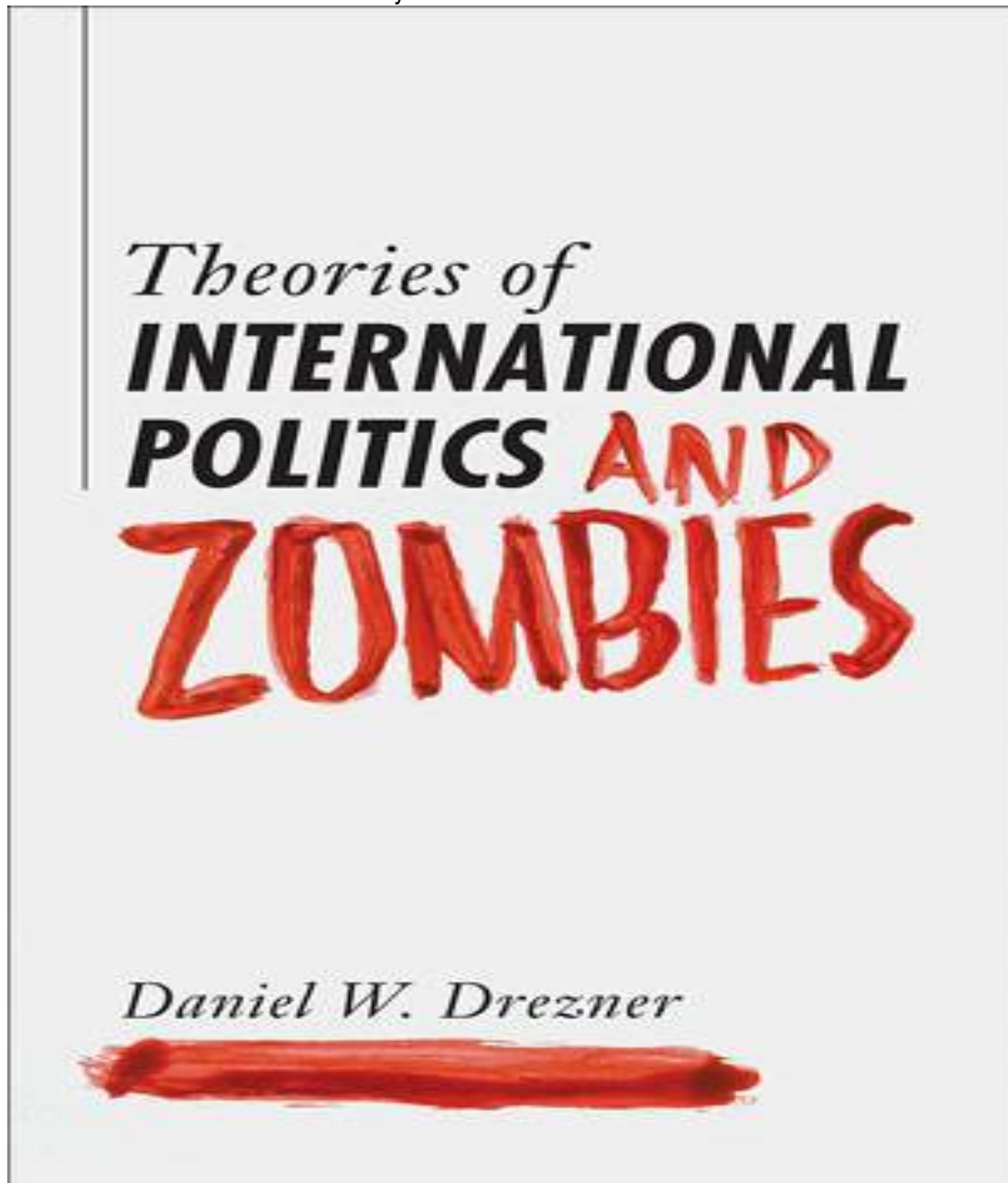
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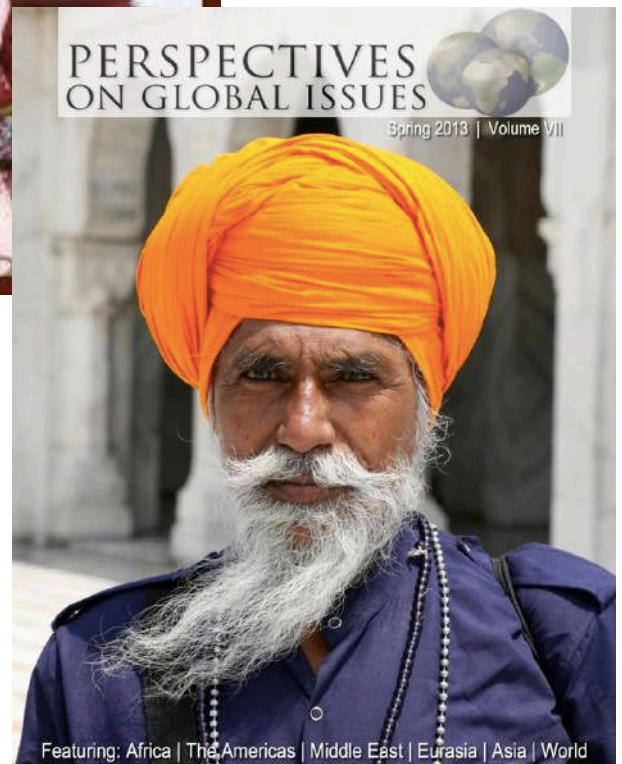
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