



HEMISPHERES

THE TUFTS UNIVERSITY JOURNAL OF INTERNATIONAL AFFAIRS

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Editors' Note

Looking at world events over the course of the past year, it would be difficult not to give pause over the widespread popular uprisings that took place, such as the Arab Spring or the Occupy movement that spread around the globe. The world has watched these movements attentively, with reactions ranging from inspiration to fear. For our 35th edition of *Hemispheres*, we too, were inspired by the actions taken by individuals to shift the political structures around them. Yet for us, the uprisings were a starting point rather than the whole story. We saw them as reflecting a growing trend whereby a wide variety of actors in favor of changing existing power structures, from states, to citizens, and beyond, have become increasingly proactive. Some of these issues have been highly visible, such as the protest movements, or Turkey and China's bids for greater influence. Others have been more hidden, more subtle. To place these events into a greater narrative, we chose the theme of Transitions & Regime change for this edition. Though the idea of power transitions is not new, we feel that there are more moving parts, more opportunities for change, than there have been in recent decades. For this reason, we find there is no topic more timely nor imperative to the study of International Affairs today.

Across all of our articles, the variety and global scope of these power transitions is astounding. In Asia, countries like Japan and Thailand are strengthening their global influence not with weapons or steel, but by food as way to elevate their soft power increase their national image. In Latin America, an investigation into the history of the Chinese diaspora in Panama reveals the growing influence of China in a region previously monopolized by the U.S. In East Africa and Eastern Europe, democratization efforts are occurring in opposite directions, as Kenya steps forward with constitution reform and Kyrgyzstan moves backward in its revolution attempts. Nations facing increasing threats from the Internet will need to think critically as to how best to protect themselves and their allies, and new solutions to international criminal justice are being evaluated in order to better promote justice and healing in conflict-torn states. We also see an article on the use of Information Communication Technologies in the Arab Spring, and look at how modern technology and popular movements intersect. In an interview with Matthew Hoh, Senior Fellow at the Center for International Policy and Director of the Afghanistan Study Group, the U.S. desire for change is challenged by his stance against the Afghanistan war. Finally, through a powerful photographic exploration "Lenses of Truth" and editorials from our staff, the theme under discussion is give a more personal perspective.

Though it may not be apparent at first glance, these materials are bound together by the changes that they represent, sometimes subtle, sometimes unsuccessful, but nevertheless striving for something new. We do not yet know what power structures we will see emerge or dominate in the coming years, but

as this edition of *Hemispheres* shows, we find ourselves in a period where change is very much on our minds, and many are working in new ways both to achieve and to prevent it. We hope that in this year's *Hemispheres*, the articles, photos, interview, and editorials will provide our readers with valuable insight into the various forces of change and resistance, many of them not readily distinguishable, with which to view the world we live in today.

Robert Truglia and Ati Waldman

Articles

Taste the Influence:

The Spread of Gastro-Diplomacy in Asia

Youhee Choi, Stacey Cho, Euncho Chong, Elizabeth Rose,
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Abstract

Diverse efforts not only by the private enterprises but also by the national governments clearly prove the growing significance of soft power. This paper specifically zooms into food as a potential means to strengthen national image, crucial to soft power. Focusing on the development of gastro-diplomacy policies in Thailand, Japan, and Republic of Korea, this analysis argues that food can serve as an effective method of increasing soft power. This point is proved through the measurements of Country Branding Index.

Introduction

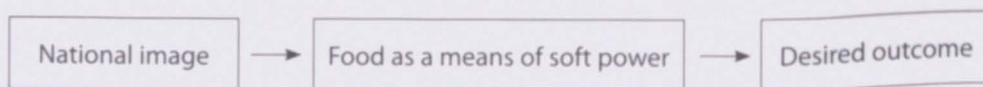
“Soft power is not merely the same as influence.” As the quote implies and with the growing importance of soft power, governments nowadays are utilizing soft power with greater and greater frequency in order to persuade other nations to (what exactly does this mean?) and to appeal for further desired outcomes. Rather than merely focusing on maximizing hard power—“to achieve one’s purpose by affecting the behavior of others”² through enforcement and coercion—governments have chosen to pursue soft power, which they consider to be comparably more effective in persuading other nations. Yet what is the ultimate goal of each nation in trying to enhance soft power? In other words, what is the actual desired outcome that governments would like to accomplish with the use of soft power? This paper will define the desired outcome as what the nations want to ultimately achieve which is typically attained by building bridges with other nations so that they can make political, economic, and cultural gains. In this globalized world where most nations are interrelated with a common ground of advanced democracies, one of the most desired outcomes for all nations is a better, closer link with each other to gain more profits.³

One aspect of soft power that nations deem important is national image. The reason why national image is significant is because its contribution to soft power is utilized to achieve these ‘desired outcomes.’ Every effort to gain more soft power by improving national image “plays an important role in helping to create an attractive image of a country that can improve its prospects for obtaining its desired outcomes.”⁴ Various methodologies do exist to improve

soft power. However, this paper will specifically focus on how *food* can be a major contributor for nations in promoting national image and later in gaining desired results.

Among diverse actors striving to utilize food as an effective means of soft power, this paper will focus on the public sector—importance of food in government policies. As French philosopher and gastronome Jean-Anthelme Brillat-Savarin explains, “food—as both a symbolic and consumable item—has power in politics.”⁵ This explains how foods retain “value as a form of power in international relations” that can lead food to become the effective means of raising national image.⁶ This argument on the link of food and national image is reinforced through Joseph Nye, the scholar who introduced the term *soft power* when he described food as an aspect of culture, which reflects a country’s national image.⁷ First this paper will discuss each case study, Japan and Korea, and how governments focus some of their resources to utilize food as a means of soft power. Then, this paper’s analysis of Country Branding Index will further explain the influence of food in national image, keeping in mind that an attractive national image can lead to soft power.

Figure 1



Literature Review

Definition of Terminology

Before going further into the study, it is necessary to define a few terminologies in advance to clarify their meanings within the scope of the paper’s focus. We adopt the basic definition of soft power from Joseph Nye: soft power is the ability to obtain what one wants through co-op and attraction.⁸ Yet, we would like to point out a key feature that should be provided specifically for this paper; debate exists whether to include more hard-power factors such as economics and politics into soft power or not. This paper would then take a case-by-case analysis. Rather than strictly deciding upon if economics can be a form of soft power or not, this paper understands that government policies are contextually defined and that the inclusion of economics differs from nation to nation.

National image contributes and is a component of soft power. Although national image is recognized both internally and externally, this paper will focus on the image that nations portray abroad to other countries rather than the image recognized by the nation’s own public. Therefore, we define national image as the external image of a nation that outside nations see and recognize. We assume that all nations would work to foster their national image as positive so that it may contribute to soft power.

It is also important to define food in relation to soft power. Food can have diverse implications, from a “doubly consumed item that can be bought and sold” to an “object and medium for levels of contexts, customs and ideologies.”⁹ This paper’s description of food will focus more on its diplomatic implications “as a medium or a central feature that facilitates interaction between actors,”¹⁰ in this case, nations. Essentially, this paper will deal with the targeted government policies that are implemented concerning foods used in specifically oriented settings. By analyzing how governments effectively use their budget in promoting national image through food policies, we will evaluate, through Country Branding Index, what measures the performances of each nation’s soft power.

Justification of Case Studies—Japan and Korea

Thailand was the first nation to utilize gastro-diplomacy as part of a government implemented program to reach out to other nations and expand its reputation. Through a government initiative dubbed “Global Thai,” Thailand aimed to increase the number of Thai restaurants around the world.¹¹ This plan was based on a trend in the United States, where the number of Thai restaurants grew from 500 to 2,000 spanning from 1990 to 2002. The government ambitiously embarked upon a program that would increase the number of Thai restaurants worldwide from 5,500 to 8,000 by 2003. Thailand was able to open new and innovative ways for nations to connect culture with politics, and therefore helped build the awareness of the country as a whole. The aim of the “Global Thai” program was not only to increase awareness of Thai food around the world, but also to deepen relations with different countries. Other nations, including Japan and Korea have followed in Thailand’s footsteps by initiating their own gastro-diplomacy campaigns.

Asian governments have actively pushed for gastro-diplomacy initiatives in their respective nations by pursuing policies and issuing directives that help boost their culinary cuisines in a direction that would foster a positive national image. Although Western countries such as France have an extensive reach into foreign markets and cultural spheres, their efforts have mostly been market- or economy- based and have been undertaken by private actors. Asian nations, on the other hand, have government-led programs that push for gastro-diplomacy to permeate through both diplomatic and cultural spheres. There has not been any significant government-induced gastro-diplomacy drives made by Western states, whereas there are many examples of public sector advancements for gastro-diplomacy by Asian states.

Asian nations are increasingly viewing food as an “ambassador,” a way to connect with foreign countries to deepen their relations as well as spread their own culture.¹² Most notable of the Asian countries in their government initiated gastro-diplomacy programs thus far are Japan and Korea. The governments of these two states have actively sought to promote their national cuisine abroad so that the food themselves can become the link or “ambassador” they need in order to spread their influence.¹³ In placing such importance

on culinary diplomacy, they have become examples of how food is able to shape a nation's soft power and influence. Therefore, our essay will first examine Japan and sushi-diplomacy and then examine Kimchi-diplomacy, which has been declared the "next big boom" in gastro-diplomacy.¹⁴

Data and Methodology

When discussing those two countries—Japan and Korea—we utilize gastro-diplomacy, which can be defined as the "method of building the reputation of one's country through promoting one's national cuisine."¹⁵ Around 2002–2003, the term was widely used, referring to "the Global Thai initiative." This initiative greatly contributed to increasing the number of Thai restaurants around the world, thousands in U.S. alone.¹⁶ Likewise, South Korea has continued to pursue kimchi-diplomacy and Taiwan, dimsum-diplomacy.¹⁷ Gastro-diplomacy has its significance in that it shows the link between food and national image, that the spread of food does contribute to promoting one's national status. People are likely to relate to foreign cultures in terms of its cuisine, which is why countries are promoting their food in a government-wide scale like Thailand. Hence the concept of gastro-diplomacy will be used to show countries' efforts in promoting their national image through the medium of food. Thus, specific analysis on government policies to utilize food as a means of soft power would be a direct application of gastro-diplomacy for "building the reputation of one's country through promoting one's national cuisine."¹⁸

Then, to evaluate the effectiveness of government food policies, this paper uses Country Branding Index. Food is an important component of the index because it is one of the most representative things of a nation and thus is a great standard to measure or evaluate the nation's status in the worldwide context. The Country Branding Index, first of all, is "an annual study that examines and ranks country brands based on FutureBrand's proprietary research study. It measures overall country brand performance in [categories of] awareness, familiarity, associations, preference, consideration, decision/visitation and advocacy."¹⁹ The Country Branding Index also states that "the most important factors—the aspects that truly differentiate a country brand—are its associations and attributes across five key dimensions: Value System, Quality of Life, Good for Business, Heritage and Culture and Tourism."²⁰ This is similar to what is called National Branding Index. National Branding Index is an annual survey, conducted by research companies such as Anholt-GfK Roper. The survey is based on ratings of 50 nations in 6 categories: exports, governance, culture, people, tourism and immigration/investment.²¹ The ranking is based on the average of these six scores.²² The Index basically measures the global image of 50 nations portrayed to others.²³ For instance, in 2010, the United States held the first rank for the second consecutive year.²⁴

Our research will form around and focus more on the Country Branding Index rather than the National Branding Index because the categories of the Country Branding Index are more relevant to our research objective to find out the overall national image in subtle ways, whereas National Branding Index

has many other categories like immigration/investment that are not exactly aligned with the food aspect that the paper tries to focus on.

We acknowledge the fact that this index was measured by a private research institution, which may indicate that the results may have partial figures. Yet, the Country Branding Index is significant in that it shows the importance of national image/reputation as soft power and also that the national image consists of large important categories and that can be affected by many implicit factors. Especially in this index, food is utilized as one of the main factors to national image. Furthermore, since the survey is annual, it is easy to see the ups and downs of different countries and in what aspects they are doing well or in what aspects they are doing poorly. In sum, the Branding Index is going to be used to show that national image is an important soft power and also to present how countries are doing recently in terms of managing their national brands.

A Closer Look at Japan and South Korea

Sushi Diplomacy—Leading Efforts to Implement Gastro-diplomacy

Japan's sushi-diplomacy is one of the most successful government initiated gastro-diplomacies. Sushi-diplomacy has been able to make an impact on both Western and Eastern nations, and has been a big component of the international culinary realm. Active efforts from the Japanese government are helping brand sushi as part of Japan's national image.

In order to boost their food's image, Japan has set up government organizations to promote Japanese food to different nations. The Organization to Promote Japanese Restaurants Abroad (JRO), is one of these government organization that is committed to "convey[ing] the appeal of Japanese food to the world and increas[ing] the reliability of Japanese restaurants."²⁵ The JRO has a network of local branches, and they all pursue the following goals: establish local branches abroad, publish journals and prepare educational materials aimed at improving culinary skills, identify Japanese food needs overseas and conduct local PR activities, and research the promotion of exports of Japanese foodstuffs. These goals are aimed at achieving the JRO's main objective, which is sharing Japan's food culture with the rest of the world.²⁶

JRO sees Japanese food as a national asset, and believes that "sharing that asset with many people around the world is something that not only will enhance Japan's image, but will also make an immense contribution to the richness and diversity of food cultures and diets worldwide."²⁷ It appears that Japan sees their own food as part of their national image which is being projected to other countries. The JRO believes that Japanese restaurants are "showrooms" for "communicating Japanese food and culture to the world" by allowing people to directly access Japanese food, and thereby the "Japanese culture it encompasses."²⁸ Not only does the JRO promote Japanese restaurants abroad, they also hold seminars, exhibits, and cooking demonstrations in various cities, including Toronto and Chicago.²⁹

Another crucial government activity has been the use of “sushi police,” who work to protect the reputation of sushi abroad by ensuring hygienic ingredients and working conditions. In order to protect the image of sushi as well as provide hygienic and safe food, Japan is taking care to keep sushi from being branded as a *dangerous* food.³⁰ The All Japan Sushi Association (AJSA) works closely with the government to ensure that proper technique and hygiene is used in the making of sushi. Japan has also employed and trained both domestic and foreign chefs in the production of sushi so that they are able to spread Japanese food abroad.

These government efforts to promote and also to protect the image of Japanese food abroad are significant in that it shows that the government regards the link between food and national image to be very close and attempts to improve their soft power through the means of food. The JRO’s activities, for example, have shown that maintaining and improving the projection of the food’s image abroad through an organized system is necessary from the government’s perspective. The case of “sushi police” reveals the concern of the government to maintain the food’s already established image, as it is closely related to the reputation of the nation as a whole.

The success of Japan’s sushi-diplomacy reveals how a foreign food was able to change the food culture of outside nations as well as participate in the emergence of food networks. “Since 1970, the Japanese government has sent chefs abroad, a policy that has undoubtedly helped globalize Japanese cuisine.” Although sushi is not an “inexpensive, neighborhood-based food,” it was able to overcome both price and taste barriers in order to become a widely accepted food in the West. “From an exotic, almost unpalatable ethnic specialty, then to haute cuisine of the most rarefied sort, sushi has become not just cool, but popular.”³¹ Sushi has successfully transformed into a cultural icon in the West, one that not only exemplifies Japan, but also implies a certain cultural and social refinement in taste.

The popularity of sushi has not only permeated throughout the West, but also in Asia as well. China has used sushi in their diplomatic relations with Norway to commemorate the 10,000,000th Norwegian salmon to China. In order to smooth diplomatic strains created by the selection of Liu Xiaobo (a Chinese dissident) for the Nobel Peace Prize in 2010, China attempted to use of soft power through the construction of the largest sushi mosaic in the world at the Norway pavilion of the Shanghai Expo.³² Although tensions with Japan remained high with China (due to issues of sovereignty over the Senkaku Islands)³³, China opted to use sushi as a means of cultural and political diplomacy with Norway. The fact that China chose to use sushi, even though there were in conflict with Japan, reveals the pervasiveness of sushi throughout both Western and Eastern nations. China could have easily chosen to use a different food that is representative of their own country such as dim-sum or dumplings, but it appears that China chose to use sushi as a representative Asian food to showcase to Western nations because of sushi’s popularity with Western cultures.

Kimchi-Diplomacy—Potential to Effectively Utilize Gastro-diplomacy

Following closely in the steps of Japan's sushi-diplomacy is South Korea's kimchi-diplomacy. It is hard to say that kimchi-diplomacy is as successful as sushi-diplomacy, however South Korea's gastro-diplomacy push is gaining more recognition.

As South Korea attempts a "re-branding effort" in order to boost their soft power, the government has turned to gastro-diplomacy to "win hearts and minds through stomachs." Their endeavor has been labeled as "kimchi-diplomacy." Since Korea is not as well known as Japan or China, new steps are being taken—using Korean food—to gain recognition. Recently, Consul General Jeong-Gwan Lee and his wife, Jongran Park, have attempted to educate people about the culture of Korea using its national dish, kimchi. Park directed individuals in the making of this dish at her home in California. According to Lee, "food is one of the most important means to perform cultural diplomacy," for it allows "people around the world [to] know more about the culture of [one's] country."³⁴ Lee believes that since many people do not know much about Korea, it is difficult for his nation to have success in diplomatic negotiations such as the Korea-U.S. Free Trade agreement. Therefore, they used kimchi as tool to project a positive image upon Korea, thus giving the Free Trade agreement a chance in the White House.

Food may not be a direct cause in gaining power for a country; however, it is helpful in giving a nation a positive image. It is clear that Korea had been successful in promoting themselves using food as Lee and Park's efforts proved somewhat fruitful—on the 21st of October, 2011 the Free Trade agreement between South Korea and the U.S. was passed.³⁵

Even Korea's First Lady, Kim Yoon-Ok, recognizes food as an important means of soft power. Recently, Kim published *Nature of Korean Food*, which shows her enthusiasm for promoting Korean food to the international realm.³⁶ She even showed her passion by becoming an honorary president of *Han-sik Segyewha chujindan* (Promotion of Korean food in globalization).³⁷

In 2009, an international symposium, titled "Korean Cuisine to the World," was presented. It was composed of three sessions: "The tendencies of international culinary industry and Korean food's positioning," "The case of successful globalization of foods" and "The strategy of globalization of Korean food." Ms. Kim was one keynote speaker to give a speech. Just like Japan's governmental effort to promote national food in international realm, Korean government is pushing its speed to maximum.³⁸

Even if there is no direct link between successful diplomatic gain and the promotion of Korean food, these efforts definitely created the familiarity of Korean food to foreigners. Kimchi-diplomacy is pertinent in improving relationships between Korea and the American veterans who served during the Korean War. In the interest of improving Korea's image in the eyes of these veterans, Kim has served them Korean food. "I wanted to give them a new taste of Korea as something positive and delicious . . . From the war, they do not have many pleasant food memories."³⁹

Ms. Kim also made kimchi for former Japanese first lady Miyuki Hatoyama, who was known for her love of Korean food. At that time, the Japanese first lady was accompanying the Japanese prime minister on his visit to Seoul and this display of kimchi-making drew in a horde of media attention.⁴⁰ Although, this does not necessarily mean Japan and Korea relations are perfect solely due to kimchi; this spicy cabbage is basically a tool toward improving the image of Korea and making it more attractive, thus giving Korea a leg up when it comes to diplomatic relations. Kim states that "Cuisine not only reflects the level of culture of a nation but also represents its brand value. Considering that an increasing number of people across the world are enthusiastic about eating good food, I think the prospects of Korean food going global are pretty promising . . ."⁴¹ Professor Hahm Sung-deuk of Korea University believes that although the First Lady's role is not a truly defined role in the political sphere, he acknowledges her authority and says that "Because of [the first lady's] influence, [they] tend to take care of crucial jobs that their spouses cannot cover due to their busy schedule."⁴² Professor Hahm concludes that the first lady's role in state affairs is huge.⁴³ By the First Lady's active participation in kimchi-diplomacy, Korean food is gaining its spotlight in international politics.

Food is not necessarily a soft power that can work alone; it is an instrument in the realm of soft power and can contribute to it by making a nation attractive, which can lead to better diplomatic relations with other countries. Food is one of the most memorable experiences of people's travels; according to statistics, the primary thing people remember most about Korea is the delicious food.⁴⁴ Although kimchi-diplomacy is not yet on the same cultural bar as sushi-diplomacy, it has the potential to open doors for tourism, culture and exports as sushi-diplomacy did for Japan. Korean cuisine is seen as "the next big boom" in food for the United States, which would undoubtedly spread to other nations as well.

The impact of food on national image can be, to certain extent, objectively observed by the FutureBrand Country Brand Index (CBI) which shows the level of perceptions of 113 nations.⁴⁵ According to the 2010 and 2011 Country Branding Index, Japan rose from 6th place to 4th place and Korea from 44th to 42nd. The enhanced reputation of both countries seems to be largely due to strength in tourism as "Tourism and Heritage and Culture remains Asia Pacific's strongest association dimensions this year."⁴⁶ The countries in the region offer "a wealth of attractions" including food.⁴⁷

Despite the recent natural disasters and nuclear emergencies, Japan ranks first under the category of tourism.⁴⁸ Within this grouping exists the sub-categories; value for money, resort & lodging options, attractions and food.⁴⁹ Although food is not the only factor that contributes to Japan's dominant status in tourism it does play a significant role in the attraction of the country, ranking third among other nations. As food contributes to the improvement in tourism, it helps raise the ranking of a nation in the Country Branding Index as a whole which shows enhanced national image and reputation. This can lead to strengthening the soft power of a nation.

Likewise, South Korea has risen on the 2011 Country Branding Index.⁵⁰ Although in 2010 they faced some difficulties, they are now joining the majority of Asian countries by steadily making their way up to the list of the ones that deem attractive.⁵¹ They may not be in the same dominant position as Japan, however they still show a lot of potential as Asian countries present themselves to be strong in dimensions of tourism.

As shown above with the observations with Japan and Korea, it is clear that both of the governments are aware of the significance of food as a means of soft power and thus are putting in their best efforts to promote their cuisine abroad to improve their national image. Although the governmental policies and efforts have limitations in that the link between the endeavors and outcomes in areas such as politics and economy is not clear, it seems that enhanced national images lead to friendlier ties and a rise in the probability of acquiring desired outcomes.

Approach to Possible Limitations

One of the first issues that can come up in any reader's mind would be the exclusion of the private sector. It is true that certain companies still engage in national branding or image-making processes by promoting traditional food, especially since those restaurants that are prevalent worldwide usually use traditional food as one of their key menus.

However, it is also significant to note that the private sector has complex reasons behind their promotion policies. The private sector is clearly different from the public sector mainly through its seek for profit. Then, it would be hard to distinguish if the companies are actually trying to promote national image or just merely trying to gain more interest by selling more foods. The complex motivations of the private sector hindered this paper from focusing on such sectors in the diverse policies of national-branding methods through food.

Conclusion

Food may not be a direct soft power; however, it can be one of the effective means for improving national image, thereby giving a country an attractiveness that can lead to worldly influence. Through Thailand, Japan, and South Korea, readers can see how food plays a role in international relations and a country's image—the government's hard work within sushi-diplomacy, kimchi-diplomacy, and other promotions of cultural cuisines give validity of the possible influence food can have. Food is a consumable item that people encounter everyday and is one of the most memorable experiences of any traveler's sojourn—it is only logical that food could enhance the appeal of a country. It is evident that food can play a role in giving a country an attractive image and augment its soft power.

Notes

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The Evolution of International Criminal Justice: *A Hybrid Solution is Born*

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Abstract

The concept of transitional justice—actions taken during the transition from a period of violence to restore justice and order, including international tribunals and truth and reconciliation commissions—has existed since the 1940s, but has taken many forms. International retributive forms of transitional justice—such as the tribunals for the former Yugoslavia and Rwanda and the International Criminal Court—have for a long time been considered the most effective mechanisms to promote justice and reconciliation, but many consider these tribunals too distant from the conflict to promote local healing and find the prosecution of a few individuals an insufficient and ineffective way to promote peace. In this paper I evaluate the effectiveness of a new mechanism of transitional justice: hybrid courts. In these courts, foreign and local legal personnel work together to implement an amalgam of international and domestic law to bring perpetrators of conflict to justice. By studying the hybrid courts of Kosovo, East-Timor, and Sierra Leone, I evaluate whether these courts were successful in promoting peace and stability and have also developed a model of implementation for hybrid courts in an attempt to isolate which aspects of these courts work and which need to be improved to truly promote justice, healing, and the rule of law in post-conflict societies and help ease the social and political transition from a violent regime to a peaceful one. Special thanks to Professor Avraham Sela, who helped guide me through the research process.

The Emergence of International Criminal Justice and a New World Order

Since the end of World War II, the world has seen a dramatic departure from the traditional principle that sovereign states have the exclusive right to punish their own citizens for crimes committed within their borders. The Spanish indictment of Chilean dictator Augusto Pinochet and the Nuremberg Military Tribunals advanced a new international norm: “when individuals commit atrocities so heinous as to offend the conscience of humankind, the international community may bring them to justice.”¹ A crime against all of humanity

not only “defines certain extreme crimes as internationally punishable, but also encompasses the proposition that even a government’s actions against its own citizens may be the subject of the international arena.”² The international community considers things such as war crimes, crimes against humanity, and genocide as actions that constitute crimes of this magnitude. The idea that crimes subject to international jurisdiction no longer need to cross borders is the founding principle of international criminal justice. This means that, unlike other areas of international law, international criminal justice deals strictly with individuals, not nations, responsible for committing crimes and is entangled with competing normative values. Namely, international criminal justice seeks to answer the question: “how do societies torn apart by war and mass atrocity pursue justice for past crimes and, at the same time, rebuild their shattered communities?”³ Many question and rebuke those who believe international criminal justice is a panacea for all communities undergoing transition from a violent regime. These critics ask, “Was punishment important? For whom? Did it matter if trials took place in another country? Did they help or hinder reconciliation?”⁴

International retribution has become the automatic response to conflict-resolution, as demonstrated by the proliferation of international tribunals in the past twenty years including the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), and the International Criminal Court (ICC). Despite the dominance of these institutions, existing alternatives are beginning to gain prominence. In 2000, the UN implemented courts in Kosovo and East Timor that combined elements of domestic and international law. Two years later, the Sierra Leonean government requested assistance from the UN in implementing such a court, followed by Cambodia three years later. This small yet fast moving trend has led to the creation of a new form of justice that defies the one-size-fits-all model by combining international and domestic principles: a hybrid court. In the next section I describe the evolution of transitional justice, summarize the debate about international criminal justice that led to the development of the hybrid model, and explore the role of the hybrid tribunal in the future of international criminal justice. Because hybrid courts are large undertakings with little funding, I found that if the structure, goals, and responsibilities of the court are not clear from the beginning, the court will flounder. However, with proper management and realistic goals, hybrid courts have enormous potential for the future of conflict resolution.

The Origins and Debates of Transitional Justice: Moving Toward a Holistic Approach

In the wake of mass atrocities, many political and military leaders who perpetrated mass violence have escaped justice due to weak judiciary and political systems. Many implement domestic mechanisms or call upon the international community to help achieve justice, but this concept has many

interpretations and comes in many forms. International criminal justice is part of a phenomenon known as “transitional justice,” an area of study that focuses on how responses to conflict best repair broken societies. This phenomenon has transformed drastically since its inception, beginning with blind faith in international retribution, shifting to domestic systems that emphasize amnesty as a form of restorative justice, and now moving toward a new generation of international criminal justice that attempts to combine the best characteristics of the previous two.

Groundbreaking author on transitional justice Ruti Teitel neatly summarizes and explains its phases. The first phase of transitional justice emerged after World War II. It consist only of international tribunals and strictly adheres to the principle that individuals who commit heinous human rights abuses should not go unpunished and that because their crimes offend the very essence of humanity, they may be brought to justice by other nations. From this principle, “national justice was displaced by international justice.”⁵ This model lost prominence after World War II because “the Cold War and a stable bipolar balance of power led to a general political equilibrium and an impasse on the question of transitional justice.”⁶ While short lived, the legacy of this ideology re-emerged later on and continues today.

After the Cold War, a wave of political and economic liberal transition swept the world, primarily following the collapse of repressive regimes in South America. The focus of transitional justice also began to shift as more people questioned whether formal war crimes tribunals could be applied to every case of conflict, particularly those in which immunity for former political and military leaders was required for successful and peaceful transitions of power. This marked the beginning of the second phase of transitional justice that tailored justice mechanisms to the specific needs of local communities instead of applying the one-size-fits-all model of retributive justice assumed in Phase I. Phase II of transitional justice thus allowed “pragmatic principles [to guide] the justice policy and the sense of adherence to the rule of law. Transitional jurisprudence was linked to a conception of justice that was imperfect and partial.”⁷ Truth and reconciliation commissions became the tool of choice in Phase II due to their emphasis on the primacy of domestic institutions over international ones in resolving conflict and on the flexibility to prioritize national healing by granting amnesty to perpetrators over the symbolic message of punishment.

While this model certainly raised important criticisms about the Phase I model of international retribution, the focus on domestic primacy “was ultimately not appropriate for later globalizing politics, in which national and international factors became interdependent contributors to political change.”⁸ This political reality ushered in Phase III of transitional justice: the normalization of international criminal justice. In this phase, the international community institutionalized the desire for permanent mechanisms of transitional justice, the most prominent example of which is the International Criminal Court (ICC). Founded in 1998 and put into action in 2002, the ICC

was designed to prosecute genocide, crimes against humanity, and war crimes. Unlike the ICTY and ICTR, which were ad hoc tribunals mandated solely to try perpetrators of two specific conflicts, the ICC is a permanent court located in The Hague with jurisdiction to try any perpetrator in any conflict who is guilty of the crimes listed above.⁹ However, per the principle of complementarity, the ICC can only assume jurisdiction of a case when national judicial systems are unable or unwilling to investigate the case and only has the power to enforce indictments when states have ratified the Rome Statute.¹⁰

While Phase II challenged the normative assumptions of Phase I in order to focus on the pragmatic tensions between upholding the rule of law and resolving remaining post-conflict instabilities, Phase III largely ignored these tensions, arguing that the institutionalized nature of this model would make it applicable in all cases. However, the current consensus among scholars of transitional justice is that none of these models are sufficient. The following is a brief description of the debate that grew from and influenced the evolution of transitional justice models.

The Case Against International Prosecutions

Many scholars, policy makers, and victims believe prosecutions by international tribunals do more harm than good for post-conflict societies. First, many argue that international retribution is adhered to as the dominant paradigm for conflict resolution without substantial empirical support.¹¹ The common consensus is that international criminal justice is too ideological and does not take into account the needs of local communities.¹²

Second, international criminal justice does not address the root cause of conflict because prosecutions focus blame on select individuals and do not address how collective forces of power influence conflict.¹³ Laurel Fletcher and Harvey Weinstein propose that when a few individuals are blamed for a genocide or ethnic conflict, "the focus on punishment of perpetrators may have the inadvertent consequences of transforming these wrongdoers into scapegoats"¹⁴ while allowing the unindicted perpetrators and bystanders to rationalize their own actions and participation in the conflict.

Finally, international courts are not perceived as legitimate by local communities and thus will not be able to reinforce the rule of law. International tribunals are costly and understaffed, lacking the funds necessary to complete their large mandates.¹⁵ Additionally, they are reliant on domestic cooperation because they lack enforcement mechanisms. The tribunals are forced to resort to measures that upset local communities such as "lenient sentences, plea bargaining, and the refusal or inability to attain custody of key suspects."¹⁶ These logistical issues undermine the contention that tribunals can act as agents of justice.

The distance between the tribunals and the communities affected by conflict also causes many problems, such as exacerbating the already tedious process of collecting evidence, so trials run painfully slowly to the point where perpetrators, like former President of Serbia and Yugoslavia Slobodan Milosevic, have died awaiting their trial date.¹⁷ Another issue with tribunal location

is that the courts appear foreign and biased, which perpetuates the feeling of victimization among local groups. Victims do not understand the process of the tribunals because it is not transparent, yet even when reports are published, they are intended for “audiences of international lawyers rather than the affected local populations.”¹⁸ Each group involved in the conflict—whether divided by ethnicity, gender, race, religion, or political party—views itself as the victim, so when justice is occurring far enough away that it is inaccessible to the majority of the victimized population, victims assume their side is not being treated fairly.¹⁹

Most importantly, the distant international tribunals do not involve local communities in the justice process. Community outreach is necessary to make “the trials meaningful to the population on whose behalf justice is being done.”²⁰ Even more important than community outreach is community ownership, “the participation of their fellow citizens as judges, prosecutors, or defense counsel, or through coverage by their national media.”²¹ This is a vital element of transitional justice in order for prosecutions to promote reconciliation and uphold respect for the rule of law. If “the judges and personnel have not been drawn from the local population, there is little opportunity for domestic . . . professionals to absorb, apply, interpret, critique, and develop the international norms in question, let alone for the broader public to do so.”²² When international agents dominate the justice process, local communities tend to view the process as imperialist and illegitimate and thus cannot learn from the involvement of experienced legal professionals or find justice from the process, because they see it as contradictory to their interests. Unfortunately because of cultural differences and other disagreements between international and domestic actors, resentment and mistrust of international actors is common.

The Problems with Impunity

Proponents of Phase I and Phase III of transitional justice argue that abandoning accountability when domestic courts do not have the capacity to enact prosecutions has several negative consequences and that there are numerous benefits to these international prosecutions. First, instead of forcing a society to come to terms with its past, many believe viewing past violence as a conflict between two collectively guilty parties will only maintain tension and hinder the reconciliation process. Individualizing culpability “rejects the tendency in times of conflict to blame an entire people for the crimes committed by certain individuals fighting in its name.”²³ In fact, “prosecution and punishment of the irresponsible leaders who exploit ethnic tension for political gain separate wrongdoers from the community in whose name they committed the crimes.”²⁴ Additionally, international courts are the most impartial actors since they were not affiliated with the conflict. Tribunals “composed of judges of various nations not parties to the conflict and applying ‘impartial justice’ can serve to blunt the hatred of the victims and their desire for revenge.”²⁵

Finally, international prosecutions uphold the rule of law, which can deter potential lawbreakers and prevent a culture of impunity. Tribunals convey

that no one is above the law and consequently “foster respect for democratic institutions and thereby deepen a society’s democratic culture . . . failure to enforce the law may undermine the legitimacy of a new government and breed cynicism toward civilian institutions.”²⁶ In this sense, impunity rewards the violent behavior of the previous oppressive regime. Impunity is, in effect, a “formal recognition that the civilian government is . . . rendered powerless by the armed forces [which] undercut[s] the legitimacy of the elected government when its authority is already imperiled.”²⁷ The presence of institutionalized criminal courts holds war criminals responsible for their behavior and thus “erode[s] a prevalent culture of impunity.”²⁸

The biggest case for international criminal justice, however, is that international tribunals are the most effective way to demonstrate disapproval of truly egregious acts of violence. An international criminal system designed to prosecute crimes against humanity recognizes that justice applies to all humans and that all are worthy of equal recognition and membership. The value of international criminal justice is “the public functioning of the adjudicative process itself: it establishes the authority of the international community through the Court over the normative reconstruction of tyrannous authority.”²⁹ Even if systems of international criminal justice are not perfect, many argue that the symbolic significance of international recognition and prosecution is still incredibly important and cannot be sacrificed.

The scholarly debate and empirical record of international prosecutions show that prosecutions alone do not address greater reconciliation and that local governments certainly know better than international actors what is best for their community. However, local actors often lack the capacity to carry out justice mechanisms on their own. Additionally, abandoning the ideology of the rule of law and of international condemnation for atrocious crimes and choosing to forgo retribution is often a result of international ambivalence or poor organization and not because the victims of conflict are willing to grant perpetrators immunity.

Tricia Olsen et al. argue, “accountability without stability simply cannot advance human rights and democracy objectives. Similarly, stability without accountability also fails to achieve these goals.”³⁰ Critics of international criminal justice do not question the inherent value of prosecuting perpetrators for wrongdoings. Rather they claim that transitional justice is a complex, contextual process that must incorporate many mechanisms to achieve peace. Thus to question the dominant assumption that mechanisms of international retribution are the best way to foster post-conflict peace and stability, one should ask: is there really a place for the international community and for retribution in transitional justice? The answer is yes, as long as the incorporation of international actors and prosecutions does not detract from promoting long-term justice and stability for local communities. Part of the solution to striking this balance is with hybrid courts.

A Hybrid Model of International Criminal Justice

Many scholars and policy makers believe hybrid courts can maintain the ideological steadfastness of international retribution without sacrificing local legitimacy and effective reconciliation. Hybrid courts are an amalgam of international and domestic systems in which “foreign judges sit alongside their domestic counterparts to try cases prosecuted and defended by teams of local lawyers working with those from other countries; and at the same time, the judges apply domestic law that has been reformed to include international standards.”³¹ In this sense, hybrid courts attempt to “marry the best of two worlds—the expertise of the international community with the legitimacy of local actors.”³² In 2000, hybrid courts were instituted by, or with help from, the UN in East Timor and Kosovo followed by Sierra Leone in 2002 and Cambodia in 2003. In each of these instances, a hybrid court or panel was instituted because the domestic judicial infrastructure was incapable of dealing with the aftermath of mass violence or to complement to an international tribunal struggling to fulfill its mandate. Before studying each case in depth, it is necessary to understand the principal arguments in the literature on hybrid courts. By either analyzing one case or comparing multiple cases, scholars have sought to determine whether hybrid tribunals are effective in promoting peace and stability in post-conflict societies.

Scholars conclude that the location of hybrid tribunals contributes enormously to their legitimacy.³³ Close proximity is “advantageous for investigations, witness protection, community outreach, public accessibility, legacy creation, and capacity-building.”³⁴ Additionally, the involvement of the international community increases the impartiality of the court, but the involvement of local leaders removes the appearance of imperialism. Local communities will be more willing to cooperate with the court if it uses local legal personnel who are “familiar with local laws, language, and customs, enabling them to take into account factors that might escape international personnel.”³⁵ The failure of international authorities to consult with local populations can spark widespread animosity; consultation ultimately “imparts a sense of local ownership to the tribunal’s work, which usually increases accessibility, accountability, and perceived legitimacy for the local, affected community.”³⁶

Not only does the sense of ownership contribute to local capacity building, but the interaction and networking among international and local actors can lead to the development of a long-lasting, functioning local judicial system. The complex combination of domestic and international laws and principles offers unique opportunities for creativity and community-specific solutions because of the high levels of flexibility afforded to hybrid courts. Through hybrid courts, “international actors have the opportunity to gain greater sensitivity to local issues, local culture, and local approaches to justice at the same time that local actors can learn from international actors.”³⁷ This creates a spillover effect, whereby international lawyers train local court actors and provide a model for future local legal systems.

Hybrid courts have three principal flaws. First, if hybrid tribunals are not funded properly they face the same struggles of case backlog as international tribunals. Second, hybrid courts are only effective in cases where the national government wants to be involved, which is not the case for all countries emerging from violent conflicts. Third, the international and domestic personnel must cooperate and share responsibilities equally. The first issue is an issue of implementation that can be fixed if hybrid courts gain primacy and funding. The second issue means hybrid courts will not be applicable in all cases but does not mean they should not be implemented in relevant cases. The third criticism, however, is very pertinent and important to the question: do hybrid courts help promote peace and stability in post-conflict societies?

Research Design

Given the empirical parameters of this field of study, I will compare and contrast the effectiveness of three primary cases of hybrid courts: the Regulation 64 Panels in the Courts of Kosovo, the Special Panels for Serious Crimes in the District Court of Dili in East Timor, and the Special Court for Sierra Leone. As the Extraordinary Chambers in the Courts of Cambodia is still early in development and thus mostly absent from the literature on hybrid courts, I will not include it as one of the case studies with which I use to develop my model.

I advance two criteria for an effective transitional justice mechanism. First, it must be perceived as neutral so that a culture of impunity is combated without the court inaccurately being perceived as imperialist or partial. Second, it must have the capacity to actually promote reconciliation for local communities. In particular, hybrid courts must focus on creating a legacy, referring to the "lasting impact on bolstering the rule of law in a particular society, by conducting effective trials to contribute to ending impunity, while also strengthening domestic judicial capacity."³⁸ Without this legacy, one of the most unique features of hybrid courts will go to waste: the opportunity for international judges to interact with and train local judges to create a lasting system of law and order.

Using this measure of effectiveness, I will evaluate whether these hybrid courts successfully fostered peace and stability. Since the literature on this topic is still developing, I hope that in attempting to draw conclusions from similarities or points of contention between these cases, I may find trends that are helpful in developing a future model for implementing hybrid courts.

Case Studies

The Regulation 64 Panels in Kosovo

Since the end of the Balkan Wars, ethnic Albanians in Kosovo lived under oppressive Serbian rule. For decades, Albanians resisted violently and Serbs responded in kind. Violence continued to escalate between the Serbs and the Kosovo Liberation Army (KLA) until March of 1999, when Serbs escalated their

attacks against Albanians to the point where Slobodan Milosevic ordered the systematic ethnic cleansing of all of Kosovo, not just against those suspected of KLA involvement. In June of 1991, after the NATO bombing campaign in Kosovo, the UN sent in peacekeeping forces to rebuild the nation suffering from the aftermath of ethnic cleansing.³⁹

One of the main components of the UN mission in Kosovo (UNMIK) was to establish a framework of law and order. The establishment of an impartial judicial system was essential in Kosovo, given that the current system was corrupted by ethnic rivalries.⁴⁰ The previous system had been run by oppressive Serbs, so local authorities were not trusted, and Albanians in law enforcement were trying to even the playing field, including releasing Albanians who committed crimes against Serbs and placing Serbs in indefinite pre-trial detention.⁴¹ Local courts also lacked very basic infrastructure, such as court buildings and law libraries, making justice inefficient and illegitimate.⁴² The lack of legitimate justice on a local level was causing more violence and ethnic division and the International Criminal Tribunal for Yugoslavia did not have the resources to try more cases than it was already pursuing.⁴³ An attempt to restore partiality to the local system wrought with ethnic divisions by sending two international judges to sit on panels of local cases was not enough to counteract corruption. More international judges were sent, but they were still outnumbered by local judges and thus could still be out-voted. While this initiative did not seem to be making much progress, it was the first time an international judge had ever been appointed to rule alongside domestic judges of another country and thus marked the beginning of hybrid justice.

By the beginning of 2000, the international community agreed that the judicial system in Kosovo was flawed, primarily due to the "the mono-ethnic Albanian Kosovan judiciary and prosecutors. . . . discriminat[ing] against Serbs, while favoring fellow Albanians, especially where the suspects had ties to organized crime or were former KLA members."⁴⁴ The UN thus passed Regulation 2000/64, which would ensure a majority of international judges on panels to control voting. There is no fixed international court in Kosovo. Rather, the panels are designed so that prosecutors, defense counsels, or the accused may request the assignment of international prosecutors or judges to a particular case. Petitions are reviewed by the Department of Justice, which then passes the recommendation to the UN Secretary-General in Kosovo for approval. The panels consist of two international judges (one who will serve as President), one local judge, and an international prosecutor.⁴⁵ They can either find their own cases or take those recommended to the Secretary-General, and their jurisdiction is not limited to crimes of a certain stature.⁴⁶ Despite the added legitimacy that international personnel have brought to local proceedings, there have been many problems with this approach of adding international personnel to an already flawed system.

The Regulation 64 panels initiative was not an independent project from the beginning, so it has had to struggle with the domestic judicial system. The project does not have a clear purpose or mandate and is completely controlled

by the UN. Clashes between Serbians and Albanians have caused numerous problems and delays for the Regulation 64 panels.⁴⁷ Serbs had the most legal experience and training due to the previous exclusion of ethnic Albanians from the legal system, but many Serbs fled after the conflict, making ethnic Albanians easier to appoint than Serbs.⁴⁸ However, "without Serbian representation in the judiciary, the independence of the decision making . . . was severely imperiled."⁴⁹ Creating a system representative of both ethnic groups while trying to prevent corruption has been a difficult task. Regulation 64 panels do not have clear purposes or goals other than to "create impartiality." While they have positively influenced the legitimacy of the domestic system, this goal is vague, indefinite, and does not promote efficiency in trial proceedings.⁵⁰ This initiative is completely controlled by the UN, so international personnel have to worry about being fired or having their budget cut at a moment's notice.⁵¹

Because the panels are part of the UN mission in Kosovo, they have to compete with other areas of the mission as well as other UN projects. For instance, the hybrid court in East Timor was instituted months after the Regulation 64 Panels.⁵² Additionally, Regulation 64 panels have too much jurisdiction, and because there are no limits as to what cases panels can pick up, they are overstretched, produce inconsistent results, and cause local animosity by creating the appearance of foreign domination.⁵³

Ultimately, the Regulation 64 panels have failed to increase the capacity of the domestic court system. "UNMIK's plans to start legal training courses and create a judicial training center were severely hampered by a vigorous debate on the applicable law in Kosovo,"⁵⁴ but since that debate was resolved and it was decided that the law prior to 1989 would only be implemented if it did not conflict with UNMIK's interim regulation,⁵⁵ international judges and prosecutors have still been very isolated from domestic ones.

There are several areas of improvement available to the Regulation 64 panels. First, the initiative needs improvement for the international judges and prosecutors (IJP), namely "the selection, recruitment, and hiring practices for IJP; terms of IJP mandate, tenure, and dismissal; grievance procedures against IJP; IJP training practices and policies; and the development of more uniform case-selection and charging criteria."⁵⁶ The purposes and limitations of international involvement should have been clear from the very beginning, and training of domestic personnel should now be a number one priority.⁵⁷ In this sense, hybrid courts should be developed as strong, independent, and ultimately temporary bodies whose main purpose is to help guide the domestic system until it is self-sufficient on its own and should not be applied in increments on top of an already flawed system. In October 2002, international legal personnel were involved in over 90 ongoing war crimes cases. Even though international actors in Kosovo have for some created a sense of impartiality in local proceedings, they have no vision for the future and are thus aimless, overstretched, and not working toward creating a more functioning judicial system.⁵⁸

The Special Panels for Serious Crimes in the District Courts of Dili (East Timor)

The Portuguese colonized East Timor for 400 years during which time the Netherlands colonized the west half of the island, formally partitioning the island between the two imperial powers in 1916. After deciding to dissolve their colonial empire, the Portuguese left East Timor in 1975. Nine days later, Indonesia invaded East Timor and instituted a brutal occupation that lasted 24 years. During this time the occupiers killed between 104,000 to 183,000 Timorese citizens.⁵⁹ In addition to this violence, the anti-Indonesian resistance, the Falintil guerrillas, committed widespread violence, which produced substantial political division between pro- and anti-Indonesian forces.⁶⁰ In 1998, the fall of the Suharto dictatorship in Indonesia coupled with a financial crisis led the new president, B. J. Habibie, to realize Indonesia could not afford to keep armed forces in East Timor and thus raised the possibility of East Timorese autonomy.⁶¹ In September of 1999, "East Timor held a referendum on independence from the Indonesian Republic. Seventy-eight percent of the Timorese population voted in favor of independence."⁶² Pro-Jakarta forces were furious, and in two months, Timorese militias that opposed independence from Indonesia ravaged the island. This destruction was egregious and widespread. There were disappearances, murders, rapes, several cases of looting and arson, and a scorched earth policy that involved the forcible transfer of over 300,000 East Timorese people across the border to West Timor.⁶³

On September 15th the UN sent in an Australian-led multinational peace-keeping force known as INTERFET to stop the violence, and on October 25th, 1991, the Security Council established the UN Transitional Administration in East Timor (UNTAET) to rebuild the war-torn country. UNTAET believed that a fully functioning judicial system was necessary for a smooth transition to peace and wanted to institute a judicial mechanism to create accountability. In 2000, two years before East Timor gained independence from UNTAET governance, UNTAET created the Special Panels for Serious Crimes in the District Court of Dili (SPSC) to try cases related to the conflict. While many advocated for an international tribunal in East Timor, the UN decided on a hybrid tribunal. International assistance was necessary because the local judicial infrastructure had been decimated. The UN also wanted to help build local capacity so that the East Timorese judicial system could function once the UN mission ended, and a hybrid court was more cost-efficient than an international tribunal.

The SPSC was composed of two international judges and one Timorese judge and operated within the legal system of East Timor. It incorporated international law by using the Rome Statute provisions for genocide, crimes against humanity, and war crimes. The SPSC also "incorporated Indonesian law . . . because virtually all of the lawyers in the country had been educated in Indonesia, and because Indonesian law had been applied in East Timor for twenty-five years."⁶⁴ The UN cut the mandate of the court short in 2005. In only five years the SPSC managed to convict 84 criminals but left 514 files

uninvestigated.⁶⁵ This rate of conviction seems high given that the SPSC had more trials in five years than the ICTY did in thirteen. Still, many do not consider the SPSC a success.

The SPSC had many flaws. To start, the court was drastically underfunded. Since there was virtually no domestic infrastructure left in East Timor, there were no funds coming from the East Timorese to establish the SPSC.⁶⁶ The lack of funds resulted in “the judges hav[ing] no law clerks, research assistants, secretaries, trained administrators, court reporters, or proper facilities for legal research.”⁶⁷ The SPSC had no witness protection or victim support programs, which made witnesses unwilling to participate in the program.⁶⁸ Additionally, because the SPSC was linked to the UN mission in East Timor, it had to compete for funding with other UN projects, such as the Regulation 64 Panels in Kosovo implemented only months before. The SPSC was simply not organized or valued highly enough to gain sufficient funds to promote reconciliation.⁶⁹

Aside from logistical issues, the principal problem with the SPSC was an issue of ownership. Responsibilities between the international and domestic personnel were not clearly delineated, and both sides were able to shirk responsibilities to the point where trials would not occur for weeks at a time because nobody would take charge.⁷⁰ The lack of clear positions of authority also meant outreach to the local community by means of encouraging local participation in or education about the proceedings of SPSC was never a priority because UN officials claimed that it was the responsibility of the local authorities who claimed it was the responsibility of UN personnel.⁷¹ Additional miscommunication occurred between the two parties because “none of the international judges had any knowledge of Indonesian law or of the national language, Bahasa.”⁷² The court did not have the funding to hire translators. Finally, the SPSC “was received with great hostility by the East Timorese judges, prosecutors and public defenders, who publically voiced anger and disappointment that they were not included in any meaningful way in the consultation process that led to its adoption.”⁷³ This undercut local capacity building in two-ways. First, it prevented the training of local authorities. The Timorese lawyers “were all recent law school graduates with little legal experience and none had ever served as a judge.”⁷⁴ The lack of training meant there would not be any experienced personnel once the international lawyers left.⁷⁵ Second, animosity between actors prevented a functioning system that could promote local participation in the trial process and foster reconciliation.

In retrospect, SPSC was entirely dependent on UN funding and controlled by UN decision-making. It had no division of responsibilities, its mandate was too large and unmanageable, it had no resources to devote to non-legal components of the court such as witness protection and victims support, and there was virtually no interaction between international and domestic personnel. Very little respect for the rule of law was established with the SPSC, so the violence in East Timor that erupted in 2006 and continues today may be indicative of the fact that successful prosecutions do not necessarily generate stability or justice.

The Special Court for Sierra Leone

In 1991, the Revolutionary United Front (RUF) invaded Sierra Leone from Liberia. Liberian warlord Charles Taylor resented Sierra Leone's support of the peace movement in Liberia and supported the RUF's invasion. For the next ten years, the RUF ravaged the country of Sierra Leone, resulting in the torture and death of thousands. At the end of the civil conflict, the domestic judicial system was in tatters and had neither the capacity nor the legitimacy to try war criminals on its own. However,

incoming Sierra Leonean President Ahmed Tejan Kabbah opposed a full-fledged international tribunal because he thought some Sierra Leonean participation in and ownership of the trial process was important. At the same time Kabbah did not want the responsibility for the prosecution . . . to fall entirely on his government's shoulders.⁷⁶

So in 2002, the Sierra Leonean government requested international assistance from the UN in upholding accountability for these crimes. The Secretary-General of the UN went to Freetown to negotiate with the national government and, as a result, created the Special Court for Sierra Leone (SCSL): "an independent special court to try those bearing the most responsibility for crimes against humanity, war crimes, and other serious violations of international humanitarian law."⁷⁷ The SCSL is composed of three parts: The Chambers (two Trials Chambers and one Appeals Chamber), The Registry (including the Defence Office), and The Office of the Prosecutor. Each trial chamber has three judges, "one of whom is nominated by the government of Sierra Leone. This judicial nominee need not be a Sierra Leonean."⁷⁸ The prosecution team is composed of all international lawyers, but the defense is mixed, and the Registry is primarily Sierra Leonean "in keeping with the policy of the former Registrar, Robin Vincent, to use the SCSL as a capacity-building mechanism for the national judicial administration."⁷⁹ From the very beginning, the court was intended to build the capacity of the local authorities by having international lawyers train domestic ones.

While the composition of the court is similar to other hybrid tribunals, it differs in a few key ways. One difference is a clearly defined, realistic mandate. During its inception, many realized the court would only be able to try a handful of the most culpable perpetrators and was thus given a three-year mandate in which it expected to try between fifteen and twenty perpetrators. So unlike the court in East Timor where it was unclear when the operation would end and how many people would be tried, the SCSL mandate included a closing strategy and realistic prosecutions expectations. From the very beginning, the SCSL narrowed its goals to those realistically achievable and then delegated pre-defined responsibilities.

Unlike the hybrid systems in East Timor and Kosovo, the tribunal in Sierra Leone was a treaty based operation that functions outside the domestic judicial system and independently from the UN operation in the country. This organization has imposed fewer limitations on the court in terms of funding

and decision-making. Because the SCSL is separate from the UN, it does not have to compete with other UN programs for funding. Instead, the court is funded by donor states that, through the Management Committee, can work directly with the court, the UN, and the Sierra Leonean government. The Management Committee "oversees the budget and ensures that the Court has the necessary resources to complete its work."⁸⁰

In terms of decision-making, the court established the Registry, an independent branch of the court that was put in charge of court management, outreach, and obtaining any additional financial support. Current efforts to promote the participation of civil society "include media events, video streaming of trials, public lectures, school visits to the court, court tours, and participation in Townhall meetings."⁸¹ The Registry has also brought on experienced staff in other areas necessary for the court to function, including "Saleem Vahidy, . . . Head of Witness and Victim Protection at the ICTR for more than three years before coming to the SCSL. The experts employed as psychologists, filmmakers, and linguistic consultants provide further examples."⁸² To avoid situations of deferring and denying responsibility like in East Timor, the clear delineation of responsibilities in the SCSL has greatly improved effectiveness. In combining domestic and international law, the jurisdiction of the SCSL has been able to cover "two particular crimes specific to the circumstances in that country—attacks against peace-keeping personnel and the conscripting or enlisting of child soldiers—thus demonstrating the flexibility of hybrid tribunals."⁸³

However, the SCSL also has many problems. Despite its limited mandate and more organized structure, the SCSL still suffers from a lack of resources and personnel, especially qualified lawyers and staff, which has led to a backlog of cases.⁸⁴ While some praise the fact that the SCSL costs \$21 million less than the ICTR, others say this discrepancy demonstrates a lack of commitment from the international community to devote the effort necessary to achieve the intended goal of these courts: to display the international community's intolerance for these crimes and to simultaneously help local communities decide for themselves what practices will work best for their specific needs.⁸⁵ This combination of international and domestic personnel in the SCSL, while beneficial in some ways, has also backfired. Clashes between personnel have led to inefficiency, primarily in deciding the temporal limitations for the court as many of the statute creators wanted to try all individuals charged with a crime since the beginning of the war in 1991, while others argued only individuals who committed crimes after the 1996 signing of the Abidjan Peace Accord should be indicted.⁸⁶ This debate delayed prosecutions for a year. Additionally, "some defense counsel have also complained that the Defense Office has not provided them with promised support, for example in the form of research and expertise in International Humanitarian Law."⁸⁷ The benefit of having experienced international personnel may not have trickled down as much as hoped. Finally, while the SCSL is granted more autonomy because it is neither controlled by the domestic system nor the UN, it also cannot exert influence on these parties. The benefit of trials taking place in the country where conflict occurred is undermined when local authorities will not help in

the search for evidence and witnesses, and benefits of international support are moot when those institutions are simply unwilling to help.

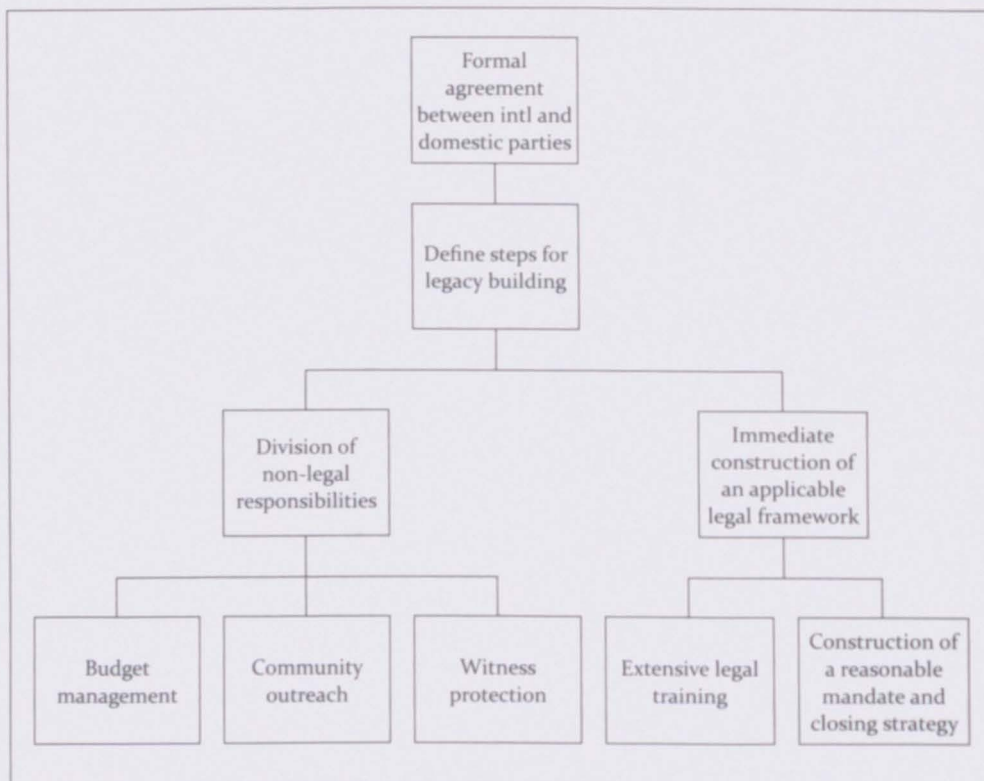
Despite these issues, there are several steps the SCSL can take in its closing moments to demonstrate that it has achieved the goal it set out to. The SCSL needs to focus on creating a legacy. To do this it must focus on five main areas: first, developing the capacity building of national courts, second, promoting the rule of law, third, promoting human rights and international law, fourth, promoting the role of civil society in the justice process, and fifth, continuing to use the site of the SCSL beyond the life of the court.⁸⁸ Among these efforts, there are plans to transfer all public records to The Hague to be published and distributed in Sierra Leone. The court will also work to develop the witness protection capacity of the local police and the professional development of Sierra Leonean legal staff. Additionally, plans are being made to use the SCSL court house as a "Supreme Court of Sierra Leone or a regional court . . . judicial training centre . . . a specialized prison for detainees with special needs, such as women and children; and . . . a memorial to the civil war."⁸⁹ All of these efforts are working toward immortalizing the SCSL as a symbol of the rule of law, incorporating civil society in the hopes of promoting reconciliation, and building the local capacity of the Sierra Leonean judicial system so that justice may continue.

The Future of Hybrid Courts

Reflecting on all of these cases, it is clear that the greatest strengths of hybrid courts, their flexibility and their focus on local cooperation, are also their greatest weaknesses. In addition to the many complexities and challenges facing these initiatives, the problems these institutions experienced stem from the failure from the beginning on the behalf of UN officials and local personnel to cooperate create a formal, official structure that outlined goals, jurisdiction limitations, and responsibilities, as seen in the cases of Kosovo and East-Timor. Hybrid courts will continue to fail if they are implemented with the mindset that because they are not as large as international tribunals and are supposed to be tailored to the specific community, they can be implemented without a long-term vision. Based on trends I noticed in the three case studies, I constructed a model for how hybrid courts should be implemented in the future (see Model 1). Each step has an important impact on how well the court will promote justice and stability.

The process should begin with a *formal agreement between one or more international parties and the country that wishes to implement a hybrid court*. In this negotiation, both parties must clarify and agree upon how the court will operate and what responsibilities each party controls. In Kosovo and East Timor, the UN dominated the implementation process, and as a result, very little effort has been made toward local capacity building, and domestic personnel feel as though they have no influence in decision-making and do not feel that justice is being served. Additionally, in Kosovo, the process

Model 1. Hybrid Court Implementation



of implementation was incremental and lacked a unified vision of the exact international involvement desired, resulting in inconsistent application of the law. Because the court in Sierra Leone was established from the beginning as separate from the UN mission, it has not had to battle as strongly with the UN for money or deal with UN regulations on decision-making. Ideally, then, a hybrid tribunal will be established as a self-contained entity but with support from both international and domestic parties involved as opposed to a foreign system that is placed on top of an already flawed domestic system.

Those designing the court also need to focus on *legacy building*, or what steps the court will take to ensure that the established rule of law and domestic capacity will last once the operation has ended. Thus far, Sierra Leone is the only hybrid court that has explicitly outlined steps toward legacy building. There are two principal components of legacy building: legal issues and non-legal issues. In terms of *implementing a legal framework*, those involved with the hybrid court in Kosovo and East Timor had to start a legal system from scratch and would have greatly benefited from being better prepared to make swift decisions about the details of the systems they were implementing. I propose two main priorities when constructing the legal framework of a hybrid court.

The first is the *construction of a reasonable mandate and closing strategy*. In Kosovo, international prosecutors are not limited to what cases they can

pursue, and in East Timor, the court was intended to prosecute anyone who committed a "special crime," which includes genocide, crimes against humanity, and war crimes. Both of these mandates are far too large and resulted in massive case backlog. Sierra Leone, on the other hand, only planned on trying a handful of people, namely those most responsible for the crimes committed, which helps narrow the scope of perpetrators it should focus on, allowing them to concentrate their resources on a small, achievable number of cases. Ultimately, if trying every guilty individual is impossible, the focus of these courts should be on prosecuting those most responsible for the worst crimes. While this approach may sacrifice the quantity of prosecutions, the funds added to other areas of the court increase the quality of trials, of personnel, of facilities, and of programs. Additionally, Sierra Leone planned in advance a closing strategy, which further clarified the mission of the court and how the court needed to proceed to complete that mission.

Placing a lesser caseload on international judges and prosecutors would create more time for them to focus on the second aspect of creating a legal framework: *extensive legal training of domestic personnel*. Without intense interaction between international and domestic prosecutors and judges, the impact of the hybrid court will be diminished while it is prosecuting and will end when international personnel leave. The Special Court for Sierra Leone has done the most to promote the training of local personnel while Kosovo and East Timor failed in this respect. An important goal of any hybrid court should be to help build a solid domestic judicial system that will continue to maintain law and order once the mandate of the court has ended.

Narrowing the objectives of the court's legal duties would also allow more focus on other *non-legal responsibilities* of the court that are equally as important. A crucial step in implementing a successful hybrid court is the delegation of responsibilities so that the same limited numbers of court staff are not stretching their time and energies too thin. Each court must allocate responsibilities in three main areas of court management: *budget management and fund raising, community outreach, and witness protection*. The office of the court in charge of managing finances in Sierra Leone demonstrates how it has been more effective than the courts in Kosovo and East Timor. Hybrid courts should have staff, preferably domestic, in charge of community outreach, as the involvement of civilians in the court's mission is the only way the local population will feel connected to the justice process. Sierra Leone has attempted this type of community involvement. Finally, every hybrid court must devote substantial resources to witness protection and victim support. In Sierra Leone, witnesses are made to feel as though they are a part of court proceedings and are provided with additional benefits, including psychological and emotional counseling and reparations, respectively. Any justice system that disrespected the right of victims to be involved in the justice process would be ineffective and contradictory to the goal of bringing justice and support to the victims of conflict. Hybrid courts must ultimately be part of a larger strategy of social rebuilding and fostering reconciliation.

Conclusion

The question of including prosecutions in conflict resolution requires more study, particularly to understand how different cultures react to these types of mechanisms. Comparing the results of hybrid courts to the results of other types of justice mechanisms would be also be beneficial. Ultimately, the continuation of hybrid courts comes down to the question: are implementing prosecutions and involving the international community worth the trouble in the fight for justice? Courts will not be able to prosecute every individual involved in conflict but enforcing as many prosecutions as possible paired with the legacy of a developed legal structure can smooth the transition to a just society after violent conflict. Hybrid courts have the potential to develop legal structures on a local level, which ultimately differentiates them from purely international institutions like the ICC. Because their focus is not exclusively prosecutions, which results in the international community taking control of a case when local communities cannot effectively deliver this particular form of retributive justice, hybrid courts can focus on what is best in the short and long term for war-torn communities, which may or may not require extensive prosecutions. Because accountability without stability is meaningless for local communities attempting to rebuild lasting justice institutions after conflict, hybrid courts must ensure that stability is not sacrificed by prosecuting criminals. Extraordinary efforts must be made to strengthen domestic judicial capacity, in addition to justice enacted through prosecutions. This way, local communities will see an immediate end to impunity and a permanent beginning to lasting justice and stability.

However, no single justice mechanism can guarantee reconciliation. Many argue that criminal justice still has utility and importance in conflict resolution but should be combined with amnesties or truth commissions.⁹⁰ Instead of focusing on one mechanism as the key to conflict resolution, scholars and policy makers should continue to study the efficacy of different combinations of responses, which may or may not include hybrid courts based on the conditions of each specific case. When the onus of "social healing" is placed on one mechanism, the burden will be too great to bear and will inevitably cause resentment and a sense of undelivered justice. Although conflict resolution is complicated, conflict will persist, so continued study of this issue is essential to finding the best solution to bring justice to the victims of conflict. I believe this solution will include hybrid courts.

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United States Cyber Strategy: *Determining the Governing Theory for a New Domain*

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Abstract

The integration of information and communication technologies into international conflict has resulted in the creation of a new domain of warfare: the cyber domain. This introduction of a new domain forces policy makers to decide whether they should update their nation's traditional strategies for securing its defense, or develop a new strategy unique to this arena of warfare. This analysis argues that due to the ambiguities of cyberspace, it is necessary for the United States to collaborate with other countries and establish a formal international code of conduct for this new domain. It is not yet clear whether cyberspace is an offense or defense-dominated environment, but regardless, the strategies associated with each option do not adequately handle the challenge posed by patriotic hackers, among many others. The deterrence strategy that the U.S. government has employed in recent years can no longer be considered relevant, and it is necessary for the country adopt a new strategy for the cyber domain.

Introduction

The integration of information and communication technologies into international conflict has resulted in the U.S. Military recognizing a new domain of warfare: the cyber domain. In this domain, the four elements of deterrence theory—*attribution, location, response, and transparency*—are all facing significant challenges.¹ In cyber conflicts, attribution or identifying actors in cyberspace, is nearly impossible, and without a known target for retaliation, it is difficult for the United States to signal its intent and capability to respond to an attack. The tenets that supported nuclear deterrence theory are not supported in the cyberspace, and therefore, deterrence does not appear to be the most effective strategy to govern conflict in this new domain. However, deterrence is still often looked to as the dominating strategy of the cyber domain. Given the fact that deterrence-based strategies are facing significant challenges in cyberspace, what other overarching strategies can the U.S. government pursue that will best facilitate the defense of public operations and infrastructure? Furthermore, given that the cyber domain is an environment

ridden with ambiguity, should the U.S. government prioritize the improvement of its offensive or defensive capabilities? In either case, is there an incentive to collaborate with other countries to achieve an international code of conduct in cyberspace?

The offense-defense theory is considered applicable in cyberspace, but there are differing views on whether the cyber domain can be considered defense or offense-dominant. This analysis will discuss the attempts to update deterrence strategies to fit the cyber domain, and argue that numerous elements of the previous strategy are facing significant challenges.² Those who believe that the cyber-domain is an offense-dominant environment argue that the U.S. government should focus on developing its war fighting capabilities and creating active defenses that can halt attacks in-progress.³ However, an offense-oriented posture does not address the same challenges as deterrence theory, such as attribution, and it does not clarify whether the U.S. is justified in using kinetic force to respond to actions taken in the cyber-domain. While, existing documents on U.S. cyber strategy emphasize bolstering the nation's defenses or establishing a clearer retaliation scheme to improve deterrence, they also contain discussions about the need for international collaboration.

This paper will discuss the benefits and flaws of employing a deterrence strategy or an offense-oriented strategy in the cyber domain, and argue that neither is preferable given the full range of actors that may be involved in a cyber-war. The challenges that the U.S. government faces cannot be eliminated through attacks, or even fully defended against. Consequently, this analysis will recommend that the U.S. strive to establish policies that encourage communication among states, and will argue that based on the elements of the contingent realism theory, that the cyber domain is an environment that ultimately requires cooperation.⁴

In the cyber domain, there is a significant threat of manipulation by non-state actors or even patriotic hackers, which are unofficial groups acting on a government's behalf. While it is currently believed that states are the only entities capable of launching cyber-attacks that could cause physical destruction, it is unclear how long this advantage will remain. There are already cases of non-state actors inflicting significant economic damage, and attacking the functionality of national IT systems; the events in Estonia in 2007 being a prime example. There is also the possibility of false-flag operations being orchestrated by non-state actors in order to instigate catalytic conflicts.⁵ All states face the threat of being manipulated into fighting each other because of the ambiguous nature of cyberspace, and this should be a strong incentive for cooperation.

In the United Nations General Assembly, the representatives of China, the Russian Federation, Tajikistan, and Uzbekistan have begun to seek a formalized code of conduct for cyberspace.⁶ This code argues that governments should cooperate in order to ensure that information technologies are not used to threaten international security even as their use is encouraged for the sake of international education and economic development. This paper will

take the position that the United States should join in these collaborations and work to define international expectations, specifically in regard to the norms of cyber-warfare. While current efforts toward international collaboration have often included topics such as cyber-crime and cyber-espionage, this analysis will focus on policies surrounding cyber-warfare in particular. Within this discussion, the definition of “cyber-warfare” will be: “cyber-actions that have effects outside cyberspace that amplify or are equivalent to physical violence.”⁷ The term “cyber-attacks” will refer to these violent cyber-actions, and “cyber-conflicts” will define skirmishes that involve cyber-attacks.

The cyber domain has only recently been recognized as a distinct field for conflict. As such, there is still great uncertainty as to what behavior can be considered appropriate and what can be considered hostile and worthy of retaliation. This paper will begin by highlighting relevant aspects of offense-defense theory, then transition into discussing the flaws of deterrence strategy and offense-oriented strategy in the cyber domain, and then go on to establish that contingent realism theory supports the necessity of cooperation. The analysis will examine the current policies that are in effect, and argue that the U.S. government should collaborate with international partners. At the conclusion of this analysis, it will be clear why collaborating to create a well-defined code of conduct is the optimal strategy for securing the U.S. government and its citizens.

Offense-Defense Theory

Before discussing the theories that may inform the formation of a United States cyber strategy, it is important to establish the overarching framework for analysis. In the following sections, the different strategies being proposed will be examined through the lens of the offense-defense theory. Stephen Van Evera argues that “offense-defense theory is the most powerful and useful Realist theory on the causes of war [. . .] its strength comes from its role as a master theory; it helps explain other important causes of war.”⁸ In this analysis the offense-defense theory will be applied to the cyber domain, and used as a framework for exploring conflict. However, because the domain is still developing, there are ambiguities that arise when attempting to determine even the fundamental elements of the theory, such as whether the environment can be considered offense or defense dominant. This ambiguity is largely because “prevailing technology affects the relative efficacy of offensive, defensive, and deterrent military operations and thus the incidence of attack and conquest.”⁹ The development of information technology (IT)-based weaponry has altered the offense-defense balance. Stephen Biddle cautions that solely examining structural material factors, like technology, is misplaced, and that the balance depends on how distinct militaries employ these technologies.¹⁰ Essentially, the introduction of IT has had an impact on the offense-defense balance, and the development of cyber-attack potential requires a reanalysis of states’ relative capabilities, and the nature of the cyber environment.

Cyberspace has only recently been recognized as a new domain for warfare; thus, the nature of the conflicts that will take place in this space is still unclear. Consequently, while offense-defense theory can typically provide a useful framework for determining the environments in which conflicts are most likely to arise, there is not yet a consensus on whether the cyber domain can be considered offense or defense-dominant. If the environment were offense-dominated, this would imply that the attacker has the advantage, and would encourage the U.S. to focus on increasing its offensive cyber-attack capabilities, and, according to some officials, to focus on creating a punishment-based (rather than purely denial-based) deterrence strategy to guarantee its defense.¹¹ Although one might expect a deterrence theory to be better supported in a defense-dominant environment, if attacks succeed more readily than defenses can block them, it is sensible to use the threat of retaliation as a tool for defense. This is because in an offense-dominated environment it is possible to diminish the rewards of an attack, but not to completely deny them, so the threat of retaliation becomes a powerful tool because it increases the risk of an attack. However, if the environment is considered defense-dominant, then there is a greater possibility of building defenses that prevent attackers from achieving their goals. According to Robert Jervis, in a defense-dominant environment, "an increment in one side's strength increases its security more than it decreases the others . . ." In such an environment there is a greater possibility for collaboration because whether or not offensive and defensive postures are distinguishable, any party can strengthen their defenses without significantly threatening the others, and therefore, it is possible to develop compatible security policies.¹²

Regardless of whether the cyber domain is considered offense or defense-dominant, the unique characteristics of the cyber-conflicts necessitate international collaboration. Neither a deterrence strategy nor an offense-oriented strategy will be able to fully address critical issues, such as the threat of manipulation by non-state actors or the escalatory dynamics of cyber-to-kinetic attacks, and countries will need to specifically define what should be considered appropriate behavior in those types of scenarios. While collaboration would typically be considered more likely in a defense-dominant environment, the U.S. should not wait for the ambiguities of cyberspace to shift before determining which strategy to use. Rather, it should take a leading role in defining the nature of attacks in the cyber domain in order to prevent unintended conflicts or limit their scope.

Deterrence-Oriented Strategy

Kenneth N. Waltz describes traditional deterrence theory as using the threat of punishment as a coercive tool. In his words: "Deterrence in its pure form entails no ability to defend; a deterrent strategy promises not to fend off an aggressor but to damage or destroy things the aggressor holds dear."¹³ With nuclear weapons, the possibility of mutually assured destruction (MAD) was

and remains an inherent deterrent for all parties. If nuclear powers engage with each other in any physical conflict, there is always the risk of brinkmanship,¹⁴ with possibly catastrophic consequences. In cyber warfare, however, there is greater variation in the severity of an attack, and the options for retaliation.¹⁵ Consequently, while some attacks may theoretically be large enough to create the possibility of MAD, others are the equivalent of petty vandalism.

John Michael McConnell, the Director of the National Security Agency (NSA) from 1992–1996, describes how deterrence theory was implemented in practice: “During the Cold War, deterrence was based on a few key elements: attribution (understanding who attacked us), location (knowing where a strike came from), response (being able to respond, even if attacked first) and transparency (the enemy’s knowledge of our capability and intent to counter with massive force).”¹⁶ These elements can function similarly in the cyber domain, but all of them face significant challenges that undermine the effectiveness of a deterrence strategy.

First, in the cyber domain, attribution is nearly impossible because attacks can come from multiple points simultaneously, and the origin can be readily concealed. Furthermore, it is possible to route an attack through another location, which could result in misattribution even if the origin is determined.¹⁷ This is referred to as a “false flag operation”¹⁸ and through this method an attacker could frame another state, in order to instigate a “catalytic conflict.”¹⁹ If the source of an attack is attributed, the location can still pose further challenges. The attackers may be a group of decentralized non-state actors spread across the globe or they may be residing out of reach, in countries that are not allies of the United States. However, even if an attack can be successfully attributed, and the location of the origin is a suitable target for retaliation, the nature of an appropriate response is difficult to determine.

A traditional deterrence strategy relies on a state’s ability to signal its intent and its capability to inflict damage once enemy behavior crosses a particular threshold. Determining this threshold, though, poses significant challenges.²⁰ There are three commonly recognized difficulties in threshold calibration. The “Acheson Dilemma” refers to how enemies might target any assets that are deemed below the threshold of retaliation.²¹ The “Menu Dilemma” refers to an adversary’s tendency to choose an attack with an acceptable response when presented with a “menu” of retaliatory options that depend on the scale of an attack.²² The “Decision Dilemma” refers to the ambiguity surrounding a state’s willingness to retaliate against information theft with physical force, and the moral and strategic challenges to setting a zero-tolerance threshold.²³ These dilemmas, in conjunction with the wide variety in cyber-attacks, and ambiguity surrounding the possibilities for new cyber weapons, make it difficult for a state to organize a transparent retaliatory policy. If a state cannot make their capabilities transparent, it is difficult to deter attacks since their enemies will not be aware of the risks associated with their actions.

In an article he wrote in 2010, Deputy Secretary of Defense William J. Lynn argued that the United States Department of Defense (DOD) must bolster the

nation's defenses in order to prepare America for a new era of cyber warfare. He believed that the DOD must focus on deterring enemies through denial rather than punishment, due to the impossibility of attributing attacks.²⁴ He further argues that in the cyber domain the offense has the upper-hand and that "In an offense-dominant environment, a fortress mentality will not work. The United States cannot retreat behind a Maginot Line of firewalls or it will risk being overrun. Cyberwarfare is like maneuver warfare, in that speed and agility matter most."²⁵ His arguments did diverge from the traditional deterrence-based strategy discussed by previous U.S. administrations, but he did not address the fact that a strategy based on bolstering defenses is not likely to be successful given that he considers the cyber domain to be an offense-dominated environment where there are minimal barriers to orchestrating an attack.

In 2011, Deputy Secretary Lynn focused on the deterrence framework even further, and argued that the most sophisticated cyber capabilities are still state-controlled, and consequently, state actors can still be deterred by kinetic force.²⁶ His position is short sighted given that there is no guarantee the state will maintain its monopoly on cyber-weapons, and furthermore, he does not address the dangers posed by patriotic hackers who are affiliated with, but not direct agents of, foreign governments. For example, recently there have been repeated skirmishes between Israeli and pro-Arab hackers.²⁷ Israeli hackers have posted the credit card numbers of influential Iranians, and it is suspected that Iranian hackers attacked Israel's largest bank, Hapoalim.²⁸ These hackers are currently focused on causing economic damage, but there is the possibility that they could develop true cyber-weapons, capable of inflicting physical damage. Furthermore, the irresponsible actions of these hackers could result in heightened tension between their governments, and possibly induce physical conflict. Deputy Secretary Lynn does not address the growing influence of non-state actors, and the possibility of them becoming a true threat that a cyber strategy must account for.

Based on the arguments of Deputy Secretary Lynn, a deterrence-based strategy would focus on decreasing the challenges of attribution and simultaneously increasing the transparency of possible retaliatory responses. Deputy Secretary Lynn argues against the U.S. maintaining its traditional deterrence strategy, but at the same time, he does focus on the core assumptions of denying an enemy the benefits of an attack by increasing defenses, and increasing the risks of an attack by outlining clear punishments. Essentially, while he argues that the U.S. needs to change its strategy in the cyber domain, his suggestions are still based around a defense-oriented framework. Still, due to the challenges of attribution, location, response, and transparency, it is clear that a deterrence-based defensive strategy will not guarantee the security of the United States.

Offense-Oriented Strategy

In "Leaving Deterrence Behind: War-Fighting and National Cybersecurity," Richard J. Harknett, John P. Callaghan, and Rudi Kauffman apply the offense-defense

theory to the cyber domain. They argue that cyberspace is offense-dominated, and advocate that the U.S. government replace the traditional model of deterrence with offense-oriented strategies, and improve its cyber-attack capabilities.²⁹ However, their analysis of offense-defense theory does not seem to result in a formal strategy for the U.S. government's actions in cyberspace. Even if the U.S. government decides it is acceptable to employ cyber-attacks, it is unclear under which conditions they would do so. Furthermore, an offense-oriented strategy does not clarify how the U.S. government should best secure its defense or how it should determine an appropriate response after having been attacked.

As long as the government could be forced into the position of orchestrating a retaliatory strike, the challenges to attribution, location, response, and transparency remain relevant to establishing a cyber strategy. The proponents of an offense-oriented strategy do not address these challenges. The authors' main proscription seems to be that officials return to the offense-defense framework when analyzing contemporary events, but this theory tends to mainly explain events after they have occurred when it is easier to achieve consensus on the nature of the offense and defense balance.³⁰ Still, by using this framework it is possible to gain insight into methods for ensuring stability in cyberspace, such as the importance of decreasing ambiguity between offensive and defensive postures and proper signaling through military channels.³¹

It is important to note that the assumption that the cyber-domain is inherently offense-dominated is not unchallenged. Thomas Rid argues that: "Conventional wisdom holds that cyberspace turns the offense/defense balance on its head by making attacking easier and more cost-effective while making defending harder and more resource-intensive [. . .] This may have it exactly wrong: quality matters more than quantity."³² Cyber-attacks can be more difficult to orchestrate than kinetic ones and there are many steps involved. Before a state can exploit their adversary, vulnerabilities need to be identified, and industrial systems need to be understood.³³

In fact, the cyber-domain can be viewed as defense-dominated if one takes into account the denying power of a sophisticated cyber defense. Rid argues: "The better the protective and defensive setup of complex systems, the more sophistication, the more resources, the more skills, the more specificity in design, and the more organization is required from the attacker." Essentially, while it is guaranteed that the U.S. government will face an incessant battery of attacks from numerous sources employing diverse methods, the most complex threats might be denied by sophisticated defense capabilities. If it is incredibly challenging to overcome a defense, the rewards of an attack are diminished. However, it is still unclear whether the defense truly has the advantage in the cyber-domain. If one evaluates the cyber domain as being defense-dominant, that would provide an environment more suitable for collaboration. Still, regardless of whether the balance in cyberspace favors offensive or defensive actions, in the next section it will become clear why it is important to support collaboration to clarify appropriate behavior in the uncertain cyber domain.

Cooperation-Oriented Strategy

Robert Jervis describes how the security dilemma makes it challenging for states to comfortably cooperate with each other to secure their interests. He argues that cooperation is most likely in a defense-dominated international environment, and when offensive and defensive positions are clearly differentiated.³⁴ Charles Glaser expands on the importance of cooperation and argues that “structural realism properly understood predicts that, under a wide range of conditions, adversaries can best achieve their security goals through cooperative policies, not competitive ones, and should, therefore, choose cooperation when these conditions prevail.”³⁵ The theory of contingent realism argues that when a state compares competition and cooperation, they must decide which strategy will contribute to its ability to deter attack, or defend if deterrence fails. They should also seek the approach that allows them to defend and deter, without threatening other state’s abilities to do so as well.³⁶ Essentially, a state should be actively concerned about whether its adversary understands its motivations, because uncertainty about intent can lead to insecurity. States should be clear about their actions in cyberspace, and keep other countries in mind as they determine how to balance offensive and defensive posturing, because this will prevent miscommunication about the intent behind securing capabilities.

Glaser describes how states can communicate their benign intentions through arms control, and emphasizes that if a state agrees to limit offensive capabilities in an offense-dominated environment it can cause an adversary to reassess the state’s motives. Furthermore, he argues that “If [offensive forces and defensive forces] can be distinguished, then agreements can restrict offensive capabilities by limiting specific types of forces; both countries will have better defensive capabilities and appear less threatening than if they had both deployed offensive forces.”³⁷ The possible benefits of cooperation support the idea of instituting policies dedicated to “cyber arms control,” or agreements about what types of cyber-attacks and responses are considered appropriate in a particular context.

Contingent realism is set apart from the traditional offense-defense theory because of its emphasis on cooperation as a method for self-help. If one employs this theory it is possible to cooperate even in offense-dominated environments if countries recognize the benefits of decreasing ambiguity. Still, the question remains: if the U.S. government can benefit from wielding its offensive capabilities, why is there any need to collaborate with other countries to reduce uncertainty? There are numerous reasons that collaboration is truly in the best interests of all states.

The report “Technology, Policy, Law, and Ethics Regarding U.S. Acquisition and Use of Cyber Attack Capabilities” describes several reasons that should inspire states to collaborate. First, without a clear policy declaring otherwise, the actions of patriotic hackers might be considered a legitimate representation of a government’s will. These activities are not directly controlled

by the government, and may even interfere with a state's ability to coordinate with an adversary to manage a crisis. There is the possibility that patriotic hackers might attack an adversary without their government's approval; the adversary, however, may assume it is an official action and retaliate accordingly.³⁸ In 2007 the Estonian IT system suffered a series of intense cyber attacks, largely in the form of distributed denial of service attacks (DDoS) where the nation's banks', newspapers', and various ministries' websites were flooded by requests for information.³⁹ The attacks followed the relocation of a Soviet war memorial in Tallinn, and many of the attacks originated from Russian state computers. However, the attacks were largely organized through groups of non-state actors acting on the Russian governments behalf. These patriotic hackers were likely under the control of the Russian government, but there was not sufficient evidence to accuse Moscow of orchestrating the attacks.⁴⁰ In this case, what is more frightening to imagine is if these patriotic hackers were in fact organizing themselves without any assistance from the Russian government. If that were the case, and if Estonia were in a position to retaliate to these attacks, the two states could be dragged into conflict by the actions of citizens who believe they are acting in the best interests of their country, but without government approval. This poses a serious threat to international order and stability.

This ties in with the second reason states should collaborate: to avoid dangerous escalatory dynamics. If states accept that kinetic retaliation is an appropriate response to a cyber-attack, there is the possibility that bloodless conflicts beginning in the cyber domain could result in actual physical destruction if adversarial states continually escalate their attacks. For example, if Estonia were in a position to have retaliated against the cyber-attacks that were orchestrated by the Russian government, and chose to do so by physically attacking Russian server farms, that action could inspire Russia to launch a physical attack against Estonia. A war threatening the health and safety of the citizens of two states could be initiated as a result of non-violent cyber-attacks on IT systems. If states reduce uncertainty about what is considered an appropriate response to a cyber-attack, there will be less opportunity for unforeseen escalation.⁴¹

A third reason for states to collaborate is to reduce the possibility of being manipulated into a catalytic conflict. Definitive attribution is still impossible to achieve, and there is the possibility that a third party could attack one country and then frame another in order to draw the two into conflict.⁴² What is perhaps even more terrifying is the possibility of non-state actors being able to draw two countries into war by disguising the origins of an attack. In 2010, the Stuxnet worm was found to have infiltrated the computer systems of nuclear facilities in Iran. This was a piece of software that infects industrial control systems, and Stuxnet was particularly impressive because it was designed to specifically target the exact system in the Iranian facilities. Furthermore, it succeeded despite the fact that the nuclear facilities were not connected to the Internet by spreading through the use of USB drives.⁴³ The actors behind this

worm have not been identified, and though America and Israel are the prime suspects, it is not yet possible to determine whether either government can be held responsible. Iranian officials have not made any attempt to formally retaliate against either of these two countries, despite their suspicions, likely because it would be dangerous to begin a conflict without being absolutely positive of the suspects' culpability. There is the possibility that a completely different state could have left false trails of evidence in an attempt to frame Israel or America and cause a catalytic conflict. Perhaps a group of non-state actors seeking to inspire international discord could be passing their actions off as a state-organized attack. While at this point such scenarios are purely hypothetical, these types of false flag operations are a threat to all states.

There are many other issues that, if clarified by international rules, would reduce the possibility of unnecessary or unintended conflict. There is the threat that a cyber-attack can have "blowback" on the state that launches it, on the allies of the state, or even on other states that were not targeted. This could lead to unnecessary tension if an attack goes awry and is misattributed. Furthermore, an attack meant to harm only one particular state could affect systems around the world, and depending on its effectiveness, there is the possibility of significant destruction on a global scale. Another issue is the termination of cyber-conflicts. If cyber-attacks are being used when two states are hostile toward each other, it is important to define a standard way of managing these attacks after hostilities have ceased. Cyber-attacks can be embedded in code and last a significant period of time, and it is important to clarify the norms of ending such a conflict in order to avoid confusion if detonation occurs in the future.⁴⁴

In the specific case of the United States, there is an even greater incentive to avoid the aforementioned threats. The U.S. government and its citizens rely significantly on networked IT systems, and as such are more vulnerable to cyber-attacks than other less-developed states.⁴⁵ This means that their enemies can develop cyber-attacks in place of traditional weaponry,⁴⁶ and that states or non-state actors—who could not hope to rival the U.S. in conventional forces—can develop capabilities that pose an actual threat.

It is clear that there are significant incentives for all states to reduce uncertainty in the cyber domain. Collaboration is the most rational method for determining how to handle threats such as patriotic hackers, escalatory dynamics, and catalytic conflicts. This holds true even if a state does not rely heavily on IT, because computers in one state can be manipulated into attacking another without that government's approval—which undermines its authority. For instance, the attacks in Estonia relied on botnets, or huge networks of computers that include those owned by ordinary citizens who are unaware that their machines have been hijacked.⁴⁷ Because the Internet and other IT are so interconnected, there is the possibility that a threat originating in one country, and targeting another, could have an accidental impact on many other uninvolved countries as well. For example, the Stuxnet computer virus that attacked nuclear centrifuges in Iran was also found in India, China,

Germany, Australia and the U.S. among other governments.⁴⁸ If the computer virus were redesigned to force nuclear facilities to implode, it could be used to generate unprecedented global destruction. The Stuxnet virus was designed to only affect the systems in Iran, but there is the possibility that future attacks will cause unintended damage beyond the initial target. If states do not agree on a policy to manage these challenges, there is the possibility of a catastrophic, global cyber-conflict, a threat can almost be considered akin to the concept of MAD.

States need to establish formal guidelines to determine when a government can be held responsible for unofficial actions that originate within their borders, and what to do in the event that an attack has unforeseen consequences across borders. All states face the same threat of being manipulated, or drawn into unintentional conflict, and therefore, all states should desire to collaborate to clarify cyber-attacks and develop a formal code of conduct for when they are deployed.

Current Policies

After examining the flaws of deterrence and offense-oriented strategies, it is clear that the U.S. must cooperate with other governments in order to prevent cyber-conflicts that could pose a significant threat to all states. Currently, the U.S. has recognized the need to work with other nations to secure cyberspace, but it has not yet defined the nature of this collaboration. In the 2011 International Strategy for Cyberspace released by the White House, officials recognize the importance of establishing norms, and state:

We will work to build a consensus on what constitutes acceptable behavior, and a partnership among those who view the functioning of these systems as essential to the national and collective interest . . . Adherence to such norms brings predictability to state conduct, helping prevent the misunderstandings that could lead to conflict . . . Unique attributes of networked technology require additional work to clarify how these norms apply and what additional understandings might be necessary to supplement them. We will continue to work internationally to forge consensus regarding how norms of behavior apply to cyberspace, with the understanding that an important first step in such efforts is applying the broad expectations of peaceful and just interstate conduct to cyberspace.⁴⁹

The White House accepts that determining appropriate conduct in cyberspace would help to avoid the ambiguities that could lead to conflict. Officials recognize that it is possible to create norms by which states can signal their actions and explain the motives behind them. These statements imply that theory of contingent realism has been accepted as part of the intended strategy for cyberspace, because they speak to a desire to cooperate with other states in order to achieve mutual security goals.

The White House described its defense objective as being that: "The United States will, along with other nations, encourage responsible behavior and oppose those who would seek to disrupt networks and systems, dissuading and deterring malicious actors, and reserving the right to defend these vital national assets as necessary and appropriate."⁵⁰ It is clear that officials intend to focus on bolstering their defenses in order to deny attackers the rewards of their actions, and to focus on increasing the risks of an attack by threatening retaliation. Whether these defense-oriented strategies will succeed is unclear at this time, but as long as they are used in conjunction with cooperation-oriented strategies, rather than in place of them, there should not be any reason for fear.

The 2003 National Strategy to Secure Cyberspace also placed a heavy emphasis on deterring attacks and improving cyber defenses, but did not focus heavily on encouraging international cooperation.⁵¹ However, in the 2011 Department of Defense Strategy for Operating in Cyberspace, officials admit: "Cyberspace is a network of networks that includes thousands of ISPs across the globe; no single state or organization can maintain effective cyber defenses on its own."⁵² Furthermore, officials stated their intent that: "[The] DOD will expand its formal and informal cyber cooperation to a wider pool of allied and partner militaries to develop collective self-defense and increase collective deterrence."⁵³ Consequently, it would seem that the U.S. Government is placing greater emphasis on encouraging collaboration with other states, which this analysis has proved to be an essential strategy for securing the cyber domain.

Policy Prescriptions

There are different views on what inter-state collaboration should entail. One that is commonly discussed is the expansion of Article 51 of the U.N. Charter—which declares that countries have a right to self-defense in the event of certain physical attacks—to include cyber-attacks. In this case, the United States could formally declare that they will respond to a cyber-attack proportionately, and also declare that they will leave open the possibility of physical retaliation as well as cyber retaliation.⁵⁴ However, this prescription does not address the dangers of the escalation that might follow if the U.S. does not clarify their intended response to cyber threats. A similar prescription is for the U.S. government to include a codification of cyber norms within its existing international agreements in order to encourage the acceptance of this code and heighten its legitimacy.⁵⁵ This is an important tactic, but given that cyber threats pose a unique challenge to state authority, it will likely be necessary to further clarify whether states can defend their assets without infringing on the freedom of information.

Previously, the U.S. was reluctant to collaborate with other countries on establishing a formal code discussing norms in cyberspace because they wanted an agreement that would not allow for authoritarian regimes to justify

repressive tactics. However, thus far President Obama's administration has encouraged cooperation despite this fear.⁵⁶ In July of 2010, the Group of Governmental Experts issued a report summarizing the current IT-based threats, and discussing steps that would help build confidence and reduce the risk of misperceptions relating to IT disruptions.⁵⁷ The first of these steps specifically discussed inspiring further dialogue among states in order to discuss norms, reduce collective risk, and protect infrastructure. This report represented the thoughts of China, India, Russia, and the U.S. among others. Consequently, it seems that the importance of a formal code of norms has already been accepted.⁵⁸ The U.S. government has begun to take a more cooperative stance, which should inspire it to accept the code of conduct being currently drafted in the UN General Assembly.

On September 12, 2011, the representatives of China, the Russian Federation, Tajikistan, and Uzbekistan published a letter in the UN regarding "Developments in the field of information and telecommunications in the context of international security."

In this document, a code of conduct was set forth supported by the rationale that governments must cooperate in order to ensure that information technologies are not used to threaten international security. The letter argues for the general assembly to adopt the code because its members should: recognize the importance of preventing the use of IT to undermine stability and prevent actions that affect the integrity of a state's infrastructure; highlight the importance of maintaining the security of the Internet and IT networks; reaffirm that policy authority for Internet-related public issues is the sovereign right of states, and that states have responsibilities for international public issues.⁵⁹ It states:

The purpose of the present code is to identify the rights and responsibilities of States in information space, promote their constructive and responsible behaviours and enhance their cooperation in addressing the common threats and challenges in information space, so as to ensure that information and communications technologies, including networks, are to be solely used to benefit social and economic development and people's well-being, with the objective of maintaining international stability and security.⁶⁰

While the rationale behind the code is essentially common sense, the code itself does limit the actions of those who volunteer to uphold it.

The code has several clauses that are in the common interest of all states, and not particularly controversial. There is a clause about preventing cybercrime, encouraging development, and creating a system to ensure a stable, functioning Internet. However, the code also asks states "not to use information and communications technologies, including networks, to carry out hostile activities or acts of aggression, pose threats to international peace and security or proliferate information weapons or related technologies."⁶¹ That would imply the U.S. could not develop offensive cyber capabilities. Still,

based on all of the arguments in this paper, collaboration should be weighted more heavily than the desire to develop cyber-attacks. An offense-oriented strategy cannot guarantee the U.S. government security, and in that case it is worth cooperation with other states even if it means limiting the development of IT-based weapons. Furthermore, the code specifically reaffirms a state's right to protect their information space and critical information infrastructure from "threats, disturbance, attacks, and sabotage."⁶² Therefore, the U.S. could still develop its defensive capabilities without threatening the security of other states.

The U.S. cannot defend its public operations and infrastructure, or the safety of its citizens by adopting a deterrence or offense-oriented strategy for the cyber domain. Thus, a strategy of cooperating with other states is the best choice even if it means prioritizing defensive capabilities over offensive ones. There are numerous incentives for the U.S. to collaborate with other states to create a code of conduct in cyberspace. The code created by China and Russia provides an excellent framework for international collaboration surrounding issues relating to IT usage and international security. The U.S. should adhere to this code and cooperate with other states in the UN.

Conclusion

This analysis argued that the United States would be best served by creating an international code of conduct to determine norms within the cyber domain. The offense-defense framework was used to explain the rationale behind suggestions for a deterrence or offense-oriented strategy, but ultimately, these strategies were shown to be ineffective because of distinct characteristics and threats present in the cyber domain. Collaboration is necessary; the United States should accept the current proposal for a code of conduct for information security that is being circulated in the General Assembly of the UN.

Cyberspace is still an incredibly uncertain environment, and the strategy that the U.S. chooses will likely need to be reworked as future events define this new domain. While there are current examples of cyber-attacks having physical consequences, there has yet to be the "cyber pearl harbor" that many policy analysts fear. In time, it may prove that interactions in the cyber domain operate similarly to those in the traditional domains. However, at this point there is also the possibility that the threats unique to the cyber domain will result in a fundamental shift in power dynamics throughout the world as the tools available in this new arena change governments' capabilities. The significance of the cyber domain will be clarified in the coming decades.

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The Crossroads of the Americas . . . and of Asia?

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Panama is a country of diversity. It is the only country that connects both the Atlantic and Pacific Oceans, and has a varied topographic terrain, ranging from the beach to the mountain regions that can be traversed in just 4 hours. The regions within Panama themselves are diverse, from the tropical forests in Chiriqui to the industrial powerhouse of Panama City, from the serene beaches in San Blas to the pristine rice fields in Los Santos. Diversity can also be found in Panama's population. All throughout the country, one can find a mixture of people from European, Indigenous, and Caribbean descent. One group that is often overlooked, however, is Panama's burgeoning Chinese population.

I traveled to the interior of Panama, where I taught English to elementary school children and lived with a host family. To my surprise, one of my third grade students was third generation Chinese who spoke only Spanish. As the days passed, I realized how many Chinese there were not only in Panama City, but also in the rural areas. I often saw billboards hailing the economic partnership between Taiwan and Panama, the red and blue hues of the two nations' flags brandishing in the wind. Almost every time I entered a small shop, I would gaze in astonishment at the Chinese owner behind the counter. The Panamanians call these Chinese owned shops "chinitos," and almost everyone in the town is a frequent customer. These chinitos are a source of daily parlance and commerce. One time, upon entering a chinito with my host family, my host father emphatically told the Chinese shopowner that I could speak Mandarin. As soon as he heard that, the man strung out words that I could barely make out. When I made a mistake in Mandarin, he would correct me in Spanish.

I was so surprised by the Chinese community in Panama that when I returned to Brown, I started researching the Chinese-Latin American relationship. The Chinese community has been in Panama for over 150 years, and has transcended much hardship to become a key player in Panama's political, economic, and cultural society. What was most evident was the role this community has in the battle over Panama's allegiance to two Asian powers: China and Taiwan. Both of these countries are vying for use of the Panama Canal and diplomatic recognition from Panama, and have made efforts to court Panama in many ways. Panama has been blessed with a strategic and therefore coveted location, that it can use to its own economic advantage, regarding China and Taiwan. It wouldn't be the first country to do this. In 1956, Egypt, under the

leadership of Gamal al Nasser, used its Suez Canal as leverage to declare its own sovereignty, becoming a champion in the Arab world that stood up to the Western powers of Britain, France, Israel and the United States. Although Panama is much smaller than Egypt, it has the possibility to be a beacon of hope for “periphery” countries that are unable to fully develop without the help of the Global North. Perhaps Panama will be just another episode of dependency theory, but perhaps Panama can manipulate China and Taiwan for its own economic benefit. Also at stake is the extent to which China is undermining U.S. influence in the isthmus.

Thus through my research from both secondary sources and interviews,¹ I sought to answer these questions: How has the Panamanian government been able to maintain relations with both Taiwan and the People’s Republic of China (PRC), and how might this relationship change in the future? How are Chinese and Taiwanese companies using the Diasporic Chinese in Panama as economic leverage in the country? How is China’s growing influence in Panama affecting U.S.-Panama relations?

In this essay, I will first explain the history of the Chinese Diaspora in Latin America, particularly in Panama. Then, I will discuss in detail the conflict between China and Taiwan over Panama, analyzing why Panama is so crucial for both nations and ways in which both countries use economic, political and social means to cajole the isthmus to support one or the other. Chinese-Panamanians play a crucial role in this conflict due to their position as cultural and economic intermediaries between Panama, China and Taiwan. Then, I will weigh the costs and benefits Panama might receive from ties with either country. Finally, I will offer my field research findings to explain how this conflict plays out.

The History of the Chinese in Latin America

At first glance, one would think it odd that the Chinese have such a presence in Central America. Although it is an understudied topic, the Chinese Diaspora in the Americas has been documented by various scholars of Asians in Latin America, including Evelyn Hu-DeHart, Roberto Chao Romero, Walton Look Lai, Lok Siu, Adam Kweon, and Kathleen Lopez, among others. Beginning in the early 1800s, about 600,000 Chinese immigrants came to the Americas.² The majority were from the southeastern regions of Guangdong and Fujian provinces in China.

Four historical factors made these provinces prone to migration. First, the region experienced a period of overpopulation. This phenomenon did not increase agricultural productivity; rather the Qing government, wrought with weak leadership, corrupt bureaucracy and regional fragmentation tendencies, did not implement any agrarian or land reforms to solve the dearth of food and resources.³ Thus Fujian and Guangdong suffered massive land shortages, indebtedness, reduced standards of living, and peasant socio-economic displacement. Second, economic shifts from subsistence farming

to commercial agriculture in rural China forced many peasant farmers to sell their land.⁴ Third, western imperialism gave birth to the “coolie” trade, named by the racial slur imposed on Asian indentured servants by Europeans.⁵ The British needed alternative sources of cheap, docile and unskilled labor after abolishing slavery in 1834, and the Chinese proved prime candidates. After the Second Opium War (1860), the British forced China to sign the Treaty of Nanjing (1842) and the Treaties of Tientsin and Peking (1860), opening up ten Chinese ports to Western powers and allowing the recruitment of contract laborers to work on the sugar islands of the Caribbean.⁶ Other European powers, such as the Spanish, Dutch and French, followed suit. Fourth, peasant rebellions, like the Taiping Rebellion (1850–64), Red Turban Rebellion (1854) and the Hakka-Punti wars (1856), created a zeitgeist of violence and fear in the region. Many Chinese, wanting to flee the mayhem, joined the coolie trade, ignorant of the equally inhuman conditions characteristic of this trade. The Chinese coolies migrated to Cuba, Peru, Guyana, Trinidad, Jamaica, Belize, Bahamas, and Suriname. Panama served as a conduit for Chinese immigrants who continued on to these destinations.⁷ Still, many stayed in Panama to work on the Transisthmian Railroad and then the Panama Canal shortly after.⁸

After escaping servitude, Chinese immigrants sought to assimilate into the communities where they lived, creating enclaves and opening small shops to participate in the retail sector. The Qing Dynasty fell in 1911, causing even more Chinese to flee their homeland and seek refuge in Mexico, Cuba, Jamaica, and Panama.⁹

The Chinese in Panama

There are three distinct eras of Chinese migration to and from Panama, the first being between 1852 and 1856, the second between 1940 and 1949, and the third from the 1990s to the present. The first wave came to Panama for the aforementioned reasons that spurred the Diaspora in Latin America. However, the migration wave dwindled in the 1940s. During this time, China suffered political unrest, first from the invasion of the Japanese (1937–1945) and then from internal warfare between the Communists and the Nationalist Party.¹⁰ When the People’s Republic of China was established in 1949, the new communist regime closed China’s borders and denied citizenship to the Diasporic Chinese believed to be associated with the elite. Nationalist supporters were either expelled or escaped execution in their home country. As mentioned by Siu, many escaped to Panama because they already had relatives in the isthmus from previous migration periods.¹¹

Simultaneously, Panama experienced an episode of fervent nationalism in the 1940s led by the charismatic president Arnulfo Arias. Infuriated by decades of U.S. imperialism manifest in the infamous Hay-Bunau Treaty—an uneven agreement that gave the U.S. exclusive authority over the Canal and froze Panama out of its benefits—Arias proclaimed “a government of

Panamanians for the benefit of the *Panamanian* people.¹² His heated anti-imperialist, anti-immigrant campaign caused the creation of a new constitution that denied citizenship to non-mestizos (that is, people not of white and/or indigenous origin). This race-based nationalism ostracized West Indians, Arabs, Jews, Hindus and Chinese. Not being able to return to China, the Chinese were caught in a catch 22, belonging neither here nor there, a stateless people. However, they found refuge in the American Canal Zone. Always in need of a workforce in the Zone, the U.S. invited many Chinese to work for the Panama Canal Authority.¹³

After Arias' short reign, the Chinese created community organizations in order to protect themselves and to foster Chinese solidarity. Among these were the Chinese Association of Panama, the Federation of Chinese Associations of Central America and Panama, the Federation of Chinese Associations in the Americas, and the Chinese-Panamanian Professionals Association (APRO-CHIPA). These organizations worked to meet the needs of the Chinese-Latin American communities.¹⁴

Similar community organizations have been constant throughout the global Chinese Diaspora. Romero discusses how the Chinese traveled by familial chain migration.¹⁵ Newly arrived Chinese immigrants depended on their family members already in the host country to help them find housing and jobs. Likewise, the Chinese-Panamanians also practiced familial chain migration. Faced with a similar Chinese Exclusion Act implemented by the Panamanian Ministry of Foreign Affairs in 1906 as well as the era of hyper-nationalism under the Arias regime, the Chinese Panamanians migrated around the Americas to live with other family members located in Latin American countries. Siu documented the migration stories of three Chinese-Panamanians and noted that all of them have traveled to Costa Rica, Honduras, Miami, Peru, or Jamaica or has a family member located in those countries. The term for this form of movement is serial migration, where some Chinese-Panamanians feel that they have multiple "homes" after sojourning in so many different places.¹⁶

Through kinship networks, the Chinese-Panamanians have become important in the tug of war between China and Taiwan for Panama's economic and political allegiance because they act as intermediaries between East Asia and Latin America. According to Lever-Tracy, Ip and Tracy (1996), China's economic success does not come from investments by large firms and multinational corporations; rather, China relies on the Chinese Diaspora for investments and labor recruitment. China's 1978 economic reform is the best example of this phenomenon. China decentralized economic decision-making and began to transition toward a capitalistic economic system. Small firms run by Chinese, overseas, won the first investment opportunities in China instead of American and Japanese multinational corporations. Lever-Tracy, Ip and Tracy argue that this occurred because of the traditional Chinese business practice of *guanxi*.¹⁷

The Art of *Guanxi*

Guanxi, in Chinese, means relationship. It is an informal code of conduct among friends, colleagues, and businessmen that encourages ethical behavior and mutual benefit. Even before the 1978 reforms, the Chinese used the network of *guanxi* to obtain information and resources.¹⁸ *Guanxi* soon became common practice in organizations and bargaining relationships. Therefore, Chinese firms do business based on horizontal relationships, where one's surname and family reputation hold more sway than how big one's pocketbook is. Opposite to *guanxi* is neoliberal economics, where companies adhere to the "impersonal rule of universalistic and rational law."¹⁹ In other words, companies are expected to open their economies to the world market and choose the highest bidder in the wealthiest country. Furthermore, neoliberalism focuses primarily on short-term economic gain rather than long-run economic profits.

Chinese firms, by contrast, prefer looking at long-term gains with a partner they can trust instead of acquiescing to neoliberal economics. One Chinese Australian interviewed discussed the importance of trust in business transactions: "I have always believed you can do business through friends of many years, with trust, and if you are on the same wave length you can join forces together. Westerners can do Yellow Pages business, but in Asia relationships matter."²⁰

Therefore, the smaller Chinese Diaspora firms tended to beat out the larger, more illustrious multinational corporations for investment opportunities because of this *guanxi*, forging trans-diaspora linkages with the mainland. As for the Diasporic Chinese, businesses are built on their intermediary position between Asia and China, exemplified by the Chinese in Australia. These small companies facilitated the initial economic partnerships between their host country and the mainland. I believe that the Chinese in Panama could use this same intermediary position to foster economic and political relations between China and Panama. Indeed, the isthmus's geostrategic location alone makes it an attractive ally for China. And coupled with the fact that it also harbors the largest ethnic Chinese population in Central America, Panama is a potential battleground for China and Taiwan.²¹

The Present Struggle: China-Taiwan-Panama

The Chinese-Panamanians, through their organizations and cultural preservation schools, still show allegiance to their homeland, China. The question, however, is *which* China? In 1949, the Chinese Nationalist League under the leadership of Chiang Kai Shek, fled from Communist mainland and established their own nation on the island of Taiwan. Since then, the two territories have engaged in heated conflict. After its inception, Taiwan was officially recognized by the UN. In 1971, however, when Beijing's government broke ties with the Soviet Union, the UN switched recognition from Taiwan to the mainland. The People's Republic of China (PRC) affirms its "One China Policy" and

declares Taiwan a rogue territory. To combat this policy, Taiwan continues to seek formal recognition from the international community and has tried time and again to re-enter the UN. Its attempts, however, have been futile. Now, only 23 countries recognize Taiwan as a legitimate state. Twelve of these 23 countries are from Latin America and the Caribbean (LAC), Panama being one of them. Therefore, LAC are important allies for both countries because Taiwan must hold on to its few remaining allies, and China must hinder Taiwan's hope of independence.

The years 1997 and 1999 are significant in the relationship between Panama and China. China recovered Hong Kong and Macau from European rule (1997 and 1999, respectively). In 1999, the Carter-Torrijos Treaty of 1977 went into effect and the U.S. ceded control of the Panama Canal to the Panamanian government. As a result, China and Panama's economic partnership has blossomed. Panama gave concessions to HutchisonWhampoa Limited, a Hong-Kong based Chinese shipping company with historically close affiliations with China's People's Liberation Army, which purchased a 50-year lease on management of the Balboa and Cristóbal ports at both ends of the Canal. With a net worth of US\$42 billion and 240,000 employees in 52 countries, Hutchison Whampoa has various business dealings, including ports, real estate, hotels, retail, energy, infrastructure, investments and telecommunications. These business dealings caused rumors that the "Chinese were taking over the Canal."²² A Panamanian newspaper, *La Prensa*, featured a three-part series entitled "De tio Sam a tio Chang" (From Uncle Sam to Uncle Chang), providing a cogent narrative of Panama's shifting geopolitical relations with the United States, Taiwan, and the PRC. U.S. senator Trent Lott even warned that Hutchison Whampoa posed a security threat to the canal because of its connections to Communist China.²³

The Panama Canal is indeed a coveted resource for China. A 2010 Wall Street Journal article discussed the many benefits the mainland will reap from the expansion of the Panama Canal. According to journalist Leo Lewis, the Canal will become the "prime conduit for Chinese-driven global trade," lowering its transportation costs of sending exports to the East Coast of the U.S. by possibly 30 percent, and providing new routes for its oil tankers and ships carrying mineral resources to reach West Africa—deepening political bonds that Beijing has carefully fostered in the region. Lewis even mentions that Goldman Sachs economists believe the new canal could play a pivotal role in the BRIC (Brazil, Russia, India, China) investment story—as a channel that even more directly links the Chinese and Brazilian markets.²⁴

Panama's blossoming economic ties with China, however, are at odds with its political ties to Taiwan. Since its formal recognition of Taiwan in 1954, Panama has supported Taiwan politically. Panama was one of the nine countries that supported Taiwan's bid to be recognized by the UN. In return, Taiwan continues to invest much in the isthmus. In 2005, Taiwanese President Chen Shui-bian traveled to El Salvador, Guatemala, and Panama and unveiled Taiwan's "Jung Pang" (co-prosperity) initiative, where Taiwan set aside \$250

million to encourage Taiwanese companies to invest in allied countries.²⁵ More recently, in 2010, Panamanian President Ricardo Martinelli traveled to Taiwan to talk to President Ma Ying-Jeou about providing tax incentives for Taiwanese businesses to invest in expansion of the Panama Canal, two mass rapid transit systems, three international airports, eight hospitals, and hundreds of public infrastructure projects. Panama's Ministry of Economic Affairs said that investments from Panama to Taiwan totaled U.S. \$830 million while Taiwanese investment in Panama stood at \$US1.3 billion and counting. President Martinelli commented that "Panama is a country full of business opportunities and its strategic geographical location makes it a world-class multi modal transportation hub, and we have supported Taiwan without reservation."²⁶

Panama is a transportation hub indeed. Since 1996, Evergreen Marine Corporation, a Taipei based shipping industry, has invested in constructing container terminals in Panama's Duty Free Zone, a tax-free warehousing operation at the Atlantic entrance to the canal. Although it originally wanted two large container terminals at either end of the canal, the job for which Hutchison Whampoa bid on and won, Evergreen chose the Duty Free Zone as an alternative. In February, Taiwan's Kaohsiung Harbor Bureau and Panama's Maritime Authority signed a memorandum aimed at strengthening cooperation and expanding shipping service areas.²⁷ And in March, the Taiwan External Trade Development Council participated in the Expocomer 2011 trade fair in Panama. Some 54 Taiwanese businesses exhibited their latest products and worked with various Latin American businessmen. This event not only gave local enterprises a chance to discuss business with Taiwan delegates, but also served as an opportunity to establish closer ties between Taiwan and other Central American countries, most notably, Panama.²⁸

Taiwan's Advantage: Culture and Education

Two Taiwanese areas of investment overlooked by the PRC are Chinese-Panamanian cultural organizations and education. The Taiwanese government funds many Chinese-Panamanian organizations such as the Chinese Association in Panama, the Federation of Chinese Associations of Central America and Panama, the Federation of Chinese Associations in the Americas, and the Global Association of Cantonese. The most important to Panama's Chinese community, however, is Taiwan's support of the Chinese-Panamanian Cultural Center. Built in 1980, the center stands as both a symbol of Chinese presence in Panama and a cultural haven for the community. The center provides all services that the community needs, especially cultural services, such as promoting the image of Chinese in Panama and bettering the social position of the Chinese. The founding members of the center, the donors, and representatives from the Chinese Association and the Taiwan embassy elect the center's board of directors every two years. It could not have been built, however, without donations from the community and \$2 million from the Taiwanese embassy. In addition to receiving funds from Taiwan, the center

also depends on Taiwan for cultural resources. Chinese language and dance teachers are recruited from Taiwan, and the embassy organizes regular visits and performances by Taiwan-based dance and opera troops. The Taiwanese government, on the other hand, depends on the center as a mediator between Taiwan and the Panamanian government. Siu concludes that “the two parties are . . . wedded together by their mutual need of cultural-political support, the conflation of ethnicity and national belonging, and the shared effort to create and reproduce a diasporic Chinese consciousness.”²⁹ The center’s Sun Yat-Sen school inspires a dual connection with both Taiwan and Panama in that it teaches language classes, arts classes, cultural performances, community activities and youth programs.

The Taiwanese government also sponsors fellowships and scholarships for students in various Panamanian universities interested in traveling to Taiwan. One of them, called the Taiwan Fellowship Program, provides financial aid for those interested in “themes about the Republic of China (Taiwan), the People’s Republic of China (Mainland China), the relations between China and Taiwan, issues regarding the countries of Asia and the Pacific, and sinology.”³⁰ The International Cooperation and Development Fund of Taiwan offers students at the Technology University of Panama an opportunity to receive a Bachelors, Masters or Doctoral degree in Taiwan, with the purpose of “preparing human resources for the social and economic progress of the allied countries.”³¹ By supporting Chinese cultural organizations and education in Panama, and investing in the canal, Taiwan created a reputation of being philanthropic in the eyes of the Chinese-Panamanians, who in turn helped to maintain diplomatic ties between Panama and Taiwan.

China’s Advantage: New Immigrant Loyalty and Soft Power

Even though Taiwan invests in and supports many cultural and educational organizations for the community, fewer and fewer Chinese-Panamanians support Taiwan’s independence from the mainland. This is due, in part, to the new generation of Chinese immigrants coming to Panama who support the mainland more than does the older generation of Chinese-Panamanians. Siu notes that the old immigrants are marked by their willingness to assimilate into Panamanian society, learning the language and regarding Panama as their home. And since Taiwan was the source of funding for their beloved Cultural Center, many of the old immigrants express sympathy for Taiwan’s cause. The new immigrants, however, are the Hong Kong investors, symbols of China’s immense purchasing power and political presence.³² They serve as China’s unofficial ambassadors, persuading Panama by showing how deep China’s pocketbook is. The trend suggests that, as China garners more and more economic clout, its ability to cajole states to renounce Taiwan will increase.

Costa Rica is a recent example of this phenomenon. On June 6th, 2007, Costa Rica officially broke political ties with Taiwan, after China agreed to buy \$300 million of Costa Rican bonds. The terms of the agreement were meant to

be kept secret, according to *La Nación*, a Costa Rican newspaper, but the government was forced by the constitutional court to publish the memorandum of understanding signed by both countries, as well as other documents. As a result, U.S. politicians raised concerns that China could use such investments as leverage to achieve political and diplomatic goals that clash with Washington's priorities.³³

In addition to struggles in Panama and Costa Rica, China and Taiwan also compete over diplomatic recognition and political influence elsewhere in Latin America and the Caribbean. According to Erikson and Chen, in Nicaragua, the FSLN flirted with the idea of formalizing ties with the mainland and downgrading the Taiwanese embassy to "trade representative" status. In the Dominican Republic, PRC investments are beginning to rival Taiwan investments. In Haiti, China contributed 125 riot police to MINUSTAH, a UN stabilization force deployed in Haiti. In Paraguay, China's growing demand for soy and MERCOSUR's refusal to allow Paraguay to sign a free trade agreement with Taiwan makes China a more attractive partner to Paraguay. However, Panama's case is unique: because of the isthmus's geo-strategic location for China, for its 57-year loyalty to Taiwan, and because of the almost 150,000 Chinese within Panama (not including Panamanians of mixed Chinese ancestry) who actively participate in Panamanian civil society, the situation there is more complex.

In America's Backyard

Recently, Colombian President Juan Manuel Santos gave a lecture at Brown University about the growing importance of Latin America in the international arena.³⁴ When I asked him about China's growing economic ties with Colombia—specifically the mainland's new investment in constructing a railway in Colombia that may rival the Panama Canal— he responded that "Latin America spends 80 percent of the time thinking about its past and 20 percent of the time thinking about its future while China spends 20 percent thinking about its past and 80 percent thinking about its future." He also warned that if the U.S. continues to ignore Latin America, China will overtake it. President Santos' statement belies some of the concerns among U.S. politicians and Latin American politicians alike: China's growing clout in Latin America and what it means for the United States.

In addition to undermining U.S. influence, China has already outstripped Japan in being Latin America's Asian economic partner. Before China was on the scene in the region, Japan was a huge investor in Latin America, specifically Panama, since the 1970s and 1980s. Elton discussed Japan's efforts to improve maritime transport of bulk cargoes throughout Latin America. This included the expansion of the existing Panama Canal, the construction of a second canal in Panama, and the commercial expansion of Panama's Colón Free Zone. However, since the economic crises in Latin America and the political conflicts between Panama's Noriega regime and the U.S., Japan decreased

its activity in Panama. After the devastating earthquake and nuclear reactor crisis that has ensued, it is doubtful that Japan will resume these projects any time soon.

China, on the other hand, has filled the void left by Japan. Stallings analyzed Japan and China's effect on the political economy of Latin America, concluding that, since 2008, China's trade (at around US\$70 billion each for exports and imports) was more than twice as large as that of Japan (less than US\$30 billion for each trade component).³⁵ Indeed, it is this rapid increase in China's trade with Latin America that makes it very attractive to Panama.

Although China's economic and political influence is permeating Latin America, particularly Panama, it still pales in comparison to U.S. influence. In 2008, U.S. exports to Latin America were four times those of China, and U.S. imports from Latin America are even greater. However, China has increased its exports to and imports from Latin America at a faster pace than has the U.S. While U.S. exports to Latin America rose by 72 percent in current dollars between 2000 and 2008, China's increased ten-fold.³⁶

Disillusionment with the U.S.

As globalization empowers many former colonies to stop neocolonial relationships with Western powers, Latin American countries are looking to diversify their economic and political relationships. This will entail a scaling back of U.S. influence in the region. Since 2002, Latin American support of U.S. values has eroded.³⁷

At a summit of Latino leaders in 2008, Dominican President Leonel Fernández said that "expectations over the prospects of democracy in the region [Latin America] have given way to disillusion as democracy failed to boost economic prosperity."³⁸ This statement alludes to the Washington Census, a ten-step neoliberal economic plan heralded by the U.S. and adopted by Latin American countries in the 1980s and 1990s. China, on the other hand—with no record of imperialistic ventures outside its borders—makes for a good alternative. And there is no doubt that Panama recognizes this opportunity with China and Taiwan. Maurer and Yu (2011) suggest that Panama chose Hutchison-Whampoa to operate the Cristóbal and Balboa ports because a Chinese company, with little regional political influence, would be easier to hold accountable than an American firm, whose ties to Washington have been the source of corruption that has plagued Panama's government for years. In 2007, BBC News reported that Panama's National Assembly moved to make the teaching of Mandarin compulsory in all schools, in recognition of China's growing importance in the world economy.³⁹ Now, private schools across the country have hired teachers to teach Mandarin. This development shows that Panama anticipates China's rise as an influential power and seeks to benefit from it.

Current Relations Between China and Taiwan

From my interviews, the first conclusion I made is that the conflict between China and Taiwan over Panama has subsided. Taiwanese Embassy secretary Mr. Ricardo Chiu, the Premier Secretary of the Press, agreed that this mitigation of tensions is due in large part to the better relationship the two Asian countries have in general:

Before, if a person wanted to travel from China to Taiwan, he would have to first fly to Hong Kong, then from Hong Kong to Taiwan. That would take at least six hours. But just last year, the two countries have established direct flights from Beijing to Taipei, only an hour and a half. Also, more than 3 million Chinese tourists come to Taiwan every year. So from the looks of it, the conflict has certainly calmed down, and it spills over to Panama.

Moreover, Fermin Tomás Chen, President of the Chinese Panamanian Cultural Center, discussed how animosity between the Chinese and the Taiwanese in Panama has reduced significantly since the signing of the Cross-Strait Economic Cooperation Framework Agreement (ECFA). The ECFA is an economic agreement between the two Chinas to further synchronize their economies. The framework has three major benefits for Cross-Strait relations:

1. ECFA saves Taiwan from economic isolation and marginalization. In other words, Taiwan need not fear China's influence on other countries to break diplomatic ties from it. Taiwan will maintain the 23 countries it has left as allies, and will be left alone by China because China realizes how important Taiwan is to its own economic development.
2. ECFA will foment "economic and trade reciprocity" between China and Taiwan
3. ECFA will further integrate Taiwan into Asia and give Taiwan a chance to serve as a springboard to access the mainland market.⁴⁰

Juan Tam, leading historian of the Chinese in Panama and a prominent member of the Chinese-Panamanian community, said that in 2009, the representative of the Chinese commercial office and the Taiwanese Ambassador to Panama both attended a Chinese New Year celebration hosted by the Chinese-Panamanian community. The two sat at the same table, ate together and shook hands. "This was the first time something like this happened outside of China, and it happened in Panama," he said.

Leung On Chu, chief editor of *El Diario Chino*, a Chinese-Panamanian newspaper, said that China and Taiwan's interests in Panama are "based on convenience." Both parties use the canal freely, as well as the Colon Free Zone located in Northern Panama. Although China is not recognized diplomatically by Panama, it has a "Commercial Office" that functions much the same as

an embassy, serving as an intermediary between Panamanian businesses and their Chinese counterparts. Therefore, China is already the second largest user of the canal and enjoys nearly all the benefits of a diplomatically recognized ally without harming relations with Taiwan. In fact, it seems that China values its alliance with Taiwan over gaining diplomatic allies. Wikileaks releases suggest that Panama actually wanted to switch its allegiance from Taiwan to China, but China rejected the offer in order not to undermine its newfound alliance with Taiwan.⁴¹

Yet, Taiwan is winning the influence of soft power by continuing to aid Panama economically. For one, Taiwan has political and economic advisors at the ready in the country should their Panamanian counterparts need advice. Julio Mock, Panama's ambassador to Taiwan from 2004–2009, said that he oversaw a significant increase in trade and persuaded Taiwanese companies to open up Latin American headquarters in Panama. These headquarters remain in Panama today. Taiwan also builds infrastructure projects in Panama, constructing hospitals around the country.

Furthermore, Taiwan also helps Panama with agricultural projects. The Technical Agricultural Mission of the Republic of China helps Panamanian farmers, providing essential technology and advice on the cultivation and horticulture methods for various crops, including rice, fruits like pineapple, apple, guava, and even breeding duck and fish. Also, Taiwanese horticulturists helped save Panama's national flower, *el flor de espiritu santo*, from extinction by teaching their Panamanian counterparts how to properly cultivate and protect the flower. Today, the *flor de espiritu santo* remains enshrined in *el Parque de Amistad Chino-Panameña*, a reminder of Taiwan and Panama's friendship.

Tension amongst the Diasporic Chinese in Panama regarding allegiance to China or Taiwan has also subsided. In the 1960s, 1970s and 1980s, Panama's 40 Chinese organizations did officially take sides, most of them siding with Taiwan. But given the economic rise of mainland China, these organizations have distanced themselves from Taiwan in order to get access to some mainland donations. Tam notes that the Chinese-Panamanian Cultural Center, which has a plaque with the Panamanian and Taiwanese flags on the front of the building, is now semi-allied with the mainland. Furthermore, most Chinese in Panama trace their roots back to the mainland and often still have family ties there. Therefore, the Chinese-Panamanian community deliberately takes a neutral stance on the China-Taiwan issue. Vice President of the Chinese Panamanian Cultural Center, Moises Lou, discussed how Chinese-Panamanians feel the China-Taiwan conflict is now a nonissue. "For us, mainland China and Taiwan are but one homeland. Sure they might be separated politically, but for us, they are one China."

Taking this neutral stance on the issue allows Chinese-Panamanian organizations to get financial support from both China and Taiwan. Tam calls this "*coqueteo de los dos lados*," flirting with both sides. Still, Chinese-Panamanians of the second, third, or fourth generations feel no connection to China because their family has already assimilated into Panamanian society.

Ricardo Lee, C.E.O. of Don Lee's, the largest Chinese restaurant chain in Panama, is a second generation Chinese whose father came to Panama as a refugee following the Communist victory in 1949. Lee began the Don Lee project with his father, a modest venture that ballooned into an incredible business success. But despite a life dedicated to serving authentic Chinese food in Panama, Lee feels "more Panamanian than Chinese." His home, like many other Chinese-Panamanians, is Panama. This makes the China-Taiwan issue irrelevant in their lives.

Still, others feel reconnected with China, as they are ostracized by the Panamanian community in which they settled. Esteban Cheung, director of Mercado Etnico, a company that fosters cultural communication between Chinese and Panamanian companies, explained that many Chinese immigrants who come to Panama annually don't speak Spanish and do not understand Panamanian law and culture. In order to cope with this, these immigrants live together in the El Dorado neighborhood, creating a vicious cycle of discrimination whereby Panamanians assume that *all* Chinese are unwilling to assimilate into Panamanian society. While I spent time in Panama's interior, one of my neighbors vilified the Chinese for being miserly, intransigent, and culturally arrogant. As a defense mechanism, many Chinese view their time in Panama as but a temporary stay after which they hope to return to China one day, or move on to a country that treats Chinese better, such as the U.S. This also explains why few Chinese-Panamanians participate in Panamanian politics: they are not invested enough because they feel they are just passing through.

Apart from cultural connections, I found no *guanxi* style of economics between Chinese/Taiwanese governments/businesses and Panama and the Chinese-Panamanian community; they are linked neither economically nor politically. The reason for this is threefold. First, the Chinese-Panamanian political support is at odds with its economic support. Although Chinese-Panamanians support Taiwan's democratic government (indeed, they have lived in Panama's democracy for years), they also praise China's economic rise. In Mr. Lou's words: "our community is tied economically to China's Commercial office (an office that functions much the same as an embassy), but politically to Taiwan since Taiwan has diplomatic recognition from Panama."

Second, the language barrier separates the Chinese Panamanian community from Chinese officials and conglomerate Chinese companies. These Chinese and Taiwanese conglomerates speak Mandarin while the Chinese in Panama speak Cantonese or Hakka since they come from Southern China. This barrier limits interaction between Chinese/Taiwanese officials and businessmen with the local Chinese community. I was invited to attend a dinner for the Chinese-Panamanians in commemoration of the Chinese god, Guan Yu. When a number of Chinese leaders came up to the podium to speak, Mr. Cheung translated much of it for me. But when representatives of China came up to speak, he stopped. "What did he say?" I asked. "I don't know. I don't speak Mandarin," he replied. Sure enough, I picked up a pattern throughout the night: whenever a local leader gave a speech, everyone gave him his full

attention, but when a Chinese representative spoke, everyone resumed talking amongst his friends.

Third, Chinese government and business representatives do not feel a need to reach out to the Diasporic Chinese community in Panama because they already have access to Panama's two economic jewels—the Canal and the Colon Free Zone—without the help of the Diasporic Chinese community as intermediaries. Chinese and Taiwanese companies like Hutchinson-Whampoa, Evergreen Unlimited, along with Costco (China Ocean Shipping Company), Sinopec (Petroleum and Chemical), Huawei (Information and Communication Technology provider) do business in Panama without ever dealing with the Chinese-Panamanians. Tam notes that some of the more longstanding companies like Hutchinson and Evergreen send a representative to or make small donations to Chinese-Panamanian events. But On Chu quipped that, for the most part, Chinese-Panamanians do not even know these companies exist. This is due in part to the nature of the Panamanian economy, which essentially specializes in the tertiary sector and, as such, only requires China and Taiwan to store products in Panama for a short time. Therefore, there is no reason to make partnerships with local businesses, even if these local business owners are of Chinese descent.

In summary, neither Chinese and Taiwanese officials nor Chinese and Taiwanese companies use the Chinese-Panamanian community as economic leverage to persuade Panama. These three factors render the *guanxi* style of economics that Lever-Tracy Ip and Tracy talk about unnecessary in Panama, leaving the Chinese-Panamanian community and Chinese/Taiwanese representatives living in separate worlds.

Implications for the United States

Despite growing Chinese influence in Panama, the U.S. still holds an incredible amount of soft power. Economically, the U.S. is still Panama's number-one trading partner and still the number-one user of the Canal. There is also no political animosity towards the U.S. for its 1989 invasion of Panama, where U.S. troops ousted Dictator Manuel Noriega. According to Eudocio Pérez, mayor of the Los Santos province in Panama, only a small minority of Panamanians still believe that the invasion was wrong. As such, the U.S. is still the most influential power in Panama. A U.S. official said that sometimes congressional members ask if China is taking over the Canal. "The U.S. and Panama still have a very strong relationship," she said. "We believe that relationship will always be pre-eminent here, to the benefit of both countries. We don't see Chinese influence changing that fact." However, I believe the U.S. needs to watch for the 2014 elections in Panama. The current political party in power, Democratic Change, is a staunch U.S. supporter. However, a left-leaning party called the Democratic Revolutionary Party (PRD) is already running a campaign, galvanizing the working class around Nationalism and Anti-Foreign influence.

I sat in on one of the PRD's political meetings and many activists referred back to the U.S.'s 1989 invasion of Panama as the moment where Panama lost

its sovereignty, and it is the PRD's duty to reclaim that sovereignty. This growing feeling belies the disillusionment this party has about U.S. influence and its desire to make Panama more autonomous. The party's front-runner, Samuel Lewis Navarro, served as Panama's Vice President and Secretary of State from 2004–2009. He oversaw Panama's first official meeting with the Foreign Minister of the PRC at the UN, and fostered many economic agreements with the PRC while maintaining diplomatic ties with Taiwan. "China, being the number-two user of the Canal, it represents a major customer for Panama," he said. "And also, China . . . using Panama as a redistribution center for Chinese goods and products throughout the region, that also has a great impact in generating jobs and business opportunities." During our interview, he said that, should he be elected president in 2014, he will strengthen relations with China. In short, sentiment in Panama is still overwhelmingly pro-U.S., but China's growing influence must still be monitored.

Conclusion

In sum, this research explored how Panama has dealt with maintaining diplomatic relations with Taiwan while fostering economic ties with China. Based on my interviews, I conclude that ECFA has contributed to the relaxing of tensions between Chinese and Taiwanese officials as well as amongst the Chinese-Panamanian population.

Panama has managed to balance relations with China, Taiwan and the U.S. such that it gets lucrative economic benefits from all sides while retaining its own sovereignty. While China is the second-largest user of the Panama Canal, Taiwan contributes more to Panama as a whole; building hospitals, sharing agricultural technology, and saving Panama's national flower. Therefore, Taiwan is Panama's invaluable ally. As for the impact of China's growing influence on U.S.-Panama relations in Panama, all of my interviewees confirmed that U.S. influence still looms great in Panama, despite China's increased presence.

More broadly, this essay proves relevant in the current discussion about the implications of China's rise in the international arena, and focuses specifically on a relatively understudied topic: Chinese influence in Latin America. It is my hope that this paper adds to the current volume of work about China's presence in the Western Hemisphere and the challenges China's presence might pose to the United States. When President Santos concluded his speech at Brown University, he said the U.S. should reestablish strong ties with Latin America, because "Latin America will not endure another hundred years of solitude." It seems that China has set its sights on Latin America, and the U.S. should make sure to refill the void.

Notes

1. To carry out my research, I traveled to Panama and gathered documents and oral history. I traveled to El Dorado (Panama's *barrio chino*) and other areas around Panama City to interview 20 prominent members of the Chinese-Panamanian

- community and of the Panamanian society e.g. representatives of the Taiwanese Embassy, Chinese-Panamanian community leaders, Panamanian politicians, and a U.S. embassy counsellor. Each interview ranged from 30 minutes to an hour and a half.
2. Look Lai, Walton, *Indentured Labor, Caribbean Sugar: Chinese and Indian Migrants to the British West Indies, 1838-1918*, (John Hopkins University Press: 1993); 40.
 3. *Ibid*, 38.
 4. Romero, Roberto Chao, *The Chinese in Mexico, 1882-1940*. (University of Arizona Press: 2010).
 5. *Ibid*.
 6. Wilson, Andrew, *The Chinese in the Caribbean*. (Markus Wiener Publishers: 2004).
 7. Look Lai, Walton, *Indentured Labor, Caribbean Sugar: Chinese and Indian Migrants to the British West Indies, 1838-1918*, (John Hopkins University Press: 1993); 40.
 8. Hu-DeHart, Evelyn, *Indispensable Enemy or Convenient Scapegoat? A Critical Examination of Sinophobia in Latin America and the Caribbean, 1870 to 1930. Chinese in Latin America and the Caribbean* (Koninklijke Brill NV:2009).
 9. Look Lai, Walton, *Indentured Labor, Caribbean Sugar: Chinese and Indian Migrants to the British West Indies, 1838-1918*, (John Hopkins University Press: 1993); 40.
 10. Siu, Lok, *Memories of a Future: Diasporic Citizenship of Chinese in Panama*. (Stanford University Press: 2005); 122.
 11. *Ibid*, 125.
 12. *Ibid*, 115.
 13. *Ibid*, 129.
 14. *Ibid*, 131.
 15. Romero, Roberto Chao, *The Chinese in Mexico, 1882-1940*. (University of Arizona Press: 2010).
 16. Siu, Lok, *Memories of a Future: Diasporic Citizenship of Chinese in Panama*. (Stanford University Press: 2005); 86-91.
 17. Lever-Tracy, Constance, Ip, David and Tracy, Noel, *The Chinese Diaspora and the Mainland: An Emerging Economic Synergy* (Macmillan Press: 1996); 57.
 18. *Ibid*.
 19. *Ibid*, 59.
 20. *Ibid*, 133.
 21. Hua, Vanessa. *Dos chinas, un Panama: Evergreen, de Taiwan, y Hutchison Whampoa, de China, libran una batalla diplomática-Rutas de Comercio* (CBS Interactive Business Network: 2002).
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 23. *Ibid*, 225.
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Bringing Down the “Big Man”: *Ethnic Patronage, Election Violence, and Constitution Reform in Kenya*

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Abstract

In late December 2007, the world watched in horror as the East African country of Kenya descended into chaos following the announcement of the results of its presidential election. The riots and violence that took place seemed to fall along tribal lines, and it was feared that the country would be torn apart by ethnic hatred. Why was it that the presidential elections were the spark that ignited this flame of ethnic violence? This paper seeks to explain how the weaknesses in the Kenyan constitution were an underlying cause of election violence in that country. By concentrating a disproportionate amount of power in the office of the president, the Kenyan constitution created a system of ethnic patronage and corruption that led the population to associate the wellbeing of their tribe with their ability to get one of their own into office. Furthermore, this paper will discuss how constitution reform initiated after this most recent wave of violence has attempted to address this problem by creating a balance of power between the executive and the other branches of government. Such constitutional reform movements have tremendous potential to prevent ethnic violence during transitions of power by doing away with the “Big Man” system of patronage and renewing trust of all citizens in the government.

On December 27, 2007, Kenyans headed to the polls in record numbers to cast their votes in the district, parliamentary, and presidential elections. When the results of the presidential race were announced three days later, a wave of ethnic violence of unprecedented scale hit this East African country. Incumbent President Kibaki of the Party for National Unity (PNU) and opposition leader Raila Odinga of the Orange Democratic Movement were the two front-runners in the presidential contest. The results proclaimed President Kibaki the winner, although international observers and Kenya's own Electoral Commission showed irregularities in the vote tallying.¹ Immediately following this announcement, outraged ODM supporters took to the streets and violently protested the results. The hostility soon revealed itself to be following patterns of ethnicity. ODM supporters specifically targeted members of Kibaki's Kikuyu tribe and, in turn, the Kikuyu organized pre-emptive and counter attacks that targeted the ODM aligned Kalenjin, Luo, and Luhya tribes.²

Though some of the attacks were spontaneous, many of the perpetrators were organized ethnic gangs or militias that were associated with one of the two major parties. Moving with unprecedented speed and ferocity, the turmoil caused at least 1,162 Kenyan deaths, displaced an estimated 350,000 people, and cost billions of dollars in property damage and economic loss.³ The international community watched as the unrest brought Kenya to the brink of civil war. The chaos finally began to die down at the end of February 2008, when Kofi Annan and African leaders helped mediate a power-sharing deal that created a coalition government.

What do these events mean for the prospect of true democracy in Kenya? Was the former Kenyan dictator, Daniel arap Moi, correct in prophesying that multi-party elections would inevitably lead his country to disintegrate into tribal conflict?⁴ At first glance this could appear to be the case. However, this gross over-simplification of the situation does not adequately account for the historical trajectory that led Kenya to the point of disaster in 2007. A deep underlying cause of the violence that followed the elections was the weakness of the Kenyan constitution, which allocated an overwhelming amount of power to the executive branch. An all-powerful presidency has created a culture of so-called "Big Man" politics in Kenya. In this political system, leaders have secured and retained power through a system of ethnic paternalism. This paper will explore the political legacies that have linked ethnicity to presidential politics in Kenya and how these legacies were a root cause of the 2007 election crisis. It will then look at the efforts to rebuild and reform the Kenyan governmental system in the wake of the fighting by analyzing the new Kenyan Constitution, which was passed by referendum in 2010. This new constitution includes a system of checks and balances meant to enhance power sharing between the executive and the other branches of government. As a result, constitutional reform has the potential to lead Kenya away from the "Big Man" politics that fuels ethnic tensions and avoid such violence in the future. Furthermore, this case study has broader implications in the study of effective governance. By pointing out the constitutional weaknesses that have been a causal factor in the country's history of election violence, scholars can better understand the relationship between having a constitutional system with proper checks and balances and stable transitions of power.

The Rise of "Imperial Presidency"

The seeds of the Kenyan culture of "Big Man" politics were planted during the colonial era. Like many African countries colonized in the wake of the "scramble for Africa," the borders of the state itself are based on arbitrary lines drawn by European powers and did not take into account African realities. The borders of the modern state of Kenya, artificially drawn by the British, include about 42 different ethnic groups.⁵ Though ethnic groups had significance in pre-colonial times, they had been much more fluid in nature.⁶ By taking a less direct approach to the administration of the East African colony, the British

changed the nature of these groups and gave ethnicity a new political meaning. Rather than employing a large corps of Europeans, they decided to use tribal leaders to carry out administration of the colony, organizing it around ethnically bound units. The result was that ethnic groups became solidified into political "tribes."⁷ The citizens of these tribes looked to the tribal leaders to secure their basic needs from the state. Tribal "Big Men," handpicked by the British, exercised their authority through a system of patronage. By controlling the resources provided by the state, the leaders had an object of leverage over their constituents.

This colonial system also promoted hatred and distrust between different tribes. The British employed what has been characterized by academics such as Carline Elkin as a "divide and rule" strategy.⁸ By keeping the different ethnic groups separate and channeling their anger at each other, rather than the colonizers, the British could ensure their own dominance. Two tribes in particular, the Kikuyu and the Luo, were played against each other in order to keep them from overpowering the colonial administration. However, the two groups were able to form an alliance in the 1950s, hastening the pace of decolonization and bringing Kenya into a new and independent era.

Though the independent Kenya has been plagued with challenges to constitutional governance, the post-colonial era did have a hopeful beginning. The original constitution of Kenya that was put into place following independence in 1963 established a democracy with a parliamentary form of government.⁹ Under this constitution, the executive was to be comprised of a cabinet headed by a prime minister. The head of state was to be the governor-general, whose powers would be limited but significant. The government was highly decentralized and was composed of seven regions, each with its own executive and legislature. The regional governments were to have jurisdiction over policy areas such as land, police, local taxation, agriculture, and cultural matters. On the national level, the legislature was to be comprised of two chambers: the National Assembly and the Senate. The Senate was meant to protect Kenya's form of devolution by having one member from each district. This upper chamber was highly powerful. For example, it required a massive supermajority of 90% to pass a constitutional amendment.¹⁰ Finally, this original constitution also included an independent judiciary, with judges appointed and dismissed by the Judicial Service Committee. As such, the Kenyan constitution seemed to provide a blueprint for good governance structures, complete with separation and checks of powers. With this balanced constitution, Kenya seemed poised to enjoy a free and democratic future.

However, this democratic constitution never had the opportunity to be fully implemented. Upon taking office, Jomo Kenyatta quickly eroded away many of the constitutional provisions that limited the power of the executive. He was able to do this through a series of constitutional amendments that completely altered the Kenyan government and introduced an extremely powerful executive branch. The first series of changes brought the once devolved country together under a strong central government.

Kenyatta did this first with Act No. 28 of 1964, which made Kenya a republic with a presidential government.¹¹ This act took away the regionalized structure of the original 1963 constitution by deleting much of section 2 of the constitution, which had dealt with concurrent central and regional powers. The second change came with Act No. 38 of 1964, which took away power from the regional assemblies.¹² It demoted regional 'Presidents' to 'Chairmen' and eliminated their ability to exercise executive authority over the region, thus making them dependent on the center. The third major element of this phase was the absorption of the KADU opposition party into the ranks of Kenyatta's KANU party. This was the introduction of the one-party state system in Kenya. Having persuaded the KADU to join the KANU as the final step to being free from imperialism, Kenyatta's party was able to secure means of control over all legislation. The third amendment in this phase is described as being the most important because it lowered the required majority to amend the constitution itself.¹³ Where the constitution had once required a supermajority of 90 percent in the Senate and 75 percent in both houses now only required 65 percent in both houses. This made it easier for the president to amend the constitution as he pleased and diminished the negotiating power of the Senate.

The second phase of constitutional change under Kenyatta focused on enhancing the powers of the office of the president. The first modification in this phase came with Amendment No. 16 of 1966.¹⁴ Framed as a way to protect the public from insincere career politicians pursuing their own interests, the amendment stipulated that a member of Parliament who failed to attend eight consecutive sittings or was sentenced to prison for over six months would lose his or her seat. However, the amendment included a provision that allowed the president to excuse a member of Parliament who had violated the aforesaid mandates. Thus, the amendment simply brought the parliamentarians further under the president's control rather than truly solve the problem. At the same time, the powers of the president to take action under the 1960 Preservation for Public Security Act were dramatically expanded to include anything he deemed necessary "for the preservation of public security." These necessary actions included the compulsory movement or restriction of persons, conscription for labor or armed service, acquisition of property, and detention.¹⁵ By 1966 all the mechanisms for power sharing between the executive, the legislature, and the judiciary had effectively been eliminated. The function of the High Court was limited to ensuring compliance with procedure.¹⁶ The upper house of the legislature, the Senate, was abolished and its members were absorbed into an enlarged national assembly.

Jomo Kenyatta utilized his expanded executive power to create a system of patronage and clientelism based on ethnicity. He consolidated a support base among his fellow Kikuyu in the Central Province, which has since been dubbed "Jomo Kenyatta's Court."¹⁷ Kenyatta built a Kikuyu elite whose loyalty he secured by bestowing political offices and distributing public goods.

One of the most prized commodities at Kenyatta's disposal was prime agricultural land in the "White Highlands," an area previously occupied by European settlers which he now could give to the Kikuyu. This has been described as the "Kikuyuization" of Kenya in the immediate post-independence period; political and economic power became concentrated in the hands of the ethnic group that held the presidency.¹⁸ Furthermore, Kenyatta used his wide range of executive powers to eliminate rival politicians whose power or popularity became too threatening. This was the case in 1966, when Luo Vice-President Oginga Odinga was ousted from his post, only to be imprisoned later that year.¹⁹ Odinga's party, the Kenya People's Union, was also banned. This kept in place the *de facto* one-party state and set the stage for an era of authoritarianism. The constitutional changes that created a highly centralized state with a high degree of presidential power allowed Kenyatta to exercise supreme authority and steer the benefits of development and independence toward his own ethnic group.

After Kenyatta's death in 1978 and the rise of his successor, Daniel arap Moi, the system of ethnic patronage that emerged after independence became even more deeply entrenched in Kenyan politics. Moi reversed the patterns of ethnic favoritism and gave preference to his own Kalenjin ethnic group in return for their support. He also took revenge on the Kikuyu for the years of privilege they had enjoyed under Kenyatta by excluding Kikuyu businesses from investment opportunities and transferring control of over for of the 85 state-owned enterprises to his fellow Kalenjin.²⁰ This favoritism extended into the government sector as well and Moi replaced many Kikuyu ministers and administrative officers in key positions with loyal Kalenjin.²¹ However, because Kenya had now been free from British rule for some time, Moi had fewer post-independence spoils to distribute to his followers in exchange for allegiance. This inability to satisfy elites, along with his paranoia after the attempted coup in 1982, led Moi to take executive power to the absolute extreme. He turned Kenya into a *de jure* one-party state and adopted a predatory political agenda that openly persecuted dissidents who called for multi-party competition.²² One such fear tactic came with the introduction of the 'queue voting' system. This system of voting eliminated the secret ballot and forced voters to publicly line up behind the candidate they supported.²³ This was an extremely effective intimidation tactic, which allowed the all-powerful executive to identify and punish those who were brave enough to support the opposition candidates. However, the extreme oppression under Moi only further alienated the elites. Wanting more power of their own within the government, they began to call for a return to multi-party government. This internal force along with international pressure brought the re-introduction of competitive elections in 1992. Still, the era of Daniel arap Moi had taken Kenya further down the road of runaway executive power. The weakened constitution and "imperial presidency" would prove to be real barriers to the realization of democracy in an independent Kenya.

“Big-Man” Campaign Tactics

Since the end of one-party rule, politicians have carried on the system of ethically based “Big Man” politics that developed during the Kenyatta and Moi eras. The ascent of the imperial presidency and authoritarian rule has had major implications for Kenya’s return to multi-party elections. The first major effect of the imperial presidency has been the increased use of ethnic hate speech and ethnic violence as a campaign tactic. Both the elections in 1992 and 1997 were accompanied by bouts of ethnic conflict. When challenged for the first time in 1992, President Moi revived the use of ethnically charged rhetoric to build support. He especially used advocacy for *majimboism*, a federal system based on ethnicity, to garner support among minority ethnic groups including his own Kalenjin.²⁴ *Majimboism*, however, proved to be very dangerous in its call for ethnically pure districts and homelands. President Moi and other high-ranking politicians in the Rift Valley region of the country incited pogroms against ethnic groups they perceived as “outsiders” in an attempt to ethnically cleanse the area.²⁵ This was motivated out of fear that other ethnic groups, particularly the Kikuyu, would threaten Moi’s hold on his Kalenjin homeland.

During the 2007 campaign season, both Kibaki and Odinga continued to use the exploitation of ethnic tensions as a way to garner support. The political climate in the lead up to the election was highly polarized along ethnic lines. As the European Union Observer Mission noted, “The campaign atmosphere was also characterized by a strong ethno-political polarization between the two main contenders in the presidential election and their alliances, leading to a generally tense atmosphere in their respective regional stronghold toward the other side.”²⁶ Campaign speeches, leaflets, posters, and radio messages from both sides described the opposing candidate with derogatory terms based on ethnicity.²⁷ With the introduction of cell phones into the communications arena, sending hate filled SMS/text messages out to excite supporters has become a popular campaign tactic.²⁸ Inflammatory language that frames elections in terms of ethnic rivalries has proven to be a very effective tool. Given the success of the political strategy, current political elites have no incentive to abandon it.

The second effect of the imperial presidency has been the rise of popular public sentiment that an ethnic group’s ability to secure state resources is tied to their ability to control the presidency.²⁹ According to the Kenya National Commission on Human Rights, “many Kenyans have come to view the ascendancy of ‘one of their own’ ethnic kin to the presidency as the best assurance of ‘benefiting’ as individuals and as communities.”³⁰ The elevation of the status of the presidency and the patterns of patronage associated with it has turned elections into a winner-take-all contest. Horizontal inequalities created from decades of ethnic patronage have made this fear very real. In a 2010 visit to Washington DC, a Kenyan MP articulated this direct consequence of overwhelming presidential power. “Only the area that the president comes from gets the lion’s share of resources.”³¹ The importance of what is at stake

for Kenyans in presidential elections can be summed up in a statement made in the Nairobi Star in March 2008: "for any tribe, 'being in opposition' (as opposed to 'being in government') is a fate dreaded as guaranteeing continued poverty."³²

Presidential candidates vying for support market themselves as their ethnic group's national champion. They promise not only to implement policies that will be favorable to their particular tribe, but they also demonstrate their dedication by pledging jobs, political favors, and even money in exchange for loyalty. Outright bribery is also common among candidates seeking to show their commitment to their tribe. The monitoring team from the European Union present during the 2007 presidential election noted that, "There is a general expectation that candidates on campaign trails will hand out money and/or goods to the public."³³ The reciprocal nature of this type of patronage means that investing in a candidate's ethnic group can assure that candidate has a loyal contingent of followers who feel obligated to show support. However, as de Smedt's study of election violence in the Kibera slum shows, votes are not the only form of support implied by patronage.³⁴ Other forms include attendance at political rallies and inciting violence if necessary. Through this system of mutual assurance, political "Big Men" have been able to direct large networks of supporters who will not only take to the ballot box, but also take to the machete if necessary.

The final major effect of constitutional weakness and the imperial presidency has been the lack of legitimate and authoritative institutions capable of providing oversight and accountability.³⁵ These institutions were especially necessary following the Kibaki election fraud in 2007. Had there been faith in the ability of the judiciary to act as a viable mechanism for solving the dispute, the supporters of the ODM would have been less likely to contest the election violently. The failure of the judiciary to effectively prosecute perpetrators of the violence in previous elections has created a culture of impunity. Additionally, the inability of the police to control the violence, and in many cases their complicity in it, creates a breakdown of trust in law and order. There is the general attitude that anything goes during elections. Therefore, violent acts are committed and hate speech is spewed without any fear of being held responsible for the consequences. As the Waki Report states:

The deliberate use of violence by politicians . . . plus the decision not to punish perpetrators . . . has led to a culture of impunity and a constant escalation of violence . . . which is now largely outside of the control of the State and its security agencies. What this means in practice is that violence is widespread and can be tapped for a variety of reasons, including but not exclusively to win elections.³⁶

In a system where there are no checks on executive power, political leaders can take whatever actions they deem necessary to obtain and hold onto power. Without a constitution that creates institutions to limit presidential power, politicians have been able to undermine the system and incite violence without any fear of punishment. Furthermore, this culture of impunity is not

limited to the political leaders, but to those who violently mobilize on their behalf. Those who unleash violence for political purposes can do so without fear of prosecution because the rule of law has been replaced with the rule of a dominant president.

Constitutional Reform

The power-sharing deal that was signed in February 2008 was successful in ending the worst of the conflict. The agreement that was reached with the National Accord and Reconciliation Bill and the Constitution Amendment Bill formed a coalition government, with Kibaki retaining the office of the President and Odinga taking the newly created post of prime minister.³⁷ The deal also expanded the cabinet so that it was divided equally between the PNU and the ODM. Although this agreement included important elements of power sharing, it left out many of the important features that would have made it a true consensus model, including the mutual veto, autonomy and federalism, and proportional representation.³⁸ These bills also failed to specify the exact functions of the post of prime minister, causing confusion and disagreement over what role he would play in the government.³⁹ This imperfect arrangement was only a temporary measure that did not adequately address the deep flaws in Kenya's political process. It failed to provide a check on executive power and Kibaki and Odinga only continued to reinforce their ethnopolitical alliances under the façade of political cooperation.⁴⁰

What Kenya needed more than anything in the wake of the events of 2007 and 2008 was constitutional reform to create a sustainable political system. A new constitution had to change the political culture by diminishing the power of the president and subsequently the ability of that office to determine patterns of ethnic favoritism. In addition, this constitution needed to sustain diffused tensions over the long term by establishing mechanisms to enhance fairness of sharing of key points of contention such as land and natural resources. Due to the great opportunity for peace-building that it would provide, a new constitution has been regarded by Kenyan citizens as the central tool for regaining political order in the country for some time, particularly after the country's multiple bouts of election violence. The quest for this reform has been in motion since 2002, when Kibaki's National Rainbow Coalition promised a new constitution within 100 days of inauguration.⁴¹ Despite this optimistic rhetoric, the truth of the matter was that Kibaki, like his predecessor Moi, had no intention of replacing the constitution and relinquishing the power that it afforded him. The Review Act of 2001 established the Constitution of Kenya Review Commission, which eventually produced the Bomas Draft Constitution. Differences in opinion between politicians emerged during the drafting and delayed the process. It was not until 2004 that parliament enacted the Constitution of Kenya Review (Amendment) Act, which empowered it to amend this draft. The draft constitution that was finally put

to a national vote in 2005 was defeated, sending Kenya's struggle for a new constitution back to square one.⁴²

In the wake of the 2007 election violence, the issue of constitutional reform was again brought to the forefront. In 2008, the old Constitution was amended and the Constitution of Kenya Review Act was passed, thus beginning a new process of reform. After two years of analysis and negotiations, Kenya at last realized its dream of a new constitution. Passed by parliament in April 2010 and voted on by referendum on August 4 of that same year, this new constitution directly addresses the problem of the imperial presidency by introducing a system of checks and balances based loosely off of the United States model, but still with a parliamentary system. It diminishes the quasi-imperial powers that the office of the president has previously wielded while elevating that of the legislature and the judiciary. It is designed to change the "winner take all" mentality that has become so pervasive in Kenyan politics and has led citizens to tie their well being to the electoral success of a candidate of their same ethnicity. The new constitution provides hope for a sustainable peace by increasing power sharing between the branches of government and diminishing the influence of the "Big Man" on Kenyan politics.

The new constitution restructures the legislative branch of the Kenyan government, most notably by redefining the relationship between the executive and the legislature. In the new constitution, both the president and the ministers (cabinet secretaries) are not allowed to be members of parliament at the same time. This provision takes away the president's ability to garner the support of individuals by promoting them to cabinet positions and relying on their support in parliament.⁴³ Therefore it removes one of the major pieces of leverage held by the president in the old system. Under the old constitution, political offices within the administration were used as currency to buy support.⁴⁴ The practice was so pervasive that by 1989, half the members elected to Parliament occupied ministerial positions in the administration.⁴⁵ The president no longer has the power to dissolve parliament⁴⁶ or nominate any members of the National Assembly. This is an important change to the makeup of the legislature, which previously called for twelve members of the National Assembly to be nominated by the president.⁴⁷ The new constitution takes away the power of the president to allow a person disqualified by an election court to vote or stand for election, as well as the power to keep an MP that does not attend eight sessions of Parliament from losing his seat.⁴⁸ Despite these new restrictions, the president will still retain the ability to appoint members of the Cabinet, the Electoral Commission, the Attorney General, and the Chief Justice under the new constitution.⁴⁹ However, a newly added provision to the constitution states that that the National Assembly must approve all the appointments made by the president. The president must now negotiate with Parliament to get his or her policies accepted and laws passed, as well as appointments approved.⁵⁰

Another important provision in the new constitution is the re-introduction of the upper house of the legislature, the Senate. Like its original predecessor, the current senate will represent the interests of the different regional governments. However, rather than having one senator from each district, this body will have one representative from each county. These counties contain smaller governments established under previously created districts. This new legislative body is crucial for protecting the interests of regional governments, which are expanded in the new constitution. It not only participates in law making at the county level, but also determines and oversees the allocation of national revenue among the different counties. By putting this key power in the hands of the senate, rather than the president, the new constitution ensures that national wealth is distributed effectively and that a certain ethnic homeland does not receive preferential treatment. In addition, one of the most important functions of this new body is the power to impeach the president with a two-thirds majority vote. This provides an important check on the president. Finally, the new senate also includes seats reserved for special constituency groups to ensure that these voices are heard within the government, expanding the notion of "power sharing" to be even more inclusive. Sixteen women are to be elected from among the various political parties in proportion to the parties' representation in the senate, two members (one man and one woman) are to be elected representing the youth, and two members (one man and one woman) are to be elected representing persons with disabilities.

Finally, the 2010 constitution also removes some of the powers previously held by the president, including much of the ability to bestow political favors and unfairly allocate public goods. This is necessary for preventing further ethnic violence during times of regime change, as it is the patronage and favoritism that politicians have used while administering these goods and services that, as the CIPEV noted, "created an underlying climate of tension and hate, and the potential for violence, waiting to be ignited and to explode." The new constitution also moves the powers concerning land out of the hands of the president. Under the new National Land Policy, an independent National Land Commission is to be established.⁵¹ This takes away the president's hold over one of the most disputed assets in Kenya. Disagreements over the administration and provision of land are among the chief concerns of the Kenyan population. Reminded of historical legacies when politicians like Kenyatta redistributed some of the most fertile land to members of his own ethnic group, Kenyans view the power of land rights as vital. Not only does land often hold significant historical and ancestral meaning, it is also a practical and economic concern in a country where much of the population still relies on agriculture for its livelihood. These reductions in the powers of the president will hopefully decrease the degree of patronage associated with the office and create a more balanced public view of government.

Conclusion

Today, Kenya has reached a turning point. Equipped with a new constitution, the country now faces the daunting task of changing course after decades of overpowering executives and ethnic conflict. The reductions in presidential power found in the new constitution have the potential to bring down the tradition of "Big Man" patronage, which has such deep historical links tribalism in politics. The political legacy in Kenya shows that placing too much power in the hands of the president has led to a system of ethnic patronage. This in turn has exacerbated tribal tensions and has been a root cause of the violence that has plagued multi-party elections. The new constitution, with its enhanced power sharing among the branches of government, is surely a step in the right direction. However, only time will tell if these mechanisms are enough to bring "Big Man" politics and ethnic violence in Kenya to an end. Today, the country is preparing for its first election since constitution reform was enacted, which is scheduled for August 14, 2012. This will be both a presidential and parliamentary election, signaling the end of President Kibaki's second and final term and representing a possible new dawn for Kenya. Hopefully, the reform of the constitutional structure will facilitate a transition of power that is heralded peacefully. This gives Kenya the opportunity to be an example for power sharing and government reform as a potential remedy for election violence, which continues to plague countries in political transition around the world.

Notes

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Democratization Diverted: *Responses to the 2010 Revolution in Kyrgyzstan and Their Global Resonance*

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Abstract

The year 2011 exhibited a precipitous increase in populist protests and revolutions worldwide. The small Central Asian nation of Kyrgyzstan experienced such a revolution early in 2010, therefore providing a noteworthy case-study for the post-revolutionary transitional phase embroiling revolutionary countries today. Many scholars argue that elite-led protest structures exclude Kyrgyzstan's 2010 revolution from any global comparisons. However, this paper concludes that populist forces motivated the revolution, adhering Kyrgyzstan to the theme. This paper then examines how foreign policy interests in Kyrgyzstan contributed to a dissipation of post-revolutionary democratic momentum. Findings reveal a stifling concern for security interests and a lack of accurately targeted aid, which combined failed to mitigate transitional instability. This unchecked instability led to ethnic violence in Kyrgyzstan and eventually resurgent nationalism in the country, reversing the democratic trajectory of the revolution. Lessons from Kyrgyzstan apply to a broad range of countries, both current and future, in a post-revolutionary transition and seeking to establish a democratic government.

In 2011 popular protest movements swept the globe, challenging oppressive regimes, rattling the status quo, and lending weight to underrepresented voices in political systems. While these movements seek to realize diverse goals, their success illustrates a continuing global dissemination of power from the hands of the elite to the hands of the common people. This transition of power shows little sign of losing momentum, and the possibility of greater protests in 2012 remains high. Countries torn by revolution in 2011 proceed in a volatile and unpredictable transitional state. Amid these transitions, the original democratic aspirations of the protest movement can be threatened by events arising from transitional instability. During this critical phase, foreign and international actors (particularly those with advanced democracies of their own) possess the ability to assist in the fulfillment of protestors' original demands, preventing a counter-productive slide back to authoritarianism.

In order to establish a greater understanding of beneficial policy in post-revolutionary states, it is constructive to examine reactions to historical protests and revolutions. Fortunately the past contains a recent example, in April of 2010 the citizens of the small Central Asian state of Kyrgyzstan ousted president Kurmanbek Bakiyev in a violent revolution. The Kyrgyz revolution typifies the later themes seen in 2011 of a populist uprising seeking greater representation, economic improvement, and most importantly regime change. Many scholars assert that elite-led protest structures within Kyrgyzstan disqualify any comparison between the country and other populist protests.¹ However, I argue that the 2010 revolution constituted the first truly populist revolution since Kyrgyz independence. Following this proof, I examine how actions of foreign bodies in Kyrgyzstan failed to ensure the institution of the revolution's democratic agenda and instead influenced the election of a pro-Putin candidate in recent elections. This analysis focuses predominantly on the United States' actions in Kyrgyzstan on the grounds that since the War on Terror spread to Afghanistan, the U.S.'s involvement in the Kyrgyzstan has far outstripped that of any other democratic nation. While many opportunities in Kyrgyzstan have been squandered, the country's democratic spirit will arise in future locales, face the same adversity, and benefit from foreign assistance.

Decoupling from Elite-led to Populist Revolutions

The present Kyrgyz political climate is strongly influenced by the country's struggles since independence. Attaining sovereign statehood in 1991, Kyrgyzstan possessed an underdeveloped economy dependent on exports of natural mineral resources and soviet munitions.² After the Soviet Union dissolved, Kyrgyzstan's exports quickly became uncompetitive and unprofitable, leaving the country to struggle with an increasingly impoverished population. As a small, resource poor, and mountainous state, Kyrgyzstan realized that hope for future prosperity lay in liberalizing and globally integrating its economy and political system. To this end Kyrgyzstan aggressively privatized its businesses, by mid-1997 61% of state enterprises had been privatized.³ Moreover, in 1993 Kyrgyzstan ratified a constitution supporting a balance of powers, granting parliament the ability to approve key presidential appointments, to legislate, and to override presidential vetoes in certain situations.⁴ This bold strategy prompted many to call Kyrgyzstan an island of democracy in the authoritarian Central Asian neighborhood. Despite these reforms, Kyrgyzstan's economic disadvantages proved insurmountable and prosperity never materialized. During the late 1990s poverty increased, corruption became endemic in the state, and Kyrgyzstan's dedication to liberal westernizing reforms reversed its trajectory.⁵

As the initial reform goals of Kyrgyzstan encountered difficulty, Kyrgyzstan's first president, Askar Akayev, instituted increasingly autocratic measures. Akayev filled the parliament with his own party, extended his term limit, put restrictions on media, and strengthened his inner network of

allies.⁶ Retaining power until 2005, Akayev was finally ousted from the presidency by the Tulip Revolution. Protesters upset by Akayev's conduct and citizens angered by increasing poverty in Kyrgyzstan drove the president out of office and into exile. However, while the Tulip revolution succeeded in ousting Akayev, authoritarianism proved a tougher foe to remove. Elected in July of 2005, Kurmanbek Bakiyev swiftly reverted Kyrgyzstan to autocracy. From the start Bakiyev staffed important government and security positions with his own family, violently silenced dissenting voices, and supported a crippling culture of corruption within the Kyrgyz government.⁷ This entrenched authoritarianism characterized Kurmanbek Bakiyev's rule, and eventually sparked the second revolution of 2010.

Explanations abound for the persistence of authoritarianism in the Kyrgyz government from 2005 to 2010. Most scholars point to supra-governmental sources of political power in Kyrgyzstan.⁸ This phenomenon has been labeled with different names, including informal politics, elite-led politics, subversive clientalism, and tribalism. From this plethora of terminology the consensus arises that Kyrgyzstan possesses a non-governmental elite network that even the authoritarian Akayev and Bakiyev regimes proved unable to control. As illustrated in Scott Radnitz's *The Weapons of the Wealthy*, these non-governmental elites derive their autonomy from the liberal economic reforms of early independence. Taking advantage of Kyrgyzstan's impoverished population, this elite class utilized their own personal fortunes to establish personal cliental networks. Supplying cliental members with basic public goods, goods that the state failed to provide, maintained these networks. Eventually, clients of this elite class valued their benefactors above the government.⁹ Furthermore, enduring clan allegiances and regional distrust in Kyrgyzstan also encourage local cliental groups. The confluence of these divisive factors lends substantial power to local leaders and provides an effective barrier against centralized governmental control. Therefore, such non-governmental leaders can command considerable sway when united against an unpopular regime.

In 2005, elites excluded from Akayev's privileged inner-circle led the Tulip revolution. These elites mobilized their cliental protestors in the provinces, who then coalesced and marched on regional centers such as Osh, Jalal-abad, and finally the capital Bishkek. The entire protest process required about a month, from the parliamentary elections of February 28th to Akayev's final ouster on March, 24th.¹⁰ The protest only spread to Bishkek in the final days when emboldened elites entered the city with their supporters.¹¹ This elite-led model of revolution explains the swift return of authoritarianism after the removal of president Akayev. Without the weight of a popular democratic movement pushing ardently for change, the revolution was ultimately fated to produce a purely cosmetic power change. While dissenting elites did not support Akayev, the instability produced by a democratic reordering of the power structure would also not benefit them. Therefore when taking office Kurmanbek Bakiyev encountered feeble democratic momentum, allowing the new president to sustain Akayev's ruling practice of authoritarianism.

After enduring five years of Bakiyev's rule, by April of 2010 the Kyrgyz people could no longer ignore the president's failings. Corruption, electricity blackouts, and a sputtering economy ranked among the populace's chief grievances. Organized by democratic opposition leaders, protestors gathered in the northern provincial city of Talas on the afternoon of April, 6th.¹² After a fight with government forces, the Talas protestors took the regional governor hostage, demanding Bakiyev's resignation. The revolutionary seed quickly spread to Bishkek. In the early morning of April 7th, protestors gathered to march on the White House (the seat of the president and parliament in Kyrgyzstan). Presidential security troops initially fought back, killing 86 civilians and wounding over a thousand.¹³ Enraged by the disregard for their lives, protestors only multiplied and stormed the White House, vandalizing its contents. Fleeing Bishkek, Bakiyev attempted to rally support in the south but found little success. By April 15th, the ex-president had fled Kyrgyzstan for Belarus, and a coalition led by opposition leader Roza Otunbayeva gained control of the country.

In contrast to the authoritarian hand-off of power stemming from the 2005 revolution, a populist and representation-demanding movement fueled the 2010 Kyrgyz revolution. Upset over Bakiyev's ineffective government, the Kyrgyz people rejected the Bakiyev regime and pushed for greater democracy. Key differences from 2005 demonstrate the populist nature of the 2010 uprising. The 2005 protests gained momentum slowly in the provinces, as non-governmental elites marshaled their supporters. These protests then combined in regional centers and as a last step entered Bishkek. To contrast in 2010, protests also started in provincial Talas but within hours had spread to the capital Bishkek. The internet and social media facilitated the expediency of this transition.¹⁴ Utilizing a variety of news and media-sharing websites, witnesses posted videos of protestors violently clashing with police. These videos, posted by ordinary citizens and not elites or organizations, immediately inspired the residents of Bishkek into action. In Bishkek protestors gathered organically, individually inspired to congregate.¹⁵ The quick germination and organic nature of 2010 protests supports a decoupling of protestors from elites: independent motivation instead of elite instruction.

The success and expediency of the revolution shocked many experienced Kyrgyzstan observers. These observers cultivated ties with the Kyrgyz elite, further indicating that the elite themselves did not orchestrate Bakiyev's ouster. The revolution was not completely grassroots because in Talas the opposition party organized the original protest. It is important to note, however, that the opposition party does not represent the same cliental networks often cited as motivators for the Tulip revolution. Once sparked by the opposition, the latent discontent of the Kyrgyz people carried the protest forward independently.

In the wake of the revolution, Kyrgyz society has glorified the movement's martyrs. This glorification supports that the revolutionaries occupy a revered spot in the national consciousness. In the Kyrgyz national museum in Bishkek, a large memorial stands to commemorate the violent revolutionary struggle.

Curators constructed this memorial not in unused free space, but directly on top of a soviet-era exhibit.¹⁶ The victims also earned a burial at the beautiful Ata-Beyit memorial outside Bishkek. Ata-Beyit primarily stands as a memorial to victims of Stalin's purges, but also contains various Kyrgyz authors and heroes.¹⁷ This idolization of victims and elevation of the revolution's importance exhibit the strong populist forces supporting the 2010 revolution.

Harnessing this popular support for democratic political change in the following months, Roza Otunbayeva's interim government curtailed the previous autocracy in Kyrgyzstan's political system. Ratified in 2010, Kyrgyzstan's new constitution limits the powers of the presidency and grants the parliament greater sway. Complementing this action, parliamentary elections of 2010 set records for their fairness in Kyrgyzstan and staffed the body with an electorate actually representative of the people's opinions.¹⁸ Otunbayeva also undertook anti-corruption initiatives, freed the media, and promised to step down when her term ended in 2011 to ensure Kyrgyzstan's first peaceful transition of power.

In its immediate aftermath, the Kyrgyz revolution of 2010 achieved many of the democratic reforms that motivated its protestors. Only the weight of a truly populist revolution could have supported these dramatic changes. This success stands in contrast to the cosmetic and ineffectual revolutions of the past, a laudable achievement for any protest movement. However, this democratic success story does not last long, as the government proved unable to capitalize on momentum and became bogged down by a variety of unexpected challenges.

Riots, Nationalism, and Rejection

As with any transition of power, instability unavoidably accompanied the democratic revolution of 2010. In the Kyrgyz case, this instability produced tragic results in the country's south. In June of 2010, just two months after the revolution, the city of Osh spiraled into chaos. Ethnic rioting between the Kyrgyz and Uzbek populations rocked the city for four days. All accounted for, the violence caused close to 500 deaths and inspired up to 100,000 refuge Uzbeks to flee the city.¹⁹ Given Kyrgyzstan's small population of five million, the significance of these numbers cannot be understated. A single distinct cause for the violence has never been identified. Many blame loyalists of the freshly ousted president Bakiyev (raised in the South of Kyrgyzstan). Bakiyev may have wished to stir up trouble in the south and instigate a crisis to facilitate his return to power. Other propositions include unpremeditated ethnic scuffles escalating out of control, drug gang turf wars, or poor Kyrgyz from the provinces hoping to steal from Uzbek businessmen.²⁰ No doubt a confluence of all these factors influenced the tragic June events. Despite this ambiguity, some facts about the violence remain clear. Evidence supports that Uzbeks suffered disproportionately compared to Kyrgyz, and trained Kyrgyz troops in some manner became involved (Either evidencing that local elites utilized their cliental networks or the Kyrgyz government influenced the chaos).²¹

These outcomes indicate that some blame does lie with the Kyrgyz government, as greater control over their troops should have been held. Unfortunately little blame has ever been admitted for the events, and June of 2010 remains a painful memory for much of Kyrgyzstan.

As news of the June riots spread across Kyrgyzstan, nationalistic rhetoric began to gain popularity among politicians and citizens. Emerging most robustly in Osh, many ethnic Kyrgyz began to emphasize their cultural dominance in the country. The rising cultural imperialism echoed across all aspects of life. With troubling expediency, names of restaurants changed from Uzbek to Kyrgyz to not alienate customers.²² Many Kyrgyz blamed the entire June events on the Uzbeks themselves, asserting that Uzbeks incited the riots by attempting to secede from Kyrgyzstan. Nationalism also found representation in political parties. The party Ata-Jurt gained significant popularity in 2010 and continues to enjoy wide support today. Ata-Jurt translates to *Fatherland* in Kyrgyz, and the party pursued a radical leaning agenda. While never stated officially, most Kyrgyz believed Ata-Jurt supported a return to power for ousted president Bakiyev.²³ Furthermore, Ata-Jurt's rhetoric consistently included references to the superiority of Kyrgyz culture and the responsibility for ethnic minorities to respect that superiority. Capitalizing on this nationalistic movement, Ata-Jurt won a plurality against all other parties in the October 2010 parliamentary elections. Democratic momentum from the revolution ensured fair elections, but the violence in the south derailed this liberal energy and infused greater nationalism into voter's opinions.

Negative reports on the southern June violence further fueled this nationalistic wave in late 2010 and throughout 2011. Following the riots in Osh and Jalal-abad, numerous Western agencies conducted studies on the origins, scope, and aftermath of the violence. These reports nearly universally found negative data either directly incriminating the Kyrgyz government or chastising them for inaction and inefficiency which caused more deaths. Among these critics was the Human Rights Watch Report, which released a study purporting that Kyrgyz security and police forces conducted arbitrary arrests and beatings of ethnic Uzbeks.²⁴ The harshest criticism of the event came from the Kyrgyz Inquiry Committee, an international independent inquiry organized by Nordic countries and accepted by the Kyrgyz government. After an extensive study, the KIC found evidence for crimes against humanity bordering on genocide committed by the Kyrgyz government.²⁵ This strongly worded language was also accompanied by the accusation that Kyrgyz authorities could have stopped the violence. Harsh western reports such as the KIC investigation provided more fuel for the nationalists in Kyrgyzstan to find a greater voice in Kyrgyz society. This growing nationalism continued to undermine the aims of the democratic revolutionaries.

While the nationalists never attained complete hegemony over the Kyrgyz political system in 2011 their sway increased. The nationalist's voice often could be found by following any mention of the word *Manas*. *Manas* is a mystical hero in Kyrgyzstan, the ultimate symbol of the Kyrgyz nationality,

strength, and autonomy (Manas is famous for uniting the tribes and evicting foreigners from Kyrgyz soil). In the summer of 2011 in Bishkek's central Ala-too square (the site of the 2010 revolution), officials removed a huge statue dedicated to freedom to insert a depiction of Manas.²⁶ The previous freedom statue depicted a woman holding a tunduk, or yurt centerpiece, a national symbol. Despite this nod to Kyrgyz nationality, Manas supporters believed the mythical hero offered a more concrete and assertive Kyrgyz symbol compared to abstract freedom. Supporters also noted that it was not a woman's job to carry the tunduk. In August of 2011 politicians even debated renaming Kyrgyzstan's capital Bishkek to Manas, an initiative only abandoned for its immense cost and impracticality (Bishkek has already existed under 2 previous names). Through manifestations such as Manas, Kyrgyz politicians signaled their rejection of Western democratization and liberalization for a more traditional Kyrgyz state.

This nationalism influenced the recent presidential elections of October 30, 2011. The election selected current president Almazbek Atambayev to head the new governmental system. Atambayev participated in opposition movement against Bakiyev and also served as prime minister in the interim government. However, despite this seemingly pro-reform background, Atambayev's political platform rejected pro-democracy foreign powers and instead supported a closer relationship with Russia.²⁷ While this platform does not reflect the wholehearted isolationism of the Kyrgyz nationalists, Atambayev seeks to reject western liberal reforms and instead institute a Putin-style centralized government for Kyrgyzstan. To his end, Atambayev has expressed interest in joining Russia's (European Union reminiscent) Customs Union. Participation in the Customs union would also signal Kyrgyzstan's support for a resurgent eastern block of power. Further revealing his adherence to Russia, Atambayev even named a mountain after Putin. Finally, in a statement released shortly after winning the presidency, Atambayev announced that in 2014 the United States military base near Bishkek will close when its lease expires.²⁸ As Atambayev takes power, the possibility of accomplishing the revolution's idealistic reforms will continue to recede further onto the horizon, and instead a strong-armed centralized government will settle in Bishkek.

Assessing the Errors

Of the countries pushing for democratic and liberal reform in Kyrgyzstan, the United States stands out as demonstrating the greatest degree of involvement. Central to the American narrative in Kyrgyzstan is the story of the War on Terror in Afghanistan. As America entered the war in 2001, supply routes proved difficult to install because Afghanistan is flanked by uncooperative neighbors Iran and Pakistan. To remedy this situation, the U.S. has courted Kyrgyzstan to host the Manas air base, located just outside Bishkek. The base provides vital support to American troops in Afghanistan, ferrying an average of 35,000 of troops in and out of the country every month.²⁹ Recognizing this

importance, both presidents Akayev and Bakiyev leveraged increasing sums from the United States in rent payments and related fees for the base. In 2011, payments involving the base totaled approximately \$475 million dollars a year. This figure includes \$325 million in fuel payments, \$60 million in rent, and \$90 million in base related fees and supplies.³⁰ In comparison to the small Kyrgyz GDP of \$5.5 billion, these numbers hold even greater resonance as base related payments account for nearly 9% of GDP.³¹ While American involvement in Kyrgyzstan also included NGO support and humanitarian groups, such as the Peace Corp, large monetary payments necessitated by Afghanistan security interests ultimately defined the American presence.

Despite the large size of this yearly transfer of funds, supervision of the money's usage has remained loose. This lack of regulation resulted in an embarrassing fuel supply scandal involving Bakiyev's son directly pocketing profits from fuel sales. Flack from this misstep constituted quite a headache for the Secretary of State herself.³² Moreover, a lack of supervision is particularly shortsighted given Kyrgyzstan's deplorable 162nd rank in Transparency International's 2009 corruption index.³³ Any money not hawkishly observed in the country is probably misused. Only within the closing months of 2011 has any committee (Kyrgyz or American) been established to track the implementation of American base payments. Spearheaded by the interim government, this initiative is currently in its infancy and holds promise for providing greater transparency in the future. The destinations of the hundreds of millions given to Kyrgyzstan since 2001, however, will likely remain a mystery. Despite the rapid growth of security related payments, the U.S. showed little concern for the impact of these payments as such an investigation could have distanced Kyrgyzstan's government, further illustrating the priority lavished on security interests.

As the 2010 revolution deposed Bakiyev, fear for these security interests paralyzed the United States response. After the revolution the United States "re-targeted" its annual \$53 million dollar aid budget.³⁴ While this sum is large, it still remained dwarfed by the money flowing in to support the Manas airbase (a potent reminder of U.S. priorities in Kyrgyzstan). Moreover, a simple retargeting of aid did not adequately recognize the daunting challenges faced by Kyrgyzstan's nascent post-revolutionary government. Many international studies such as the KIC inquiry indicated that fragile state institutions and weak force of law contributed to instability. A quick infusion of funds and expertise at its outset may have enabled the interim government to remedy these deficiencies and head off such instances of chaos as those in Osh. Instead, the unguided payment of security related fees continued. After the revolution, the U.S. also failed to address the thorny issue of Bakiyev relations. The success of the revolution necessitated a significant recognition and atonement for past compromised actions. After dealing with limited criticism for the corrupt president, American officials called into question their support for democracy. Atonement for these dealings never materialized and was instead replaced by anxious questioning about the continuation of the base contract. This lack of penance informed Kyrgyzstan that America only

supported democratic reform when convenient and was not truly invested in the betterment of the country.

Following several months of this initial complacency, the southern riots galvanized the United States to assist the floundering interim government. After the June events, America came forward with another \$60 million in targeted aid. In addition, the United States spearheaded an international relief effort that raised \$1.1 billion in emergency aid for Kyrgyzstan.³⁵ Attached to this aid came strict policies meant to reduce graft and ensure just allocations of the funds. To date, much of this aid package remains restrained by these policies. Since Kyrgyzstan's nationalist turn equal allocations to Uzbeks and Kyrgyz are difficult to ensure, aid agencies have encountered a less receptive government. International efforts to assist Kyrgyzstan after the June riots commendably furthered humanitarian goals. However, they ultimately came too late to overcome surging nationalism and rekindle the democratic spirit of the revolution. The critical revolutionary window had already closed, and instability had derailed democratizing forces.

From the outset, the United States response to the Kyrgyz revolution should have included a radical redrawing of relations and reevaluation of aid. As exemplified by their size, security relations constituted the bedrock of the American-Kyrgyz relation before the 2010 revolution. Despite this focal position, no revised appropriation of security-related funds materialized after the revolution. In addition, the United States did not even investigate the utilization of their current payments. The lack of a decisive reevaluation of funds weakened the interim government and degraded faith in the U.S.'s long-term commitment to Kyrgyzstan. Ultimately, these missteps contributed to instability in Kyrgyzstan and the rejections of both the U.S.'s basing rights and democratizing ideology.

Kyrgyzstan and the World

In Kyrgyzstan, the population de-coupled from past elite-led protests and independently vocalized their political demands and grievances. As the modern world continues to grow more inter-connected, instances of such successful grassroots protest will only increase in number. Aided by the promulgation of swift internet connections, protest movements across the Arab world and even Russia exemplify this renewed global activism. As regimes around the world become more prone to change, past examples such as Kyrgyzstan will only increase in relevance for policy makers and states seeking to support democratization. Furthermore, desire for democratization often defines these movements. If momentum is cultivated properly, pro-democracy advocates could see the institutions of democracy quickly germinate across the globe and spawn hospitable governments. Therefore, these organic democratic movements should be highly valued and amply supported.

As also exhibited by Kyrgyzstan, revolutions and instability often walk hand in hand. In the Kyrgyz case, ethnic animosity will continue to sizzle in

the south and further disenfranchise the Uzbek minority. While a retaliatory strike from Uzbekistan is unlikely, border relations in the Fergana region will remain muddled and explosive. To prevent such negative outcomes, the international community should not passively wait after populist movements for tragic circumstances to galvanize action. Instead, to ensure democratization, actions during the critical post-revolutionary window should be swift, significant, and cognizant of shortcomings in past relations. Failure to follow these guidelines will increase instances of post-revolutionary instability and dangerously jeopardize the success of a democratic transition.

Analogous to Kyrgyzstan, many future revolutionary countries will also entertain critical security interests. International actors must realize that their long-term security interests are better served by not allowing the same security interests to paralyze action in the short-term. The United States will learn this lesson the hard way as the 2014 Manas airbase closure will complicate and inflate the cost of Afghanistan withdrawal. Stepping into this void, Russia has benefited in contemporary Kyrgyzstan by consistently demonstrating that the country's development and security represent a long-term Russian priority. Shackled by the war in Afghanistan, the United States proved unwilling to demonstrate such a long-term commitment. Ultimately, this disconnect parched the seeds of democracy in Kyrgyzstan. In future revolutionary situations, countries will respond positively when commitment to their development is demonstrated instead of fear for personal assets and objectives. In the coming years Kyrgyzstan may slide back to authoritarianism. When the revolutionary flame rekindles anywhere across the globe, pro-democracy players should approach the freshly forged unstable governments with ample support and sincere concern to ensure a lasting transition to democracy.

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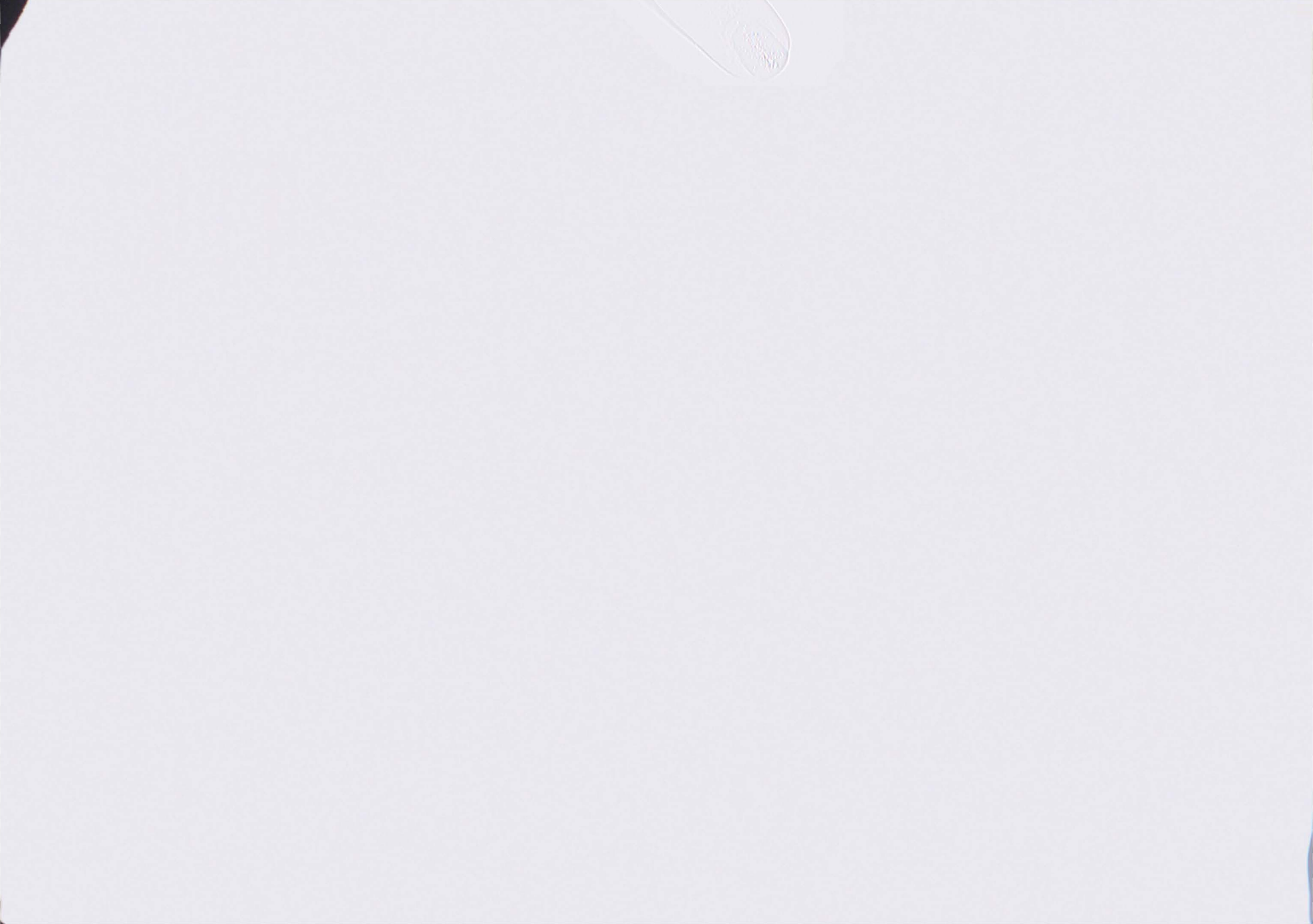
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#ArabSpring

Information Flows, Networked Dissent, and Resonant Frames: ICTs in the 2011 MENA Uprisings

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Abstract

The debate over the role of Information Communication Technologies (ICTs) in the Arab Spring is especially relevant given their ubiquity in modern society. Before the uprisings, ICTs played an important role in providing a platform for dissent and cyber-activism in Tunisia and Egypt. ICTs equally facilitated the creation of online opposition networks that spread information about repressive regimes and coalesced around shared grievances. ICTs not only comprised the hardware of communications tools utilized during mass uprisings, but they also provided for the instantaneous diffusion of a singular event over an entire region. Domestically, the significance of ICTs can be measured in terms of regime responses to mass mobilization. Internationally, ICTs played an integral role in framing the salience of mobilization across borders. Arguably, ICTs are an important factor to consider as they contributed to the timing, speed, and spread of uprisings across the region.

Few could have forecast the timing, speed, and spread of the “Arab Spring.” A lack of foresight on the part of the academic, political, and lay community is due, in part, to the perceived stability of autocratic regimes in the Arab World. The Arab Spring took the world by surprise through a series of events that have led to the toppling of three autocratic regimes, with several other regimes in the region sustaining significant civil conflict, mass uprising, and ongoing demands for reform. While not all of these uprisings have been successful and many have been repressed, the momentum with which they occurred, the unprecedented level of mass participation involved, and their perceived cross-national solidarity are of a most unique kind.

Since the beginning of the Arab Spring, observers have been intrigued by the role of new Information Communication Technologies (ICTs) in shaping the process of regime transition in the region. The notion that every revolutionary movement is paired with its respective technological platform is not a new one. However, debate has arisen over the influence that this factor has

had in determining the events in the Arab World. News coverage of the MENA uprisings frequently highlights the prevalence of ICT involvement, both in the images and reports of the uprisings and in the evidentiary locus of reporting. While ICTs have imperfect causal import in explaining this phenomenon, they nonetheless shaped the Arab Spring in acting as the medium through which these events were conceived, catalyzed, coordinated, and diffused. ICTs became infused in the process of regime transition by providing a virtual platform for political dissent and popular mobilization, by comprising the tools for networked information flows, and by fostering a renewed sense of cross-national solidarity.

First, an overview of the discussion surrounding the nature of ICTs and their involvement in the Arab Spring illuminates the complex relationship between technologies and political change. Next, a look at the systemic conditions and important events in pre-revolutionary Tunisia and Egypt outlines the causal factors that lead to mass uprising. Finally, the argument for the role of ICTs in the Arab Spring examines three aspects of the Tunisian and Egyptian revolutions: how the Internet provided a virtual space for cyberactivists to form networks of dissent that would be mobilized during the revolutions, how ICTs provided the hardware that turned a “transformative event” into mass uprisings across the region, and finally how ICTs shed light on how domestic and international responses turned the initial protests into cross-national mobilization based on shared understandings and identities.

Binary Debate: Cyber-Utopians versus Cyber-Realists

The debate over the role of ICTs in the Arab Spring is especially relevant given their ubiquity in modern society. Information communication technologies can be defined as a “converging set of technologies in microelectronics, computing (machines and software), telecommunications/broadcasting, and optoelectronics,”¹ which “include the Internet and social network sites such as Facebook, weblogs, micro-blog sites such as Twitter, user-generated consumer content-driven sites such as Youtube, and mobile phones, laptops, broadband optic fiber cables and WiFi technology.”² Commentators of the MENA uprisings have variously called into question or championed the role of ICTs in influencing revolutionary politics.

While most cannot deny the importance of ICTs as factors in the calculus of regime change, few agree on the extent to which they influence the political process. The debate over the decisive nature of ICTs in the Arab Spring has evolved from narrow, binary interpretations of technological determinism to more nuanced analyses that seek to elucidate how ICTs alter the dynamics of mass mobilization and political change. Various interpretations can be considered along the spectrum between cyber-utopians, who place technology within the causal nexus that provoked and shaped the uprisings, and cyber realists, who argue that ICTs are merely a tool of mobilization with little causal influence within the Arab Spring.

The cyber-realist vs. cyber-utopian debate is epitomized in the opposing views held by Malcolm Gladwell and Clay Shirky. Within the cyber-realist vein, Gladwell points out two crucial distinctions between 'social-media activism' and 'traditional activism.' First, since participation in a social-media network requires little sacrifice, social-media networks increase participation by decreasing the amount of motivation necessary to do so.³⁴ Second, because they are non-hierarchical, social networks are ineffective for the purposes of exercising revolutionary change.⁵ According to Gladwell, the 'weak ties' inherent in the platform of social-media networks are ineffectual because "weak ties seldom lead to high-risk activism."⁶ Richard Haas echoes these cyber-realist views on ICTs' lack of causal import; like earlier disruptive technologies, "social media are not decisive: they can be repressed by governments as well as employed by governments to motivate their supporters."⁷

Shirky counters along cyber-utopian lines by elaborating how ICTs alter the dynamics of the public sphere. He claims, "Where the state prevails, it is only by reacting to citizens' ability to be more publicly vocal and to coordinate more rapidly and on a larger scale than before these tools existed."⁸ Moreover, new ICTs have a legacy in recent political movements around the world. Since 2000, mass mobilizations in the Philippines, Spain, Moldova, South Korea, and Iran have benefitted from efficient coordinating tools afforded by ICTs to bring about public recognition and, in some cases, significant political change.⁹ The use of technology in recent events highlights the need to investigate the subtler influence of ICTs on revolutionary dynamics. As Shirky argues, ICTs have the potential to fundamentally alter the relationship between the state and society.

'Factors are not Causes'

The nature of technology detracts from the argument that ICT can decisively shape politics;¹⁰ technologies do not themselves cause mass movements or political change.¹¹ In effect, understanding the relative weight of ICTs in the Arab Spring involves examining the systemic conditions that formed protesters' grievances and also the events preceding the uprisings that accentuated these grievances.

When assessing the structural causes of the Arab Spring, scholars point to a set of key grievances that are often applied in similar cases across the region. Warf summarizes the conditions that lead to the uprisings, arguing:

It was the conjunction of several political and economic forces that propelled vast numbers of Arab people into the streets and against their governments, including high unemployment (widespread among *the young and college educated*); persistent poverty, despite *repeated government promises to end it; years of neglect and corruption* by indifferent, self-serving bureaucracies; *frequent police brutality*; heavy-handed media censorship; decades of 'emergency rule' that curtailed civil liberties; and the rapidly rising cost of food.¹²

Anderson differentiates the Tunisian and Egyptian cases, highlighting structural conditions and mediating factors that contributed to revolutionary political change. While Tunisia ranks among the highest in the MENA region in terms the quality of its education system, the size of its middle class, and influence of its labor union, Ben Ali's regime was conspicuously corrupt and used repressive tactics to limit individuals and political parties from expressing themselves freely.¹³ On the other hand, structural conditions in Egypt were marked by government's inability to provide public services in the face of pervasive poverty and unemployment, while those closest to the Mubarak regime, the business elite in particular, were increasingly showing signs of conspicuous consumption.¹⁴ Anderson equally draws an important distinction between the two cases regarding the role of the military during popular revolt; whereas the Tunisian military is inexperienced, holds little economic control, and played a minimal role in the uprisings, the Egyptian military is widely respected, economically influential, and led a "carefully calibrated intervention" into the Egyptian uprisings.¹⁵

Several important events marked the political landscape in Egypt and Tunisia preceding the revolts. Both Tunisia and Egypt had witnessed recent mass protests met with government repression. In Tunisia, protests in early 2008 originating in the mining town of Gafsa were intended to denounce a parastatal phosphate company's unjust hiring policies and labor conditions.¹⁶ These initial protests managed to garner impressive public support and soon proliferated across the entire governorate.¹⁷ Predictably, Ben Ali suppressed the movement by arresting demonstrators and torturing those suspected of dissent and public protest.¹⁸ Repressive regime tactics only invigorated a growing opposition movement; peaceful anti-government protests, such as the 'Tunisia in White' demonstration in May of 2010, gained wider recognition and participation.¹⁹ Although news of the original protests went un-reported by state-controlled media and were censored in international media, activists spread information about protests in opposition papers and online, using social networking platforms to coordinate their activities and prompting Ben Ali to block the sites entirely for several weeks.²⁰

Similarly, recent protests in Egypt added to the repertoire of a growing opposition movement with parallel organizational tools. El-Ghobashy outlines the genesis of the hundreds of street protests in Egypt by asserting that, "Egypt's streets have become parliaments, negotiating tables and battlegrounds rolled into one."²¹ Notably, in April 2008 protesters in Mahalla demanded the institution of a minimum wage and denounced widespread corruption and police brutality.²² These demands garnered further solidarity protests in Cairo that were easily dissolved by Mubarak's security forces. As in the Tunisian case, the quality of regime response rejuvenated the opposition and lead to the creation of the April 6th Youth Movement, which would play a prominent role in organizing mass protests on January 25th, 2011.²³ Like their Tunisian counterparts, Egyptian opposition youth would spread information and coordinate their actions online, eliciting further repressive measures from Mubarak's regime.

Table 1. Internet and mobile phone penetration 2000–2010:
MENA, Egypt, and Tunisia

	Internet users (per 100 people)			Mobile cellular subscriptions (per 100 people)		
	2000	2005	2010	2000	2005	2010
MENA	1.70	9.49	24.96	4.60	28.75	96.95
Egypt	0.64	11.69	26.74	2.01	18.37	87.11
Tunisia	2.72	9.54	36.56	1.25	56.64	105.36

Source: Data from World Development Indicators, the World Bank databank.

Table 2. ICT penetration and comparative data:
MENA, Egypt, and Tunisia

	MENA	Egypt	Tunisia
GDP per capita in 2010 (current US\$)	6448\$	2698\$	4189\$
Internet users per 100 people (2010)	24.96	26.74	36.56
Mobile Phone subscribers per 100 people (2010)	96.95	87.11	105.36
Facebook Penetration (2011)	9.4%	11.4%	26.3%
Satellite TV Penetration (2009)	N/A	43%	92.6%
Bloggers threatened, arrested, or released (Dec. 2010)	99	31	23

Source: Data from World Development Indicators, the World Bank databank; Dubai Press Club. *Arab Media Outlook 2009–2013*. Dubai Press Club, 2010; www.internetworldstats.com/stats.htm (Miniwatts Marketing Group); and Ghannam, Jeffrey. *Social Media in the Arab World: Leading up to the Uprisings of 2011*. Center for International Media Assistance, February 3, 2011.

Finally, some posit that important events immediately preceding the revolts in Tunisia and Egypt accentuated grievances held by opposition movements. Amnesty International championed WikiLeaks' exposure of Ben Ali's corruption as the catalyzing force behind the uprising in Tunisia.²⁴ However, accounts of the Tunisian revolution generally begin on December 17th, 2010, when a young street vendor named Muhamed Bouazizi resorted to self-immolation in protest of police harassment, an event which triggered widespread protests and riots.²⁵ In tandem, a significant catalyst for revolt in Egypt can be found in the "farcical nature" of judiciary elections during which the ruling party secured 97% of contested seats.²⁶ As El-Ghobashy points out, the death of Khalid Sa'id in June 2010 at the hands of police officers "galvanized public opinion in disgust at police predation" and was the inspiration for a Facebook group ('We Are All Khalid Sa'id') that would gain prominence during the revolution.²⁷

It is equally important to note that these events were occurring within the context of an evolving media landscape marked by growing ICT penetration throughout the region. As Table 1 indicates, between 2005 and 2010 the number of internet users in Tunisia and Egypt nearly tripled, while the number of mobile phone subscribers doubled in Tunisia and quadrupled in Egypt. Satellite TV is an equally important medium in the region, offering over 600 free channels to Arab audiences and exhibiting high penetration rates across the region.²⁸ Table 2 provides Satellite TV penetration rates for Egypt and Tunisia,

along with several other points of comparison between Tunisia, Egypt, and the MENA region in terms of ICT usage and population data.

Given these circumstances, several questions arise with regards to how pre-revolutionary conditions in Tunisia and Egypt were translated into the Arab Spring. What accounts for the timing of these revolts and their synchronous appearance? How did protests following the death of Mohamed Bouazizi inspire mass protests across Tunisia? What accounts for the salience of the Tunisian revolution as a precursor to the Egyptian one? Perhaps most importantly, what accounts for the speed of successive uprisings across the Arab World? In accounting for the motivations and timing of an uprising, it is conceivable that "the grievances are usually old ones, and yet for a very long time the population suffered them rather than overthrow the system."²⁹ In effect, considering the role of ICTs sheds light on the mystery of how and why the Arab Spring occurred when it did.

Cyber-activism, Networked Dissent, Shared Awareness

Before the uprisings, ICTs played an important role in providing a platform for dissent and cyber-activism in Tunisia and Egypt. ICTs equally facilitated the creation of online opposition networks that spread information about repressive regimes and coalesced around shared grievances. Together, these elements of the digital platform precipitated the formation of a virtual public sphere, wherein dissidents could find like-minded individuals and become active participants in a developing civil society.

The utility of the Internet as a locus of dissent can only be understood with the backdrop of repressive authoritarian regimes. Shirky summarizes the logic of authoritarianism succinctly: "Authoritarian governments stifle communication among their citizens because they fear, correctly, that a better-coordinated populace would constrain their ability to act without oversight."³⁰ The perceived tradeoff between the Internet's potential as a threat to the regime and its economic and social benefits is known as the 'Dictator's Dilemma.'³¹ Authoritarian states often mitigate this dilemma by censoring threatening material on the Internet, a process that maintains the legitimacy of the regime through the control of information flows. Tufekci argues that censorship is a means of controlling the spread of opposition:

The effect of selective filtering is not to keep information out of the hands of a determined public, but to allow the majority of ordinary people to continue to be able to operate without confronting information that might create cognitive dissonance between their existing support for the regime and the fact that they, along with many others, also have issues.³²

Activists challenge the credibility of the regime by producing alternative sources of information. In the MENA region, one of the only places that regime critics could voice their concerns was the Internet, where "blogs, websites,

Twitter feeds, and political listservs offered space . . . where policy alternatives could be discussed, and where regime secrets could be exposed.”³³ According to ‘Waterman,’ a Tunisian blogger and member of Takriz, a “cyber think tank” and dissident organization responsible for inciting many of the protests of the revolution, “the Internet was the only viable option for organizers in 1998, because other media were controlled by Ben Ali.”³⁴ Online dissent also confers the advantage of short-term anonymity by offering many avenues of communication.³⁵

Combined with the spread of mobile telephony, the Internet provided fertile ground for dissidents to expose government practices. As Tufekci points out, “there cannot be reporters everywhere something is happening; however, wherever something is happening there are people with cell phone cameras.”³⁶ Technological advances have allowed cyber-activists to “document, photograph and record human rights violations, government negligence, police violence and other incidents of daily life, and share them with the vast online community” where testimonies are “powerfully augmented with audiovisual documentation and quickly disseminated online.”³⁷ Reporting in 2009, Shapiro outlines how in Egypt, bloggers acted as both political advocates and citizen-journalists by posting video footage of police brutality online.³⁸ Blog posts eventually gained attention from both mainstream and opposition media. By 2005, “political blogs became essential reading for opposition parties” and Al Dustur, an opposition newspaper, began reprinting posts from its blog page for readers who could not access it online.³⁹ As opposed to the Tunisian case, where state control of the media and political parties restrained civil expression enough to force dissidents online, the Egyptian case suggests an early partnership between traditional opposition groups and cyber-activists, with the former legitimating and projecting the views of the latter.

Opposition movements in Tunisia and Egypt were further empowered by the advent and proliferation of social media usage. Platforms of social media are widespread and habitually used, making government censorship problematic. According to Zuckerman’s ‘cute-cat theory of digital activism,’ since “web sites or proxy servers created specifically for activists are easy for a government to shut down,” “dissidents thrive on sites, like Facebook, that are used for more mundane purposes.”⁴⁰ A platform like Facebook constrains the repressive measures available to governments since it is nearly impossible to block specific group pages. On the other hand, shutting down an entire social media site has the potential to alert and radicalize a larger section of the population.⁴¹

Widespread use of social media accentuates the Dictator’s Dilemma by posing a more subtle threat to the regime: the potential to connect individuals in novel ways. Tunisian and Egyptian dissidents were able to expand blogs’ limited readership through the network effect afforded by the introduction of social-media sites.⁴² As Kuebler argues, not only do social media create “an alternative public sphere wherein a movement could more covertly engage with, and be discovered by, new supporters,” but they also foster the adoption of a shared identity by connecting like-minded individuals.⁴³ This view

is echoed by several first-hand accounts from Egypt's April 6th Youth Movement. According to Mostafa, one of leaders of A6Y, before social media "everyone was very individual, very single, very isolated and oppressed in islands;" social media has "created bridges, has created channels between individuals, between activists, between even ordinary men, to speak out, to know that there are other men who think like me."⁴⁴ For many Egyptians, the appeal of joining Facebook dissent groups, like A6Y, lies in their semblance as an alternative to "calcified party politics," an outcome that A6Y could avoid by using the Internet platform.⁴⁵

The proliferation of social media use, in turn, fostered the formation of an alternative public sphere based on networks of weak ties and shared awareness. While cyber-realists often point to the effectual limitations of networks based on 'weak ties,' Beckett argues, "Even weak ties have the practical benefit of spreading information, of making people feel part of something."⁴⁶ These internet-based social networks have the added advantage of being produced by activists, an element that enables and accelerates connections between networks through a system of "fluid, personalized, peer-authenticated communications that promote personal engagement and collective endeavor" in a way that escapes the immediate purview of the repressive regime.⁴⁷ Furthermore, Shirky argues that social media allow movements to compensate for their lack of hierarchical order by producing coordination based on 'shared awareness,' or "the ability of each member of the group to not only understand the situation at hand but also understand that everyone else does too."⁴⁸ Shared awareness of political grievances, even within the digital platform, is inherently inimical to maintaining the repressive status quo.

Going Viral: Transformative Events and Mass Mobilization

ICTs may have facilitated a network-driven opposition movement, but it was not until the occurrence of a catalyzing event that regime critics in Tunisia and Egypt were motivated to rebel. ICTs not only comprised the hardware of communications tools utilized during mass uprisings, they also provided the means for the instantaneous diffusion of a singular event over an entire region. The influence of ICTs in the revolutionary process manifested itself both in the form of these protests and in the composition of news within the changing media ecology.

As previously outlined, several important events marked the political landscape in pre-revolutionary Tunisia and Egypt. The political and psychological effects of these events allowed for the translation of a single protest into a mass uprising that developed into a contagious social upheaval across the region. Shultziner proposes that this translation is a function of transformative events, or "dramatic and symbolic events that substantially change the degree and sense of injustice and motivation for resistance in the population."⁴⁹ Events are distinguished between internal transformative events, which "emanate due to the dynamics and confrontations between the regime and its opponents within the political system," and external transformative

events, in which “a sudden direct experience . . . within one nondemocratic system can generate political contention in other locations because people are significantly shocked or angered, inspired or encouraged.”⁵⁰ According to Shultziner, transformative events have the psychological effects of changing how people view their capabilities in relation to the regime, motivating action as “people stake their self-esteem on struggle goals,” and radicalizing popular outlook.⁵¹ While domestic systemic conditions may remain constant, “if a random incident of abuse is caught on film and comes to the attention of the population and international media,” it has the potential to incite a surge of protests that the regime cannot endure.⁵² Transformative events can act as significant and sufficient catalysts for mass uprising and political change.

Understanding the nature of transformative events highlights the fundamental role of ICTs in shaping the uprisings in Tunisia and Egypt. The story of the Arab Spring does not begin with the self-immolation of Mohamed Bouazizi, but rather with the video of his self-immolation and the means by which it was rapidly and effectively diffused. According to Khaled Koubaa, “social media was absolutely crucial” in catalyzing the Tunisian uprising.⁵³ There had been recent cases of self-immolation, “but no one knew about it because it was not filmed. . . . what made the difference this time is that the images of Bouazizi were put on Facebook and everybody saw it.”⁵⁴ While the Tunisian uprising benefitted from this internal transformative event, the Egyptian uprising benefitted from an external one: the Tunisian example.⁵⁵ News of Ben Ali’s ouster spread rapidly throughout Egypt, even though the event and was glossed-over by state-run media along with reports of demonstrations happening in Cairo and across the region.⁵⁶ As Howard and Hussain argue, “what ignites popular protest is not merely an act of regime violence . . . but the diffusion of news about the outrage by networks of family, friends, and then strangers who step in when state-run media ignore the story.”⁵⁷ The relationship between events in Tunisia and Egypt speaks to the subtler, cumulative power of ICTs: they support both the physical and virtual medium through which events can be turned into transformative events.

Inspired by transformative events, protestors in Tunisia and Egypt took to the streets, utilizing familiar ICTs to coordinate their actions and to document their uprisings. On the ground, protestors used social media and micro-blogging sites to plan and communicate protests, while also using camera phones to document their actions in a way that could be instantly distributed across social networks.⁵⁸ Garbaya highlights the extent to which social media maintained an effective political presence during the uprising in Tunisia, where, despite regime crackdowns, average response times to Facebook posts decreased from 4 days before the revolution, to 8 hours after Bouazizi’s self-immolation, to just 3 minutes on January 14th, the day Ben Ali was deposed.⁵⁹ Similarly, in Egypt, activists circulated coordinates for protests over Facebook, Twitter, and email, and when these options were not available, they used “the analogue equivalent of Twitter” in the form of handheld signs indicating the time and location of the next day’s demonstrations.⁶⁰

Observers of both revolts tend to agree that the form of the protests themselves reflected, to a degree, the nature of their underlying technologies. In effect, the street demonstrations in Tunisia and in Egypt lacked individual leaders, making it difficult for police forces to know who to target for arrests.⁶¹ Commenting on the decentralized character of protests in Cairo, Vargas notes, "They are only decentralized because that's largely the nature of the technologies they are leveraging. No one is exactly in control."⁶² Wael Ghonim, author of the Khaled Said Facebook group and nodal figure of the Egyptian revolution, offers a more revealing picture: "Our revolution is like Wikipedia, okay? Everyone is contributing content, [but] you don't know the names of the people contributing the content."⁶³ The physical manifestation of protests may have been unconsciously modeled on the social media networks that facilitated them.⁶⁴ However, the way information about the uprisings was disseminated suggests a complex relationship between mainstream media and social media.

The Arab Spring exemplifies, to a great extent, the complexities of a changing media ecology, in which mainstream media is not only enhanced by information disseminated through social media but is also reliant on these platforms for event coverage. Cottle presents the dynamics of this new media ecology as one in which social media and mainstream media worked together; while social media act as a "watchdog" of state-controlled media by "alerting international news media to growing opposition and dissent events and providing raw images of these for wider dissemination," mainstream media, such as Al-Jazeera, "have distributed the flood of disturbing scenes and reports of the uprisings now easily accessed via Google's YouTube and boomeranged them back into the countries concerned."⁶⁵ According to Lynch, the dissemination of user-generated footage through mainstream media had a strong feedback effect on the uprisings, as people were motivated by the simultaneous ability to see their own struggle and the knowledge that the wider Arab public could see their struggle as well.⁶⁶

Desperate Tactics, Framing, and Cross-National Solidarity

The political significance of ICTs in the Arab Spring is evinced by domestic and international responses to the uprisings. Domestically, the significance of ICTs can be measured in terms of regime responses to mass mobilization. Internationally, ICTs played an integral role in framing the salience of mobilization across borders.

The quality of state responses to the MENA uprisings is a strong testament to the power of ICTs. As Pollock argues, "the fact that regimes go to so much trouble to monitor, identify, capture, beat, torture, and jail young people using online tools suggests that they, at least, see the power of new media."⁶⁷ In response to mass mobilization, Ben Ali and Mubarak, along with other authoritarian leaders in the region, attempted to quell rising dissent by shutting down communication flows within their respective populations by monitoring telecommunications signals, cutting off Internet access, and limiting the capacities of foreign press coverage by denying foreign journalists'

visas or by intimidating individual journalists and their foreign press offices.⁶⁸ Adding to these desperate tactics, several authoritarian regimes attempted to use ICTs to coordinate pro-regime protests and to disseminate counter-information to opposition movements.⁶⁹

Outside of national borders, ICTs played a critical role in internationalizing the events of the Arab Spring. Internationalization is not only a fundamental aspect of successfully exposing a repressive regime, it is also key component of recognition for nonviolent opposition movements, for “it is not enough that a state represses nonviolent protestors—the world must be aware that this repression takes place.”⁷⁰ After the protest movements in Egypt and Tunisia gained their own momentum, cyber-activists turned their efforts toward informing the rest of the world.⁷¹ In this respect, new ICTs, and especially the conjunction of social and mainstream media, were central to the internationalization process as they allowed for news to be immediately diffused to the international community on an unprecedented scale.⁷² However, the role of ICTs in the Arab Spring is unique in that these platforms have provided for the equally unprecedented combination of domestic and international diffusion of news through a “transnational feedback loop” that can increase the speed of revolution.⁷³ Ritter and Trechsel elaborate on the process of transnational feedback:

Through the use of new ICTs, the revolutionary efforts of both Tunisians and Egyptians were immediately and seamlessly relayed to the world. The world, in turn, responded as immediately and seamlessly and quickly became part of the revolution. This message of support and solidarity was in turn relayed back to the protesters in Tunis and, most spectacularly, Cairo’s Tahrir Square. A non-mediated, transnational loop of protest was created, where domestic events became global news in a glimpse of a moment.⁷⁴

This transnational feedback loop accounts, in part, for the speed of regime change in Tunisia and Egypt as well as the speed with which these initial revolutions incited further uprisings across the Arab World.

The “snowball effect” of uprisings across the region finds its roots in yet another platform of ICT influence. Both within countries and the region as a whole, the way news about uprisings was framed allowed for grievances to resonate with a wider public. In order to be successful, social movements must create opportunity structures during periods of heightened public awareness by offering frames that resonate with public grievances.⁷⁵ Two ICTs provided platforms for this kind of framing: Satellite TV and user-generated video footage. In Tunisia and Egypt, the initial frame that resonated with the wider population was that of Mohamed Bouazizi.⁷⁶ However, supporting a frame that resonated across the region was largely the work of Satellite TV stations, particularly Al-Jazeera.

Since the mid-1990s, the infusion of Satellite TV into mainstream media across the region contributed toward the process of undermining repressive regimes by offering an alternative to state-regulated media.⁷⁷ By virtue of the

content of their political talk shows, Arab Satellite TV stations began to normalize a political culture that values pluralism through legitimate debate and expected disagreement.⁷⁸ Al-Jazeera pioneered this process early on by covering current events throughout the region as part of a shared Arab narrative in order to create a setting for the discussion of Arab politics that was transnational in nature.⁷⁹ As Lynch argues, Al-Jazeera's coverage of regional events and provocative political talk shows had a dual impact on Arab audiences. First, talk shows contributed to the "legitimacy of disagreement" between and within Arab states and societies, all the while exposing the "cruel failings of the Arab order for all Arabs to see."⁸⁰ Second, Al-Jazeera's coverage of important events in the region allowed Arab audiences "immediate visual access to political developments abroad," contributing to a greater shared identity among Arabs and the potential for demonstration-effects.⁸¹

Al-Jazeera's coverage of the Arab Spring combined the station's reframing of the wider Arab political identity with the evidentiary impact of user-generated footage. According to Hardaker, blogs and other internet-based forums are "most effective when they post pictures taken from mobile phones, pictures which in earlier days would have never been taken, let alone see the light of day" and which equally comprise the "fodder for the mass medium of television."⁸² In this sense, the Internet and Satellite TV complement each other in providing a resonant frame and practical platform for inciting mass uprisings. The Internet, with its relatively low penetration in the region, is an ideal but limited-access platform for and source of evidence of regime repression. Satellite TV, on the other hand, with its relatively high penetration in the region, reaches a wider audience and thrives on dramatic footage that resonates with viewers and adds to the medium's power in terms of direct political impact.⁸³ Utilizing user-generated footage accessed through the Internet, Satellite TV stations, and especially Al-Jazeera, projected news through a lens of oppositional struggle with "the use of dramatic footage, repetitive provocative graphics and titles to special segments on the unrest in whichever country was being covered, as well as charged background music befitting the revolt."⁸⁴ As Lynch contends, "It's not actually obvious that what happens in Tunisia should be relevant to a Jordanian or to a Yemeni, yet the way Al-Jazeera frames it, it naturally fits. This is a common struggle of Arab people's against oppressive regimes."⁸⁵ Together, the frames provided by Al-Jazeera and user-generated video footage contributed to the manifestation of cross-national solidarity between Arab nations. Arguably, the shared grievances that these frames evoke are forming the basis of a new Pan-Arab identity based on a common national struggle; the Arab Spring is only a part of this renewed sense of Pan-Arabism.⁸⁶

Conclusions

Although this analysis attempts to provide an overall account of the role of ICTs in the Arab Spring, and in the Tunisian and Egyptian revolutions in particular, several areas remain overlooked. Notably, while it has been argued that

ICTs played an important role in setting the stage for mass uprising in Egypt and Tunisia and became infused within the revolutionary process, the same cannot be said with regards to the results of revolutionary political change. Though generalizations have been made towards the region as a whole, the role of ICTs in Egypt and Tunisia are not equivalent in most other cases. However, it is important to note that many authoritarian regimes in the region have learned from the Tunisian and Egyptian examples; by conceding political reforms, handing out state revenues, or honing tools of repression (or a mixture therein) some regimes have mitigated the effects of popular mobilization and ICT infusion. It is equally important to consider that rates of ICT penetration (for instance: TV, broadband, and mobile) are not uniform across the region and this undoubtedly affects the relative role of ICTs in shaping social movements and political change in different cases.⁸⁷ Factor-specific statistics, such as the number of “bloggers threatened or released” in each country, may serve as better predictive indicators of the level to which dissidents have utilized ICTs.⁸⁸

Nevertheless, ICTs have certainly played an important role in shaping the Tunisian and Egyptian revolutions, and the Arab Spring, as it is perceived. During the ‘preparation’ phase of the Arab Spring, ICTs fundamentally altered the relationship between the state and society by providing the platforms that were used to lessen the regime’s monopoly over information flows and to facilitate the creation of networks resembling a latent public sphere. During the revolutionary process, ICTs became the medium through which protestors initially coordinated their actions and disseminated news about their uprisings. The dynamic between citizen-media and mainstream media importantly altered and augmented the quality of reporting, and worked as a feedback system for social movements within and across borders that fostered a sense of cross-national solidarity. Arguably, ICTs are an important factor to consider as they contributed to the timing, speed, and spread of uprisings. Ultimately, mobilizing the Arab Spring was the product of the fateful combination of revolutionaries, who determined the extent to which ICTs would be implemented in the process of revolt, and ICTs, which abetted the internal and external networking of information and framing of events.

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Notes

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Lenses of Truth

Saman Nargis

Photographic Exploration

Photography as a medium of truth and exploration

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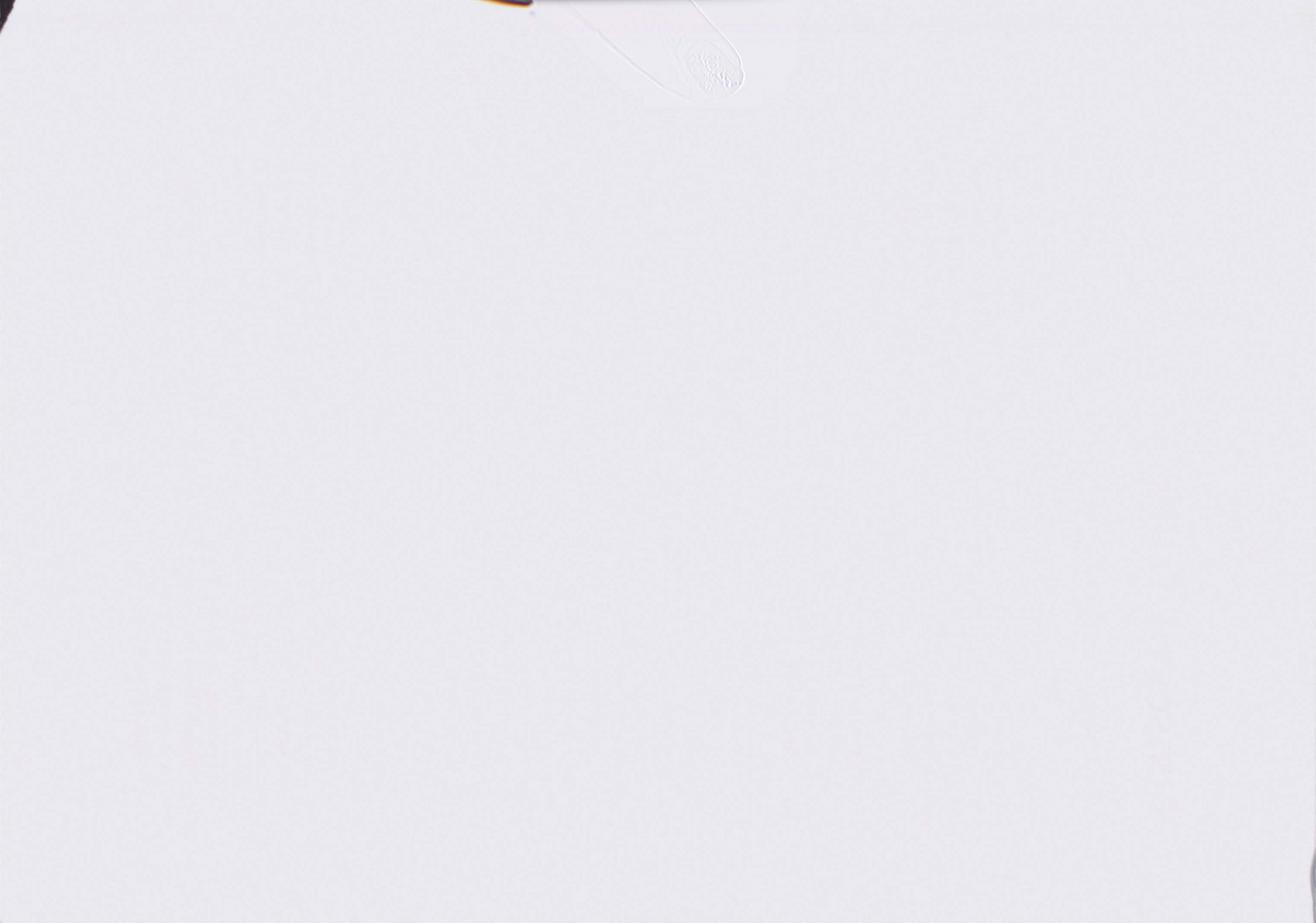


Photo by Alexander Kolodner, Tufts University, 2014



Taken on the night the occupiers were supposed to be evicted from Dewey Square. The flag is being flown upside down as a sign of distress.

Photo by Alexander Kolodner, Tufts University, 2014



Occupy Boston Protesters are caught in a moment of silence, serious and conscious of the fact that the road to recovery in America is going to be a long one. Yet they all look ready to move forward, together as one.

Photo by Juliana T. Woodley, Tufts University, 2012



Firefighter at Boston's 9/11 Memorial on the 10th anniversary of the attacks.

Photo by Juliana T. Woodley, Tufts University, 2012



December 2010 demonstrations in London. Students protested against increases in university tuition fees.

Photos by Jonah Bleckner, Vassar College, 2015



The unique cityscape of Havana, Cuba. New ownership laws that promote foreign investment could affect the antiquated architectural scape of Havana.



Street scene in Havana.

Photos by Jonah Bleckner, Vassar College, 2015



Double Exposure of a Cuban citizen and the crumbled remains of a building.



Math Class. In order to universalize education, this math class is taught by a video lesson. The teacher sits in the back of the classroom.

Photo by Lizzy Robinson, Tufts University, 2015



This was taken along the Yangtze River—I like the juxtaposition between the Chinese farmer on the left carrying his crops and the line of tourists on the right returning to their cruise ship.

Photos by Greg van Lunteren, Northwestern University, 2012



A Lebanese anti-Assad protester waves a Syrian flag while standing next to a bullet-ridden statue in Beirut's Martyrs' Square.



In August 2011, a large crowd of Lebanese protesters converges on Beirut's Martyrs' Square to protest Syrian President Bashar al-Assad's violent suppression of Syrian anti-government protests.

15M: The Spanish Revolution: A Photo Series by Jonathan York, Stanford University, 2013

On May 15, taking inspiration from the Arab Spring, over 150,000 demonstrators across Spain took to the streets to protest political corruption, cutbacks in social programs, a perceived lack of democracy, and injustice brought upon the people by the global financial system. Within days, the “indignados” (the indignant) had set up camp and occupied Puerta del Sol, the symbolic heart of Madrid, and remained there until June 12. The protests and the indignados demanded a radical change in Spanish politics, and did not consider themselves represented by any party in the current political system. Since the start of the global economic crisis, Spain has had one of the highest unemployment rates in Europe, at more than 21%.

The 15M movement, named for the date of the first demonstrations in May, did not stop with the end of the encampment in Sol. The debate and discussion about Spain’s current crisis continued in neighborhood assemblies (assemblies), and regular meetings were also held in Sol to discuss the goals and methods of the 15M movement. As Spain approached general election in November, new life was breathed into 15M. Taking back Puerta del Sol for the first time since the summer protests ended, the indignados (of which there are as many over 30 years as under) brought a passion and a collective energy that was incredible to behold.



Brave young indignados climbed scaffolding on an unfinished building to watch a demonstration in Madrid’s Puerta del Sol. The event, which took place on October 15, was the largest in a worldwide series of protests coinciding with the 5 month anniversary of the Spanish Revolution.

Photos by Jonathan York, Stanford University, 2013



Protesters gathered outside an office of Santander Bank wave their hands during a rallying call.



A student expresses his support at a rally for political reform in Madrid. Despite widespread popular dissatisfaction, the two major political parties retained near-total control of the Spanish Congress in the November 20 general elections.

Photos by Jonathan York, Stanford University, 2013



Demonstrators of all ages line Calle de Alcalá during a march on Madrid's city center.



A Spanish nun walks past graffiti at the Ministry of Education: "Education is not an expenditure, it's an investment."

Photos by Jonathan York, Stanford University, 2013



A phone in the attic of the occupied Hotel Madrid is labeled "The Telephone of Hope."



Indignados young and old use a temporary metal wall in Puerta del Sol as a noisemaker.



Interview

Looking Back at Afghanistan and Looking Forward for the U.S. in International Affairs: *Sitting Down with Matthew Hoh*

Interview by Avantha Arachchi

Matthew Hoh is currently a Senior Fellow at the Center for International Policy and the Director of the Afghanistan Study Group. He is best known, however, for making waves in politics and the media in 2009 with his State Department resignation letter, which greatly questioned U.S. policy in Afghanistan. He is also a former Marine and has served the U.S. government both in uniform and as a civilian. With the current drawdown of forces, impending end of operations in Afghanistan, and the transition period fast approaching, we look critically at Afghanistan and other U.S. interests in international affairs.

Let's start back in 2009 with your resignation letter, which caused a lot of waves in the media and politics. What spurred your decision to resign? Was there a breaking point, a sudden realization? Or was it a long process?

Matthew Hoh: It was a long process and it had as much to do with the Iraq War as it did the Afghan War. Our leadership, both in Kabul and in Washington was not being honest, was not being critical in its thought, was staying in tune and with a narrative, as opposed to dealing with the reality of the situation. There were similarities I saw as well between Iraq and Afghanistan, when I was in Southern Afghanistan back in 2009. The Pashtuns down south boycotted the elections just as I saw the Sunnis in Iraq in 2005 boycotted the elections. And then the response from our government was that it wasn't a boycott, it was because of security reasons. Having a significant element of the population boycott the elections would, of course, go against the narrative that we're supporting the entire country, providing a service, or helping a legitimate government stand up.

A lot of it has to do with people back home, thinking that our troops are getting killed, getting maimed for reasons that have to do with terrorism, that the conflict there is somehow about 9/11, when, in Afghanistan, the conflict had been going on since the 70s. People did not grasp or give enough attention and circumspect to the facts, resulting in policies that supported a narrative rather than being shaped by the reality on the ground. And I would say that if there was one thing that pushed me over the edge was the elections in 2009. That was where I said, I'm not going to support this any longer. I need to move on with my life and do something different. This is not in the best interests of

our country; this is not in the best interests of these kids that are over there getting killed. A lot of it goes back to our leadership. If our leadership doesn't want to be serious about this, I'm not going to take part.

You've said that your issues with the war in Afghanistan are nothing new, that others in government share your opinion. Why do you think that you're the one who made headlines?

MH: Well, I think timing had a lot to do with it. Most things in life have to do with timing. If Michael Jackson had died three months later, no one would have ever heard my name. My story would have come and gone very quickly. A lot of it has to do with the luck of it. I also think I hit a nerve, though. What I was saying was common sense and had historical precedence. If you look at our conflict in Vietnam, during the Iraq War, a lot of what I've talked about has occurred before in American history. So, I think people found that receptive and agreed with it. It is common sense. It is how I speak when I had speaking engagements: describing the dynamics of the foreign troops deployment or corrupt and predatory governments that are not seen as representative, but seen as illegitimate. I try and tie in examples that people can understand back in the states. For example, I try to say, I can make an example for what we were doing in Southern Afghanistan. It's akin to if, in 2004, the U.S. government had sent a guy like me from New Jersey down to Louisiana and put him in charge of a parish after Katrina. Then, you sent the Illinois National Guard or the New York National Guard down to support me and keep me in place. Then, I took all of the FEMA money and sent it back to my buddies in New Jersey. How long would folks in rural Louisiana put up with that? So, what I was saying resonated with a lot of people because if you take a couple of seconds and thought about it, turned it over in your head, put yourself in their shoes, it makes sense. You understand the modern history of the country, you understand what the conflicts about, and you get it.

You've talked at length about how many of the staff, both military and civilian, have been unprepared for what Afghanistan would be for them. Do you believe that the interactions that Provincial Reconstruction Teams have had have helped in terms of that?

MH: For the most part they still don't know what they're doing. Most of them are there for the first time and only for nine months. They may or may not have had significant Iraq experience or previous Afghan experience performing the same kinds of roles. The 'line' in the U.S. military is that we haven't been in Afghanistan for ten years, we've been in Afghanistan ten times for one year. What you get is a phenomenon where they go over there for eight or nine months and, then, they rotate out. Maybe they go back in a couple years, but they're doing a completely different job.

Maybe the first time they were in Afghanistan they were in a job where they never interacted with local Afghans. Then, on their next job they're working everyday with Afghans. There's no continuity in it and the length of time there

is very short. The reason for my own understanding came from working in the Sunni parts of Iraq twice. I didn't get what was going on there. I didn't understand how the insurgency formed and gained popular support until after my time there. I saw that our troops and money pushed Sunnis in Iraq to support the Sunni insurgency and support Al Qaeda at the expense of everything else. Then, I saw the U.S. applying the same strategies in Afghanistan.

In thinking about military operations in Afghanistan, what do you believe has been the most effective?

MH: We really haven't gone in the right direction at all. The war is failing and you've got to look at what the purposes of those military actions were. Have we put 140,000 foreign troops in Afghanistan and built all of these bases, a tremendous amount of logistical work? Have we killed a lot of Taliban and taken a lot of prisoners? Yes, we have. But those are all tactical successes. But they haven't been strategic.

What are your thoughts on Afghanistan right now?

You have the Karzai government which is becoming increasingly irrelevant. There is an insurgency that is larger than it was a couple of years ago. There is a relationship with Pakistan that is much worse than it was a couple of years ago. The Northern Alliance in Afghanistan, which was in the Karzai camp several years ago, is no longer in that camp and is their own solid camp that is maneuvering towards their own purposes at the expense of any reconciliation. That's because of our policies. We've kicked down a lot of doors, shot a lot of guys in the face: absolutely. But what has that gotten us? Nothing.

Do you believe that offshore balancing is an option in Afghanistan?

MH: It really depends on who we are supporting. Take the example of Yemen. We were supporting the Saleh government and that didn't work out so well. Because of our support, there was a crisis and they basically chased out the guy we were supporting. Offshore balancing can work if it's with the right people. Say you look at Somalia. I would say that a majority of Somalis support Al-Shabaab because of the presence of Ethiopian, Ugandan, and Kenyan troops in their country or clan issues, as opposed to having any interest in international terrorism. We have to be smart about the conflict and understand what is going on.

In Afghanistan, offshore balancing is similar to what we did in 2001: very light footprint, utilizing the Northern Alliance to defeat the Taliban, use airstrikes, etc. Offshore balancing may be the right thing to do, but if you don't understand the conflict, you're going to make mistakes. Look at Pakistan. Before 2006–2007, there wasn't really a Pakistan Taliban. There were militant groups but there wasn't what we now see. That's the result of an incorrect offshore balancing strategy. We have to understand things much better and be better at knowing where our policies are going. We, especially, have to understand second, third, and fourth-order effects.

It's also important in a future Afghanistan to not have one side beat the other, but to have some sort of stable political order in Afghanistan where all legitimate groups are represented in some kind of power-sharing model. Then, none of them feel the need to go toward any extremist groups for support. Take Yemen, again, where our support of the Saleh government has pushed all of the separatist groups into Al Qaeda because they had no other choice. If you're a group with legitimate political grievances against another group and, now, the U.S. is backing the other group, you have to turn to support somewhere. It becomes an existential issue for you. It will, then, give the insurgent group purpose, credibility, and support. Al Qaeda is a group of, perhaps, a couple thousand people worldwide, linked by ideology. Let them just stay out there, suffer, and eventually they'll die. When you give them popular support, though, that's when the group can thrive and can actually perform attacks that are meaningful.

With reports combat will end in 2013, as opposed to 2014: what will occur then? Will Afghanistan fall back into Taliban and insurgent control? How do you think Karzai's administration will deal with U.S. withdrawal?

MH: No, I think the Karzai government is going to have to go. It's becoming increasingly irrelevant and becoming isolated from legitimate political groups in the country. The real problem, though, with the Karzai government is that it is our making. It's a corrupt patronage network. The reality is that it functions because of Western money. It's the foreign assistance and development money. It's the money we provide for security forces. When that money dries up, and it will dry up—or at least significantly reduce—when Western forces leave, the Karzai government is going to have a very hard time supporting itself. I think you'll see Karzai going the same way as Najibullah, the last Communist leader of Afghanistan. He held onto power for around three years after the Soviet Union left and then his regime collapsed. Foreign money dried up and Najibullah fell. I think that the same thing will happen to Karzai.

I don't believe, though, that the Taliban have the ability to retake the country; the Northern Alliance is too strong. When you take the Western forces out and the Karzai government starts to recede, you are going to see support for the Taliban start to crumble. The umbrella that pulls those groups together is going to fall apart when the Western presence leaves and the Karzai government starts to diminish. The Taliban might be able to have control or authority in Southern and Eastern Afghanistan. However, for them to move North—to take Kabul or Mazar-i-Sharif or Kunduz—isn't possible or feasible.

Then, I think that the U.S. will try to find some way to save face by trying to set up some type of settlement agreements. My fear, though, is that this will be hastily done and that certain groups will be left out of them. The difficulty we have is that, as our presence draws down, our leverage diminishes. Right now, 140,000 troops are spending hundreds of thousands of dollars and we have a lot of leverage. That's going to change drastically, though, in the coming months. Just as well, it's 2012 and much of the things I was recommending

back in 2009 have been overcome by current events. If you look at what we recommended in the Afghanistan Study Group two summers ago, it's exactly what's being done now. At the time we recommended it, we were, by far, the most extreme in our recommendations. We were the first group to put something together like that. The problem is, though, that we said those things in 2010, but, now, it's 2012: things have changed. And now, there's no joy in being right because, I don't know if it's still workable.

How do you think that Afghanistan plays into the U.S.'s place in the world?

MH: It shouldn't have that big of a role. Afghanistan is a small landlocked country with a GDP of \$15 billion. Yes, it is considered a crossroads, produces a lot of opium, and borders on a lot of important countries for us. The biggest concern, though, for U.S. geopolitical interests in Afghanistan, is if you have a collapse in Afghanistan and the country goes back to how bad it was in the 90's. Then, you have the danger of a couple million refugees going into Pakistan which would cause increased regional stability. No one needs that. For that reason alone we should be striving in Afghanistan. We should be striving for stability anywhere because it's better for everyone involved. The problem is that U.S. policies have been tied into accomplishing them militarily. When you talk about intervention, people assume that interventionism equates to military interventionism. That is absolutely not what I'm saying. We have so many other options at our disposal: economic, diplomatic, cultural, etc. They can support various conflict resolution measures that don't involve having Marines or paratroopers on the ground. While I certainly think that military intervention can be necessary, once you get to a certain point that presence will become counterproductive. You automatically start taking sides. You start to disenfranchise and exclude people. The U.S. needs to get some sort of stability. I think we need to be seen as getting our troops out while, at the same time, leaving a lasting settlement in Afghanistan. I hate to use the word "peace" because I think what happens in Afghanistan is like what we left in Iraq: a horribly violent country that will have problems for at least a generation. We can, at least, give them a chance to have some sort of political order, though. Then, there is a chance to get a handle on that and put things back in order. I think that will be a boon for American diplomacy and the way the U.S. is viewed around the world if we're able to leave Afghanistan better than we found it ten years ago. Every nation, though, needs to act in its best interests first and, for now, this conflict isn't helping the U.S.

How can we more effectively deal with rouge leadership such as Saddam Hussein in Iraq or destabilizing forces such as Taliban forces in Afghanistan without launching costly full interventions? In order words, bring us back little more than a decade. How would you proceed?

MH: You hear about how the Pakistanis and the Afghanis were trying to work something out to get bin Laden out of there. The reality is that it had been a month after the September 11th attacks and President Bush had to do

something politically. It's interesting because if you listen to Mullah Zaeef, who was a Taliban minister who was in Guantanamo for a number of years, he was trying to convince them to take action. He was trying to tell them, 'Look, they're not like us. They don't understand our need to take time and sort this out and do things the way our culture dictates. It's different there and we have to understand that.' There is a difference there and a fundamental lack of appreciation from each culture for the other. But, the U.S. could not give any more time for them to sort things out. At the same time, though, the Taliban, because of their culture, couldn't just throw bin Laden to the U.S. They had to work something out because he was a guest. Yes, he had done something bad, but the culture there is a much more patient culture. That's just how it is. But had we waited another month or so, would they have turned bin Laden over? Who knows? The reality is that that didn't occur. Three thousand Americans were murdered on television, and the U.S. has to react to that. In terms of reacting, though, we should have tried to understand Afghanistan better. You look at what the Bush Administration did there, and they lost sight of Afghanistan. It didn't go bad because of lack of troops in Afghanistan in 2003–2004. It was because we, then, went into Iraq and redirected the resources being used to hunt Osama bin Laden. We could have found him far faster and brought closure to years ago, but no one was paying attention to Afghanistan.

Though, with a guy like Saddam Hussein, as bad as he was, car bombs weren't blowing up in the streets killing their children. Containment works. Leaders like him are most concerned with holding onto power. They're not apocalyptic or suicidal. It's the same thing with the Iranian or North Korean regime. They have succession plans. Elections held in Iran were a sham because only conservatives took part, but at least there was actually a process. It may not be a fair process or the process that we'd like to see, but there is a process. They're not an apocalyptic regime; they want it to continue on into the future. They have no desire for it to be wiped out. It was the same with Saddam's regime. He's not going to do something that would jeopardize his hold on power.

We saw with the Arab Spring. At some point, these regimes will fall. At some point, forces in the country will topple these regimes. In some of those places, it's seemed to have worked out. Others remain to be seen, but what can you do without making it worse? We have to be realistic and understand what our capabilities and the consequences of our actions are. If we put troops in Country A and we've deposed the government, what happens next? Will it be worse than what we had then? Not just for America, but for the people there.

What is the largest challenge in looking at regime change today?

MH: Well, regime change is no problem for the U.S. We'll go in and take out your government very quickly. The problem is, though, what happens in week two. We're very good at the short term military successes, but that can only achieve effects. How can we achieve results? How do you accomplish your strategic goals? And despite having those short-term tactical successes by

killing mid-level commanders who are probably of no threat to us or were only fighting us because we were occupying their country, we've now lost an entire country. Thinking long-term is our greatest challenge.

What other challenges and opportunities do you see on the horizon in international affairs?

MH: There are a lot of things we aren't paying attention to. I always say that the hardest job in the world is the guy that's crafting policy towards the U.S. The United States' foreign policy has lurched everywhere and it's very hard to predict and account for. It's not consistent, though. It's schizophrenic in a lot of ways. A couple years ago, Qaddafi was a trusted partner in the War on Terror. Years later, the U.S. is bombing him. Other states see that inconsistency and doubt the sincerity of the United States. There's no certainty in what American policies will be. It's hard for other nations to engage with us, then. America needs to form a more consistent foreign policy so that other countries can have some degree of assurance that in fifteen years their relationship will be the same.

The other thing that the U.S. needs to stop doing is causing the formation of blocs. I think that in the coming years we'll have a bloc that votes counter to American interests and that's something we don't want. And then there's what happened with Turkey and Iran and the nuclear program and we encouraged other nations to take a role. The Turks came up with a plan that was better than ours and we embarrassed them for it. You can't have it both ways. We have to be more cooperative and more consistent.

For students looking to break into government in International Affairs, what precautions or suggestions do you have?

MH: With the Foreign Service, it's difficult because you're entering an organization where the personnel system serves the needs of the organization first. You might speak six different languages, but you might never be sent somewhere that you can use them. They try and avoid that, but it can be arbitrary. And that's the first thing that I tell people. You are getting into a bureaucracy with all of the trappings of that. It's not going to be as personal as you might want. Then, you're, also, working for the U.S. government. If you don't support their policies, it doesn't matter. For example, if you are a diplomat and the U.S. attacks Iran. When you meet with your counterparts, you need to support that policy. "This is the right policy. My country is doing the right thing in attacking Iran." You can't, then, go for a drink and say that you don't really mean that. So if you have a humanitarian bent or an ideological bent, it may not be for you. Plenty of people can put it aside, though.

With international affairs, though, just do what you're doing right now. Go for it. I was just talking to someone who was concerned that they got accepted to a fellowship program outside of DC. You're doing international affairs, though. Washington, DC isn't international. Whether you're in Boston, Washington, Santa Fe, or Portland it doesn't matter because you're talking about

things that are away from you. My thing is: go do it. Get out there, get your hands dirty. Go places. If you want to work in international affairs, be international yourself. Otherwise you're talking about things that other people are doing. If you're into international affairs, then go do it. If you have the choice between reading about what other people are doing and actually being the one who's doing that job, then go do that job. We get wrapped up in various institutions and titles and its nonsense. No, go out there and do stuff.

Editorials



Revolution and Reform Under the Historical Lens

Richard Ammerman, *Tufts University*

The fall of the Berlin Wall ushered in a period of interest and enthusiasm for the study of democracy. To some, the rapidly changing post-cold war world was evidence that liberal democracy would be the final point on the long trajectory of human government, perhaps best known as “End of History” theory after the famous essay written by Francis Fukuyama.¹ To others, such as Samuel Huntington, the collapse of the Soviet Union was but part of a larger trend, the so-called *third wave* of democratization, which began in 1974 with Portugal and includes the (often fragile) democratic transitions of more than 60 other states to date.²

While social scientists turned their eyes toward these recent developments, the historical foundations of European democracy were often omitted from the discussion, and the analysis of current events dominated scholarly debate. It was thought that the story of European democratization had been thoroughly covered, that the prospect of new discoveries was low. Moreover, the protracted struggle for democracy in Europe, with its beginnings in the mid-19th century was gradually relegated to the distant past. From this perspective, the historical cases of democratization often felt less turbulent, and therefore less interesting, than the instances of repression or reform in the present-day’s headlines.

In the period following the 9/11 attacks on the United States, however, the “third wave” of democratization began to lose momentum, and a degree of backsliding became apparent in some countries. Under these circumstances, several leading scholars have decided to reexamine historical cases of democratization using new frameworks and tools (ranging from digitized parliamentary records and census reports to GIS mapping), to generate new debates over the fundamental features and dynamics of these transitions³: What prompts the initial movement for suffrage expansion, and who are the actors responsible for this push? What can we learn by looking at the consequences of electoral reforms throughout history? The democratization of Europe was anything but a straightforward, linear process. What explains the uneven development of democracy’s key elements as identified by Dahl: universal suffrage, responsible executives, and civil liberties?⁴ Why, for example were some states generous with the right to vote, while concurrently the elected parliament had relatively little power?

Going further, how do we understand the periods of political reversal, of regression to authoritarianism—particularly between the First and Second

World Wars? Our particular way of reading history makes a great impact here. If we read history *backwards*, we are likely to fall into the trap of viewing a country like Germany or Italy on a trajectory to fascism, dismissing the importance earlier political developments, both those which took steps to advance democracy, and the *near-misses*, those openings for reform that were narrowly defeated and subsequently overlooked. By reading history *forward* we avoid this mistake, and can gain from reevaluating historical cases like the electoral reforms adopted in Italy at the beginning of the 20th century that over a span of 20 years expanded suffrage from 2% of the population to universal male suffrage. For example, one recent study of Imperial Germany examined why, even in a state with widely extended suffrage, democracy was often obstructed by electoral fraud. It was discovered that even after the decision has been made to follow “democratic” rules, high levels of landholding inequality can remain a persistent obstacle to democratization, casting new light on the eventual failure of democracy in 1930s Germany as well as on the abuse of democratic practices, a common problem in young democracies.⁵

In the past year, the uprisings of the Arab Spring have renewed hopes for democratic transitions in many states, perhaps even signaling the beginning of a “fourth wave” of democratization. Sifting through this year’s submissions to *Hemispheres* has revealed a palpable excitement over these recent developments and brought to our attention several new factors, such as the role of social media, which will be relevant to any analysis of contemporary and future movements for democracy. Yet it is also my hope that amidst this excitement the academic community will not lose interest in historical events, which, granted our attention and creativity, will continue to offer fertile territory for new ideas in our understanding of both past and present.

Notes

1. Francis Fukuyama, “The end of history?” *The National Interest*, Summer 1989.
2. Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma, 1991).
3. Giovanni Capocchia and Daniel Ziblatt, “The Historical Turn in Democratization Studies: Anew Research agenda for Europe and Beyond,” *Comparative Political Studies*, 43, 931–968.
4. Robert Dahl, *Polyarchy: Participation and Opposition* (New Haven: Yale University Press, 1971), 33–40.
5. Daniel Ziblatt, “Shaping Democratic Practice and the Causes of Electoral Fraud: Theory and Evidence from Pre-1914 Germany,” *American Political Science Review*, February 2009.

Things Aren't What They Used to Be:

The Future of American Foreign Policy

Jacob Clark, *Tufts University*

In our post-Lehman world many have deliberated over the “descent of the West.” Influential figures ranging from politicians to economists have argued, analyzed, and speculated over the future of Western powers. Some perceive the Western debt crisis and the relative growth of Eastern nations as the basis of geopolitical power shifts; whereas, others simply perceive this to be an equalizing of the global economy. Regardless, the world is changing. Among these changes is the necessity of an evaluation of America's new foreign policy. The United States of America is facing growing political and economic pressures while its foreign policy objectives are shifting from nation-based conflicts of the Cold War to globalized threats in the 21st century. With democratic movements transforming the Middle East and Northern Africa, economic changes redefining power, and security threats complicating sovereignty, tomorrow's theorists must understand a new global context. Global politics will undoubtedly have largely unseen and unexplored dynamics. Among these will be the transformation of American power. Multiple economic, political, and social factors will minimize America's global influence. Understanding America's foreign policy restraints will be an essential factor in tackling tomorrow's global transitions.

The most fundamental of America's limitations is declining fiscal resources. In the future the United States will simply have fewer dollars to spend on everything. The Congressional Budget Office reports that annual deficits may average more than one trillion dollars for the next decade. This is compounded by the United States current 16.2 trillion dollar debt accumulated since 2012.¹ As noted by Director of American Foreign Policy at The John Hopkins University School of Advanced International Studies, Michael Mandelbaum, “in an era in which fewer resources will be available for everything, it is certain that fewer resources will be available for foreign policy.”²

At its height of power during the Cold War, America spent between 5 and 10 percent of the national income on defense spending or roughly 40 to 50 percent of the federal budget.³ However, today this level of monetary commitment is neither fiscally nor politically possible.

Over the past 50 years, America implemented significant social programs with a largely “pay-as-you-go” mentality. As a result, the United States is now facing crippling budget expectations. Currently, social services such

as health care, education, and housing programs account for 40 percent of budget expenditures, and this ratio is projected to skyrocket.⁴ Under current programs, the United States Federal Government has 52 trillion dollars or roughly 4 times American GDP worth of future obligations.⁵ Regardless of the economic implications of this situation, the federal government has fewer resources to spend. Future domestic and foreign politics will play out in this fiscal frame. The deficit will be a collective concern, altering all other decisions.

American debt will not only speak to tangible reductions in U.S. international policy but also perceived limitations. As budget cuts draw deeper and monetary fears rise, foreign policy efforts such as aid and diplomacy will likely receive the initial cuts. When faced with cuts in domestic services or international aid, many Americans will choose to look inward. This shifting perception is articulated in a 2009 Gallup Poll in which 49 percent of Americans favored a new policy in which "America minded its own business." This is the highest rate since Gallup first started asking this question in 1964.⁶ By simply looking to Ron Paul's shocking support in the 2012 Republican Primary, it is shown that these preferences are being played out in the arena of presidential politics. This speaks to change in American taste. After years of "failed wars" and fears of crippling debts, many Americans believe America's best policy option is a foreign policy drawdown. As more Americans advocate an isolationist agenda, our foreign policy will grow more conservative. In the years to come, this conception will likely only grow. It will become increasingly difficult not only to secure needed resources for increased foreign policy but also to secure needed political support. Advocating an interventionist or activist foreign policy may be tomorrow's new form of political suicide. Fundamentally, America's pervasive global influence will not be the same moving further into this century.

The implications of this reduction in American foreign policy will not be fully understood for years to come. America will no longer have the resources to launch costly interventions, nor will it be capable of trying to play a global policeman. Whether this decline leads to a less-interventionist but still active American foreign policy, a hegemonic conflict, or a growth of multilateralism, things will be different. America will interact with both its allies and enemies differently. It will be less likely to engage in costly nation-building strategies such as its notorious interventions in Iraq and Afghanistan, and it will be more likely to implement low cost diplomatic and military measures such as its cooperative no-fly zone in Libya or its use of UN sanctions in relation to Iran. As constraints grow, policy will change.

Notes

1. Cantrill, Christopher. "Recent U.S. Federal Debt Number" <http://www.usgovernmentspending.com/federal_debt_chart.html> (Accessed February 12 2012).
2. Mandelbaum, Michael. *The Frugal Superpower*. New York, NY: PublicAffairs, 2010. 34.
3. Ibid. 167-168; Samuelson, Robert J. "The Dangerous Debate Over Cutting Military Spending" <http://www.washingtonpost.com/opinions/the-dangerous-debate-over-cutting-military-spending/2011/10/28/gIQAnPWEXM_story.html> (Accessed February 10 2012).
4. Mandelbaum, Michael. *The Frugal Superpower*. New York, NY: PublicAffairs, 2010. 167.
5. Ibid, 21.
6. Ibid, 33.

Can Hip Hop Save the Middle East?

A Look at the Potentialities of Palestinian and Israeli Hip Hop

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Can hip hop save the Middle East? To truly believe so would, of course, be ludicrous. Such music has, however, become popular among Israelis and Palestinians,¹ and there may be much we can learn from examining the work of Palestinian and Israeli hip hop artists. In the context of the conflict between these national groups, hip hop may prove its utility both as a direct tool and in its lessons for person-to-person (P2P) peace building programming generally.

In thinking about hip hop as a mode of peace-building, the mechanism is a familiar one. Music can be used to familiarize opposing sides in a conflict, either providing direct contact through live shows, musical collaborations between artists of different groups, etc., or indirect contact by giving each side access to the 'other' where direct contact may be rare or cursory. Like other methods built on contact theory, the goal is to humanize the 'other' in such a way that both sides are more mutually empathetic, willing, and capable of forging peace.

Both P2P peace building projects and musical 'peace-collaborations' between Palestinians and Israelis exist, of course. During the 1990s, when hopes for a peaceful resolution to the conflict were at an all-time high, both types of projects flourished.² Yet the euphoria of the 90s disappeared and the disillusionment of the 2000s set in. Few P2P programs persisted,³ though Israeli-Palestinian musical collaborations became more numerous. Even through increasing violence, collaborations produced songs that "aimed straight at consumer's heartstring," with messages of "love, peace, fraternity,"⁴ and promoted "peace within a utopian dream of coexistence."⁵

Although these programs and musical projects have been working toward peace, one cannot help but notice that there has yet to be any resolution to the conflict. The power of such efforts to incite political change as opposed to simply creating warm, fuzzy feelings among individuals has been called into question, despite having been shown to create change in certain contexts.⁶ Even the collaboration music has often struggled, becoming stilted, nearly scripted, created in the image of what the audience wants to hear rather than what the artists want to say.⁷

Hip hop, a newer edition to the Israeli and Palestinian music scene, however, has something to add to the equation. Whereas the non-hip hop collaborations between Palestinians and Israelis are often seen by many as utopian

and scripted, the music made by hip hop artists from the two groups is anything but. Though my analysis of the works of artists such as Hadag Nahash, Subliminal, Abeer, Shadia Mansour, Ramallah Underground, and DAM is still preliminary, patterns have already become evident. Of particular note is the range of emotions represented in the music. Unlike some musicians caught in the conflict, who have at times shied away from making too strong of statements about conflict or have been censored,⁸ these artists do not downplay their views. Often they express a belief in a common humanity, even prospects for a better, more peaceful tomorrow, however they do not paint the world through rose-colored glasses, and convey immense frustrations and disillusionment, with their own societies, the other's society, and with their general situation. Sentiments of anger and distress are not hidden. While these feelings may be seen by some as destructive forces, it is a reality for many Israeli and Palestinian youths. Perhaps most importantly, artists from both sides have made efforts to create dialogue, at times addressing the other directly, using the other's language, or collaborating. Palestinian rapper Tamar Nafar of DAM, and Israeli rappers Shaanan Streett of Hadag Nahash and Sagol 59, for instance, collaborated on the song "Summit Meeting" in 2001, expressing in Hebrew and in Arabic not only a belief in a common humanity, but anger and disappointment as well.

Each side may not always want to hear what the other has to say to them; they may not always be receptive to all of the frustrations and angers of the other. Yet it is important that they hear it along with hope and optimism. In doing so, people from both sides of the conflict may be able to see a more complete view of those on the other side, a more complex, human view. They may be able to get a glimpse of how things look from the other side, perhaps even find common ground. Hip hop is not unique in its expression of difficult emotions, it is particularly adept at it and does so in a manner appealing especially to youths.

There is no guarantee that simply listening to music that shows the 'other side' will inherently prompt youths to see new perspectives. However there is room for creative thought and problem solving. Music can be used as a tool, both informally and in a structured manner. But Israeli and Palestinian hip hop gives us all a much-needed reminder that, whether specifically using the music or conducting P2P work in general, we must be able to show whole people and the full complexity of their narratives rather than glossing over what is most difficult. Such honesty is perhaps the most important thing that these programs can offer, and we ought to welcome any tools, such as hip hop, that may help achieve it.

Notes

1. Though issues of identity in the Israel/Palestine context are highly complex, I will use 'Israeli' to mean Jewish-Israelis and 'Palestinian' to mean those Arabs who identify themselves to be Palestinian, whether outside or within the bounds of the State of Israel.

2. Brinner, Benjamin. *Playing Across a Divide: Israeli-Palestinian Musical Encounters*. New York, NY: Oxford University Press, Inc., 2009.; Dardashti, Galeet. "Sing us a Mawwal': The Politics of Culture-Brokering Palestinian Israeli Musician." Bar-Ilan University. ; Al-Tae, Nasser. "Voices of Peace and the Legacy of Reconciliation: Popular Music, Nationalism, and the Quest for Peace in the Middle East." *Popular Music* (Cambridge University Press) 21, no. 1 (2002).; Moaz, Ifat. "Peace Building in Violent Conflict: Israeli-Palestinian Post-Oslo People-to-People Activities." *International Journal of Politics, Culture, and Society*. Vol. 17, No. 3. 2004.
3. Moaz.
4. Brinner.
5. Al-Tae.
6. Livanage, Sumanasiri and Malhotra, Deepak. "Long-Term Effects of Peace Workshops in Protracted Conflicts." *The Journal of Conflict Resolution*. Vol. 49, No. 6. 2005.; Askew, Kelly. "As Plato Duly Warned: Music, Politics, and Social Change in Costal East Africa." *Anthropological Quarterly*. Vol 76. No. 4. 2003.
7. Dardashti.
8. Brinner, B., Palti, Michal. "The Politics of Israeli Popular Music: In Israel, even the musical is political." *My Jewish Learning*. 3 11, 2003. http://www.myjewishlearning.com/culture/2/Music/Israeli_Music/Popular_Music/Music_and_Politics.shtml (accessed 3 5, 2012).

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