

CORNELL INTERNATIONAL AFFAIRS REVIEW

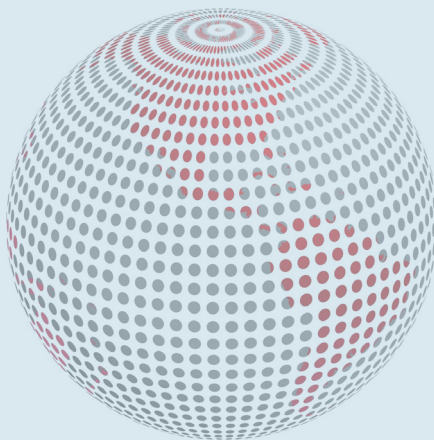


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The Cornell International Affairs Review is a student-run organization aiming to provide an international, intergenerational, and interdisciplinary approach to foreign affairs.

Founded in 2006, the CIAR is proud to provide the Cornell community with a semesterly review, bringing together views from students, professors, and policymakers on the current events shaping our world.

It is our firm belief that true knowledge stems not just from textbooks and lectures but from engaging with others. Thus, the CIAR strongly emphasizes cooperation and dialogue amongst all our members, both on Cornell's campus and beyond.



A Call for Ecologically Informed Policy to Address Sex Work

Evidence From Kenya

Léa Steinacker

Woodrow Wilson School of Public and International Affairs, Princeton University, 2011

Lessons on Government from One Non-State Entity to Another

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Laura Resnick, University of Pennsylvania, 2014

A Pacifist in the Pacific

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Sean K. Long, University of Notre Dame, 2015



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Editor's Letter

As my tenure at CIAR winds to a close, I have the distinct joy of looking back at what this organization has meant to me. Not only was I able to meet some of my closest friends, I was able to grow immensely as a student of international affairs. Through editing this journal I have been exposed to dozens of authors across the world, and interacted with some of the finest minds in the international arena.

Editing this journal has provided me with the knowledge of how much I do not know, and how important it is to never stop trying to understand the world in a global sense. After each newly submitted paper, I have had to take a proverbial one step forward and two steps back. Except, in this case, it was one question answered, and two questions formed. I expect that the seven articles we selected for this edition of the journal will both inform and provoke you to learn more. They certainly have done that for me.

In our first paper, Léa Steinacker looks at some of the most vulnerable and exposed human beings on earth, Kenyan sex workers. We read about the challenges to aiding them, and unique means of addressing their plight.

From there we look at non-state actors, whose role on the international stage has become greatly magnified in the past few decades. Some of the most complicated work that has been done on NSAs has been to figure out how, or if, they fit into classical military theory. Paul Baumgardner compares the IRA and Hezbollah in light of Carl von Clausewitz's centuries old theory. In doing so, Paul finds patterns and examples to help us understand the changing dynamics of a world increasingly dictated by NSAs.

Next, Robert Morrissey provides us with an examination of the growing importance of Islamic banking and finance. In the global financial crisis' aftermath, Rob examines what results the Islamic banking systems yielded compared to more traditional banks. In an era of financial symbiosis, understanding the variations in banking practices is not just interesting, it's vital.

Following that, Anwesha Banerjee examines Seymour M. Lipset's argument that economic development is necessary for the subsequent development of democracy. Anwesha shines an elucidating light on India as a test for this theory. As the world's largest democracy, India must reconcile what it means to remain so wildly impoverished. Anwesha helps us to understand what democracy and development mean to a rising India.

In our final three articles, we look at conflict. Laura Resnick looks to the second Chechen war in hopes of understanding the genesis of conflict, Sean K. Long's paper helps us to understand how best to handle the Burmese government and its shifting relationship with the United States, and finally Amanda Lo's paper helps us to understand what our duties are when humanitarian crises arise.

Finally, I'd like to thank my Mom, Dad, and Stepmother, for their love and support. I'd also like to thank Fred Logevall and Heike Michelsen at the Mario Einaudi Center for International Studies, their guidance, wisdom, and support has been invaluable to the production of this journal. Lastly, I have to acknowledge Joaquin, Sarah, Aaron, Lucius, and Max. I could not have asked for a better group of students to produce this journal with.

Noah Karr-Kaitin
Industrial & Labor Relations 2013
Editor In Chief



President's Letter

The first issue of the sixth volume of our journal is a true testament of a new generation continuing the legacy of CIAR's international, intergenerational and interdisciplinary approach. Without doubt, I can say that as I pass on the reigns of our organization, the future is bright for the Cornell International Affairs Review.

Four years ago, I was invited to join the Cornell International Affairs Review; soon after, my college experience was redefined. I remember looking up to those that were running CIAR at the time, with nothing more than amazement. From the very beginning, I knew that I wanted to learn from an enthralling environment where innovative ideas, aspirations and pure intellectual curiosity were the norm. CIAR did that and more for me; today, it is my hope that new members relieve that experience in years to come.

As our membership body continues to grow, our goal of becoming "Cornell's forum for everything international" is alive more than ever. Presently, we handle the publication of this journal, the Diplomatist website, and continue to organize activities on campus to discuss current affairs. All of this would be impossible without the input from our members and our tight relationship with faculty, allowing for perpetual academic enriching. As a result, I take this opportunity to thank them for their invested interest in us.

This semester, CIAR had the opportunity to meet with Mark Hutchinson, the CEO of GE China, where our members discussed international politics and received career advice in an intimate environment. Our members also met with the Mayor of Athens, Giorgios Kaminis where he spoke first hand about lessons learned from the global financial crisis.

Presidential elections compelled us to organize an event reviewing Obama's Foreign Policy. Here, students had the opportunity of learning from a candid discussion moderated by Professor Fredrik Logevall, between Professors Ross Brann and Allen Carlson. Later on in the semester, Professors Sarah Kreps and Jens Ohlin lead a discussion on drone policy in Pakistan. CIAR also partnered with other organizations on campus to discuss the global implications of the Taliban's attempted assassination of Malala Yousafzai, a gender equality and universal education activist.

I could not end this letter without thanking the Mario Einaudi Center for International Studies, and the Government Department for their unrelenting support towards CIAR. Not only have they provided wonderful opportunities for our members, but also their encouragement is one of the reasons we are proud at everything that we do.

To conclude, I thank everyone who has been part of this wonderful experience with me. Even as I leave CIAR with some sadness, I am excited to see what lies ahead for us.

Joaquin Ponce
Arts and Sciences 2013
Government, Economics
President



Contents

**A Call for Ecologically Informed
Policy to Address Sex Work** 7
Evidence From Kenya

Léa Steinacker, Princeton University,
Woodrow Wilson School of Public and International Affairs, 2011

**Lessons on Government from One
Non-State Entity to Another** 15
*How the Irish Republican Movement Informs Hezbollah's
Attempt at the Clausewitzian Political Arm*

Paul Baumgardner, University of Michigan, Ph.D Candidate

**Effects of Islamic Banking on Financial Market
Outcomes in GCC Countries and Iran** 24

Robert Morrissey, Cornell University, 2012

**Revisions to Lipset's Economic Theory
of Democratic Development** 34
India as a Case Study

Anwesha Banerjee, Georgetown University, 2013

**Should the Responsibility to Protect be
Enshrined in International Law?** 42

Amanda Lo, Georgetown University, 2013

Campaign of Devastation
*Assessing Motives for the Russian Government's
1999-2000 Destruction of Chechnya* 51

Laura Resnick, University of Pennsylvania, 2014

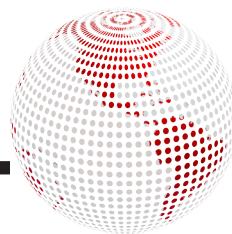
A Pacifist in the Pacific 63
Past, Present, and Future United States Policy towards Myanmar

Sean K. Long, University of Notre Dame, 2015

Evidence From Kenya

Léa Steinacker

**Woodrow Wilson School of Public and International Affairs
Princeton University, 2011**



With the recognition that sex workers constitute a key population at higher risk for the acquisition and dissemination of sexually transmitted infections (STIs) has come an appreciation of the central role that they might assume in policy solutions to the global HIV epidemic. Since then, the activist approach and to some extent, the academic gaze have shifted from mere disease control to a more comprehensive accounting of sex workers' lives. Policies and strategies for interventions, however, have largely lagged behind. Most interventions treat sex workers as a focal point of an infection network, while the daily realities of women and men who do sex work are often placed on the back burner of analysis.¹

Ignoring the totality of sex workers' lives, in particular their strategies for responding to the risks of their profession, leads to two kinds of problems. First, ignoring economic, political and psycho-social factors potentially jeopardizes the success of existing interventions to reduce HIV infections. Secondly, the indifference to the full ecology of risks – an interconnected set of forces affecting the individual - renders policies and interventions incapable of addressing the myriad violations of sex workers' basic human rights to health, well-being, and security of person.

Disease control policy that is informed by a more holistic analysis of the risks and needs of sex workers will both maximize policy effectiveness, and expand policy scope to include upholding the basic human rights of sex workers. This paper uses interviews with female sex workers in rural Kenya to argue for a more holistic analysis in research and policy agendas for understanding risk ecologies that drive sex workers behavior, and realizing the human rights of sex workers worldwide.

An Ecological Approach to Forces on Behavior

Theories from social psychology, social epidemiology, and public health converge on the idea that understanding and influencing

individual behavior hinges on an appreciation of the motivating and restraining forces acting on each individual in her immediate environment. Such ecological approaches indicate the psychological, socio-economic, cultural, and political factors that drive behavioral patterns. Advocates of ecological approaches have astutely argued that behavior change interventions that ignore this wider ecology of factors will dilute their efficacy.²



Kenya

Instead, they argue change is produced by altering the constellation of forces acting upon the individual.³ With the emergence of HIV and AIDS worldwide, the push for the inclusion of ecological factors in assessing risk situations has gained renewed significance. It is precisely a shift towards an ecological approach that must be advocated within the policy realm of interventions targeting sex workers. Successful interventions will address the contextual risk

factors that motivate behavior, rather than assisting sex workers in coping with a context that has not changed.

Ecological Risks for Sex Workers in Rural Kenya

Studies of the roots and nature of sex work have revealed a complex network of harmful ecological forces and risks far beyond STIs: cycles of financial instability, physical, psychological and sexual abuse, a lack of legal protection, and abuse at the hands of police.⁴ Ninety-nine sex workers in Nakuru, Kenya, discussed these risks in interviews conducted between August-October 2010. The results contribute to the body of evidence from around the globe by providing a portrait of the quotidian and long-term challenges as well as the larger structures of inequality driving sex workers' behavior. Allowing their insights to inform future policies and interventions has the potential to enhance the larger public health response.

Background Characteristics

On the micro level, understanding the primary pathways leading into the sex work industry can help explain ongoing motivations to remain in the business and point to entry points for prevention efforts. A sex worker's demographic background and household dynamics can determine her dependency on the sex trade. In this cohort of female Kenyan sex workers, between 19-42 years old, 20% did not finish primary school, and 27.7% completed secondary school. Most women indicated that their poor educational qualifications exacerbated their difficulties finding a job in the formal sector, rendering sex work their only viable option to generate income. As other studies have suggested, patterns of gender bias in access to formal education can be a compounding factor in the network of social vulnerabilities that drive women into sex work.⁵

Children constituted a major concern in most women's lives. Women commented on their responsibility to provide food and school

fees for younger members of the household, including for up to 7 children of their own. Most confirmed that this economic necessity sways their daily decision-making in whether or not to see a client or to engage in risky but better compensated sex.

Nearly all women identified themselves as the head of their household, and although forty-one (63.1%) indicated that they currently had a stable, intimate, non-paying partner, not one woman stated that she is married. Marriage status emphasizes the socio-economic context of their situation: marriage is a Kenyan woman's source of respect and financial security. In the

Studies of the roots and nature of sex work have revealed a complex network of harmful ecological forces and risks far beyond STIs

rural areas particularly, patriarchal structures dictate a traditional division of labor, where the husband ordinarily generates income and the wife is expected to fulfill household duties. Single-parent, women-headed households are plagued by obstacles to women's ownership of property entrenched in the law and an unfavorable position in the labor market, which contribute to economic deprivation.⁶

Economic incentives

The overwhelming evidence of financial deprivation as a major reason for entering sex work underlines the difficult economic dimension of the profession. Many women indicated that the death of either a parent or a partner pushed them into financial problems. For others, a sudden or unplanned pregnancy deprived them of monetary support from either their partners or parents, and led to destitution. In some instances, the onset of pregnancy forced participants to leave school, forgoing their education, while in others, the consequences of raising a child exacerbated financial insecurity. Life-circumstances and lack of economic opportunity interact with cultural notions of child-rearing, the

traditional importance of marriage and geographical conditions to intensify economic marginalization of women in rural Kenya. A number of participants mentioned a combination of the above-mentioned factors, for example:

“I was abused by my stepmother, got married, divorced, and then fell pregnant. I tried to commit suicide, but then someone introduced me to sex work and suddenly, I could make money.” (Alice,⁷ 35 years old)

However, early research into sex work lacked an economic perspective on the industry. As William-Navarro aptly criticizes, economists’ initial proclivity to consider sex workers’ ‘illicit’ behavior as largely irrational prevented researchers from considering monetary incentives and disincentives driving individuals’ choices in the sex trade.⁸ The resulting lack of data on this economic dimension “helped feed policies aimed at criminalizing sex work or rehabilitating sex workers, rather than at addressing the constraints and needs of sex workers, or the larger context in which they work.”⁹

Health

Sex workers face a plethora of health risks on a daily basis. When prompted for their health concerns while at work, 75.4% of the women stated that they are concerned about sexually transmitted infections (STIs), while 32.3% mentioned pregnancy, and 12.3% violence at work. While general consciousness of STIs has risen in recent years due to community-wide awareness efforts, sex workers’ recognition of violence as a violation of their rights and as a danger to their own health has lagged behind.

Almost half of all participants (44.6%) indicated that they have experienced between one and six unwanted pregnancies, of whom about a third (35.5%) had at least one abortion. Many of the abortion procedures were not done at a health facility because of legal or

financial constraints. Such unsafe procedures often led to various complications during the process, including excessive bleeding, pelvic and abdominal pain, often lasting many days after the abortion. Insufficient knowledge of and access to a variety of contraceptive methods exacerbates the rates of unwanted pregnancies and subsequent complications.

Finally, the constant threat of physical and sexual abuse can render sex workers vulnerable to psychological distress and trauma: A few participants admitted they had attempted suicide, and to their concomitant drug use. Many women mentioned using alcohol to deal with the daily ordeal of sleeping with their clients.

Practices

Sex workers’ income is inherently dependent on their negotiation power and ultimately the clients’ agreeableness. Women in this study reported that in addition to conventional intercourse, some offered oral sex, body massage, and various sexual positions. Their lowest rate charged for any of the services above is KSH 30 (\$0.40) and the number of customers varies between one and ten a day. While every single participant indicated that she prefers using a condom when having sex with a customer, the majority stated that customers offer more money for unprotected intercourse, an economic benefit the women by and large cannot reject.

Participants’ most-cited concern while out looking for customers was violence or abuse by a customer (58.5%), followed by fear of harassment or arrest by the police (49.2%). In the past month, the majority of women had experienced a physically violent customer (71.9%), and more than half had been raped by a customer (58.7%). Additionally, a large proportion of participants experienced a customer leave without paying for their services (77.4%), or a combination of the above. While the women’s involvement in sex work is, in its most basic form, a struggle for financial survival, many described that the pervasiveness of violence perpetrated against

them turns their condition into a struggle for safety, too. As one woman put it:

“I don’t like wearing high heels because I cannot run away if I have to. And I do not wear scarves because customers might strangle me. Some customers tell you that you cannot leave; they keep you. Sometimes there are many of them who have sex with you even though you do not want to.” (Joyce, 35 years old)

Police

The participants’ collective insights revealed a pattern of violence, discrimination, and exploitation on behalf of policemen towards the sex workers. Most participants stated that they do not feel safe to go to the police if they have a problem with a customer (64.5%), citing fear of arrest (89.7%), harassment (55.2%) and rape (31.0%) as reasons for their concern. Many women explained that the police “demand sex in exchange for (their) freedom.” When an officer demands unprotected or risky intercourse, the sex worker makes her decision not only based on an increase of her income, but to negotiate her basic freedom and to forego violence. Furthermore, participants described that carrying condoms can become a risky predicament since some policemen use the existence of condoms as evidence for charges of commercial sex. This type of policing practice is detrimental to efforts seeking to curb disease transmission, as well as it considerably hampers sex workers’ autonomy to protect themselves.

Laws and Legal Enforcement Practices

On the macro level, legal policies and local enforcement practices are potentially strong determinants of health outcomes.¹⁰ In effect, while selling sex is not illegal in Kenya, soliciting or abetting the sale of sexual services and knowingly living on the earnings of commercial sex are illegal activities according to the Penal Code. Due to fear of arrest, sex workers report fewer human rights

violations, particularly violations of a sexual nature, including incidents occurring at work and in their private life.¹¹ Since condoms are frequently used as evidence for commercial sex the prospect of accusation lowers women’s willingness to carry and use condoms, rather than reducing the amount of women who *knowingly* live on the earnings of commercial sex.¹² On the one hand, written laws on sexual abuse and rape dictate what constitutes a violation and ultimately, who can report one. On the other hand, local practices determine who will listen and whom will be believed.

Condemning the possession of condoms puts the health of both sex worker and customer at risk and directly fuels the spread of sexually transmitted infections (STIs). A current hurdle to eliminating this practice is the similarly poor acceptance of condom

The sex worker makes her decision not only based on an increase of her income, but to negotiate her basic freedom and to forego violence.

use outside of the industry: almost half of the participants (47.6%) stated they do not use a condom with their intimate partner. Similarly, a study of men’s attitudes and practices regarding sex in Thika, Kenya, showed that although 85% believe that sex is vital for reasons other than procreation, condom use with spouses and girlfriends is low at 13% and 26%, respectively.¹³ The negative, exclusive association of condoms with sex work fuels this resistance to protected intercourse in other sexual relationships.

Finally, both the official laws and the local legal enforcement practices have a significant impact on community values and can thus hamper or promote discrimination and stigma against sex workers. The code of conduct exhibited by the local police force can be a model to members of the community. The level of impunity with which police perpetrate violence and abuse against sex workers

affects the community through “social control strategies,” which increase stigmatization of sex workers.¹⁴

Stigma

Stigmatization by their communities and the self-internalization of stigma are catalysts of myriad effects on sex workers. Sex workers are often considered to be a particularly vulnerable sub-group of HIV and AIDS-related targets of stigmatization, even if individuals are not themselves HIV-positive, since a “double stigmatization” can occur, where “female sex workers are marginalized even within an already lower prestige in-group of women in general.”¹⁵ In Kenya, police forces and other deviant customers abused present inequalities to validate their own social standing to the detriment of the individuals dependent on the sex trade. Equally discrediting sex workers’ value in society is the regular perpetuation by mass-media reinforcements of negative stereotypes of sex workers, for example in national newspapers.¹⁶ This can lead to internalization of stigma imposed on female sex workers, often translating into a contrived self-perception that can discourage women from claiming their basic rights, and can directly influence their health-seeking behavior.¹⁷

Policy Conclusions

Listening to sex workers’ insights reveals the manifold layers of barriers to their individual behavior change, which will prevail if the contextual factors around them remain unaltered. The following recommendations should inform future policy and intervention design to ensure disease control efficacy and to realize sex workers’ basic human rights.

Laws and Legal Enforcement Practices

Given the current interaction of the laws on commercial sex and the implementation of these policies, the Kenyan government must review the efficacy and negative effects of its legal framework. In its current permutation, it has deleterious effects on the lives of Kenyan citizens who are involved in the sex

trade, especially female sex workers, and it simultaneously hampers efforts to address HIV and AIDS in the communities.

Furthermore, the abuse of legal enforcement practices to elicit gratuitous sexual services and the impunity of gender-based violence perpetrated by authorities need to be addressed. Workshops and trainings for the police should be held to establish standards of conduct that clearly condemn such violence given its detrimental effects on the individual lives of sex workers and the larger community. Mechanisms to monitor closely the enforcement practices of police officers, including credible threats from superiors to impose sanctions such as docked pay and discharge from service, can go a long way in eliminating procedures that seriously compromise sex workers’ security and autonomy.

Under no circumstances should condoms be used as evidence to prove commercial sex. Normalizing condoms as a form of protection will underline the importance of safe sex in the industry and within other intimate relationships, and encourage sex workers and their customers to obtain, carry, and use condoms.

Health Services

Providing adequate health services to sex workers and their families is imperative to countervail their heightened vulnerability to STIs, poor psychological health, and various forms of violence, and to realize their basic human right to health and well-being. This must include access to comprehensive sexual and reproductive health services, primary health care, psychosocial support, and specialized responses to rape and other forms of gender-based violence. Given sex workers’ economic instability, this care must be made affordable. Finally, local health service providers need to be educated on sex workers’ comprehensive ecology of risks, with a special focus on their sexual, reproductive and psychological health needs.

Direct Aid to Sex Workers

Education of sex workers about their own health, rights, and opportunities must be continued and expanded. This should include information on the benefits of using protection with non-paying partners as well. The system of peer education serves the dual purpose of putting an individual sex worker in a position where she perceives herself to be valued, while at the same time multiplying the reach of the educational training devoted to her by providing this to other sex workers at a low cost. The knowledge and responsibility bestowed on the peer educator has the potential to help revitalize her self-efficacy and validate her utility to the community. Further, workshops on gender-based violence must be expanded. These workshops should include information about the Kenyan laws on sexual harassment, assault and rape, sex workers' rights to report such violations, and procedures for reporting both in a health facility and at a legal authority. Including the police in such efforts can be essential to their effectiveness.

Support groups can facilitate solidarity amongst sex workers with numerous positive outcomes. They can provide a safe outlet for the psychological stress of sex work and encourage cooperation instead of competition. Groups should facilitate the mobilization of sex workers around their needs and advocate for sex workers' inclusion in program and policy-making.

Finally, economic support of sex workers can have a direct impact on the spread of disease. Based on the observation that sex workers lack basic formal and informal means of coping with their vulnerabilities, providing them with mechanisms to cope with such risks could considerably improve sex worker welfare, and curb the spread of HIV.¹⁸

Community-level Awareness

At the community level, first, clients or potential clients of sex workers should become the focus of disease prevention efforts. That is, men should be held more accountable for contributing to the transmission of disease in the

sex trade. Since the decision to use protection to minimize infections lies largely with male customers, men in the community should be educated especially on the importance and benefits of protection. Key client populations at higher risk, such as truck drivers, must be particular targets. These drivers are highly mobile, travel long distances, and spend long periods of time separated from their families in conditions conducive for engaging in multiple sexual transactions while in stop-over towns along the way.¹⁹ A review of interventions for truck drivers suggests that efforts to increase sexual health-seeking behavior and condom use are more effective than those seeking to reduce the number of sexual partners.²⁰ Second, the wider community must be educated on the realities of daily sex work to effect change with regards to hostile attitudes. Sensitization campaigns seeking to eliminate stigmatization of sex workers must stress, amongst other things, the detrimental consequences of the tacit acceptance of gender-based violence. To this end, religious leaders could be mobilized to foster respect for all citizens amongst their respective communities.

Research

Research into any of the discussed forces and risk factors will shed further light onto how best to address them, and to monitor and evaluate such interventions. For example, studies could explore the exact determinants of police behavior towards sex workers, the impact of negative attitudes and arrest quotas, and specifically how sex workers tackle police interference. Similarly, more research is needed on the origins and role of stigma and how to best combat cycles of stigmatization and discrimination. Moreover, research is needed to evaluate the impact of the interventions suggested above, including methodological designs that allow for causal inference, adequate indicators and long-term follow-up, to establish a record of best practices and to facilitate evidence-based policy making in the future.²¹

Endnotes

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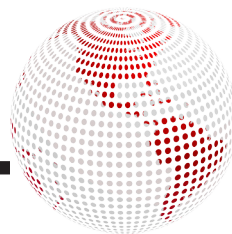
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Lessons on Government from One Non-State Entity to Another:

How the Irish Republican Movement Informs Hezbollah's Attempt at the Clausewitzian Political Arm



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The great nineteenth-century military theorist Carl von Clausewitz changed the art of war forever with his masterwork, "On War." This text illuminated one of Clausewitz's greatest contributions to military thought: the Trinity of war. Clausewitz argued that a successful military campaign requires the balanced cooperation of three important levels of society: the political wing (the government), the military wing (the army), and the popular wing (the citizenry). In modern warfare, Clausewitz's Trinity still remains an important lesson, especially for non-state actors. By examining the Irish Republican Army and Hezbollah, we can better understand how non-state actors balance the three branches of the Trinity and achieve their sociopolitical objectives.

As the threat of Napoleonic power aggrandizement threatened Europe in the late nineteenth century, many nations dedicated their best minds to the task of repelling Napoleon's French forces. In 1812, Carl von Clausewitz published a piece on warfare that would affect the military landscape generations after Napoleon's death. In *On War*, Clausewitz argued that Europe needed thinking officers, who were capable of philosophically grappling with the very nature of warfare. Clausewitz's logic was simple: in order to ascertain Napoleon's military weaknesses, competing European leaders would have to understand the intricacies of the art of war. Clausewitz's most important contribution to the understanding of war was his theory of the sociopolitical "Trinity." A successful political agenda, and war strategy, depended upon the relationship of three entities: "The first of these three aspects mainly concerns the people; the second the commander and his army; the third the government."¹ Although the conventions of war, and the global conceptions of sovereignty, have shifted since the early nineteenth century, Clausewitz's fundamental assertions about maintaining a balanced Trinity seem more applicable than ever to national actors. However, the modern rise of non-state actors has provided a surprising twist to the history of conflict. Unlike state actors, who rest on institutionalized

government and military structures to maintain equilibrium, non-state entities are less institutionalized and more likely to be held together by a central ideology or moral ideals. In this essay, I shall compare the Irish Republican Army (IRA), which has successfully transitioned into a legitimate Clausewitzian government



Carl von Clausewitz

arm, with the Shiite group, Hezbollah. This juxtaposition will prove to contemporary non-state movements that only through a

transmogrification of military objectives into political operations will a balanced Clausewitz's Trinity be achieved and sociopolitical gains be made possible.

An understanding of the government branch of the Clausewitzian Trinity will inform the comparative relationship between the IRA and Hezbollah. Therefore, a proper assessment of these modern guerrilla actors first requires a thorough investigation into the broader, philosophical fabric of Clausewitz's *On War*. Clausewitz does not posit an idealistic or noble conception of war, but a conception depicting the ugliness and unpredictability of conflict. It is this unpredictability that leads Clausewitz to argue that the three branches of the Trinity are "deep-rooted in their subject and yet variable in their relationship to one another."² Although this essay shall focus on the political arm of Clausewitz's Trinity theory, it is important to remember that a policy which ignores any one of the three branches, or seeks to fix an arbitrary relationship between them, would be useless. A static model of the balanced Trinity cannot be offered. A belligerent must be able to oversee the empowerment of one branch, and the circumscription of another, if circumstances change. It is for this reason that the Trinity balance conceived by state entities must be different than the balance conceived by non-state entities.

The ways in which war's friction affects the public branch of the Trinity differs depending on whether the actor retains the institutionalized support of a government. Additionally, the structural limitations placed upon state-sponsored armies are significantly different than the military limitations found in a guerrilla movement. It is for this reason that I researched outside the purview of Middle East nations: to find an equally volatile non-state entity, a comparable non-state movement that had shown a recent acceptance of Trinity verities.

The Origin of Hezbollah

Hezbollah, or "The Party of God", is a controversial terrorist/political/social works-organization that sprang into prominence

after the Israeli invasion of Lebanon in 1982. For historians, Israel's invasion and lasting occupation within Lebanon became the most significant factor in the radicalization of the Lebanese Shiites under Hezbollah. Hezbollah leaders rationalize the use of military extremism by appealing to the fact that Israel created the context for Hezbollah's birth and its continued growth. The presence of a foreign occupying force—which imposes uncomfortable legal, economic, and political changes on the native population—has been the catalyst for many historic guerrilla movements. Hezbollah's role in Lebanese politics can be traced back to 1984, but its ideological foundation began even earlier in the 1980s. However, it is important to note that Lebanese contempt for the Israeli state probably would have fizzled out as a minor rebellion, and never would have grown into a united populist ideology, unless external political forces had aided in the early resistance movement.

Over the past three decades, Syria and Iran have significantly influenced the ideology and political growth of Hezbollah. Following a successful Islamic revolution over the secular shah, opportunistic Iranian mullahs turned their sights to the rest of the Middle East. Sandra Mackey writes, "For Iran's revolutionary leaders correctly saw in Lebanon a fertile opportunity to spread the Islamic revolution beyond the borders of Iran. With a large Shiite population historically and emotionally tied to Iran, Lebanon was chosen as the country in which Iran would demonstrate the power of its revolution."² By financing Hezbollah, and providing arms and training to its guerrilla fighters, the Iranian government has been granted a powerful hand in shaping Hezbollah's future. To this day, Iran's blandishments have allowed the nation to hold substantial sway over the governing hierarchy of Hezbollah:

Iran has sponsored the creation of a Consultative Council for Lebanon. The council supervises the work of Hezbollah within Lebanon and serves as the nodal connection between Iran

and Lebanon. It consists of twelve men, most of whom are clerics, the remainder being military officials. The council subsumes seven committees named as follows: intellectual, financial, political, information, military, social, and legal. The entire operation appears to be well-financed from Iran; not only are operating expenses provided, but there is also an extensive system for the payment of pensions to the families of individuals martyred in the cause of Hezbollah.⁴

Whereas Iranian influence tends to use Southern Lebanon, and Hezbollah, as a second breeding ground for revolutionary Islamic political thought, the nation of Syria has been more strategic with its marionette strings. After



A Banner featuring Hezbollah leader Hassan Nasrallah

having suffered defeat at the hands of the Israelis in 1973, Syrian foreign policy became keener to the holistic strategy of Arab-Israeli conflict. In this calculated chess match, Syria began utilizing Hezbollah's resistance as an invaluable geographic and military weapon. Starting in the early 1980s, Syria pushed weaponry and money into the hands of the Hezbollah campaign, and thereby placed great pressure on Israel, and its

controversial control over the Golan.⁵ At times over the past twenty years, Syrian influence has become so entwined with Hezbollah's political governance and military decision-making that some political commentators view Hezbollah simply as the radicalized alter ego of Syria, successfully offering leverage for Syrian interests. In the 1990s, Syria's strong military presence in southern Lebanon further complicated Hezbollah's political autonomy: "With 35,000 to 40,000 troops still in Lebanon, Syria was the real power broker in that country, and Hizbullah could not operate with impunity in Lebanon without Syrian assistance and acquiescence."⁶ However, although surrounding Arab nations have furnished startup capital and influenced Hezbollah during moments of warring regional interplay, Hezbollah's malleable political ideology has given the unique part-humanitarian/part-terroristic organization the independence necessary to stand on its own two feet in the Middle East.

The Evolution of Hezbollah Ideology

The ideological foundation of Hezbollah arose from a conglomeration of Lebanese resistance efforts. The Israeli occupation, beginning in the 1980s, unified the divided Shiite population under several guiding principles.⁷ In the nascent years of Hezbollah, militarism and jihadist demands underlay the burgeoning group. Lawrence Pintak depicts how the extremism sweeping Iran, northern Africa, and Palestine at that time also impacted Hezbollah's initial political ideology: "Among Hezbollah's demands- 'America, France, and their allies must leave Lebanon once and for all, and any imperial influence in the country must be terminated.' It sounded suspiciously like an Islamic Jihad communiqué. With good reason."⁸ The religious tinge connected to Hezbollah stood out in the Lebanese community, and became a polarizing factor as the group gained military and social clout. Hezbollah desired that southern Lebanon transition into an Islamic state, thereby coalescing into the broadening Iranian revolution. Although Hezbollah successfully grasped the loyalty of

many hard-line Shiite clerics and politicians in the South, the group's founding platforms proved to be divisive within the whole of Lebanon, and Hezbollah was not able to cut across religious lines in the 1980s and early 1990s.

In 1992, Hasan Nasrallah ascended to the seat of Hezbollah secretary-general. As the spokesman for Hezbollah, Nasrallah has had the most pronounced role in moving the ideology of the group towards Clausewitz's political arm. As the relationship between Syria, Lebanon, and Israel grew tense in the early 1990s, Nasrallah reevaluated the assertive platforms of Hezbollah, and began to strategically shift the group's interests: "Nasrallah noted that 'We are serious in our project to bring down the government, but we shall not resort to negative steps... because the country is passing through a delicate stage.'"⁹ Although Nasrallah maintained a strong link between his military and political ideology, the charismatic leader drew in a larger bloc of believers because of his willingness to moderate goals and galvanize the masses with a novel sense of Lebanese nationalism. Thanks to Nasrallah, Hezbollah began "putting its 'Islamic state' on the back burner so it could operate more flexibly in a multi-communal society."¹⁰ Through the use of social works programs and secular grassroots political efforts, Hezbollah has been given the opportunity to gradually deemphasize its religious platforms. This has led to a surge in non-Shiite members to the Hezbollah camp. However, the greatest example of opportunistic ideological movement occurred in 2000:

On March 5, 2000, the Israeli cabinet pledged a withdrawal from Lebanon by July. The Israeli decision surprised and alarmed the Lebanese government and disconcerted its neighboring Arab states. Having established itself as a Shiite resistance movement against the Israeli presence in South Lebanon, Hezbollah's primary *raison d'être* would be removed. With Hezbollah's need for arms reduced, the role of its patrons Syria and Iran would also presumably be diminished.¹¹

Hezbollah's leadership became existentially trapped: the group was forced to either amend its ideological aims once again or to accept military victory, therein burying any political future. By the late 1990s and early 2000s, Hezbollah had accrued the political, military, and economic support of many Lebanese constituents, and Nasrallah was not ready to sacrifice these political gifts for the sake of honestly confessing that Hezbollah had completed its original mission. So the political objectives of Hezbollah were redirected towards two foci. By promising to rebuild the entire Lebanese state, Hezbollah turned its efforts to



IRA Monument in Dublin, Ireland

the whole Lebanese people, not just southern Lebanese Muslims. Externally, years of anti-Israeli sentiment morphed Hezbollah's ideology into a trenchant support for the Palestinian cause; this "altruistic concern" allows Hezbollah to continue sporadic attacks against Israel, whenever the group believes that Palestinian interests are at risk.¹² These ideological transformations, compounded by foreign influences, have shaped Hezbollah into a unique Middle Eastern group with a growing number of public supporters.

The Beginning of a Government Arm

As aforementioned, Hasan Nasrallah revised the ideological trajectory of Hezbollah. However, his most important contribution to the group lies in his work to enter Hezbollah into Clausewitz's government arm. By channeling Hezbollah's popular support into the political sector, the group has been able to overcome some of the disadvantages attributable to non-state entities. Although initially opposed to the creation of a political party, Hezbollah—under Nasrallah's leadership—eventually saw the benefits of joining the political ranks, and the Party of God became an official Lebanese political party in 1992.

Non-state actors are prone to eschew unity and compromise, instead attempting to chip away at the government bureaucracy and undermine the political process. After the end of the Israeli occupation, however, Hezbollah was given the opportunity to put its abstract ideology into political practice: "Immediately following the Israeli withdrawal from Lebanon... Hezbollah began systematically taking over Southern Lebanon and creating a state within a state. It worked towards deepening its control over the population by taking over the social and welfare arenas and managing the civilian services."¹³ Understanding that the current Lebanese government and military were too weak to confront the emergence of a provisional government, the Hezbollah leadership began to legitimize the political arm of Clausewitz's Trinity through the stimulation of a different branch of the Clauswitzian Trinity: the public arm.

Seeing the vacuum of social and financial support after 2000, the group amplified its social works programs—creating thousands of jobs, schools, houses, and medical operations—in order to rebuild the entire Lebanese state. These efforts, complemented by an enriched propaganda movement, merged the Lebanese people with the internal ideological promises of the Hezbollah party, and gave political standing to the group once known only for its terrorist activities. This reprioritization of politics over

militarism gave Hezbollah political standing in the Middle Eastern community. Lawrence Pintak writes that these protective group efforts, designed to strengthen the Lebanese people, produced an element of international recognition: "Hezbollah, once just an elusive trend, was now negotiating treaties."¹⁴ By virtue of sitting down as a key actor in the Middle Eastern political process, Hezbollah acquired a de facto right to fight, and a legitimization for its anti-Israel political platforms. Most importantly, because Hezbollah has embraced the role of military, social, and governmental protector of the Lebanese people, this political party has become inextricably linked to the political stability of the nation: "As long as Hezbollah was part of the system, we knew there was a good chance for stability to take hold," said one American diplomat familiar with Lebanon, "but if something drove them out of the process, all bets were off."¹⁵

Although the United States has funneled hundreds of millions of dollars, and great quantities of military equipment, into Lebanon to protect the political integrity of the

Through the use of social works programs and secular grassroots political efforts, Hezbollah has been given the opportunity to gradually deemphasize its religious platforms

Lebanese government, Hezbollah continues to use its political power to safeguard its military operations, and to vitiate the work of Lebanon's official government.¹⁶ Following the 2006 conflict with Israel, Hezbollah was pressured by the international community to disarm; because the original political objectives of the organization had been achieved in 2000, multiple nations—along with the United Nations—believed that Hezbollah no longer possessed a need for stockpiled arms, especially if the group was completely dedicated to the political arena.¹⁷ Hezbollah resisted these persistent entreaties and

became more volatile to the Lebanese, Israeli, and American governments. In this way, Hezbollah has not separated its military activities from its political leadership, but has allowed instead for a terrorist/political/social works amalgamation to continue. Because of this diverse organizational complexion, the same foreign counsel that oversees Hezbollah's political activities still oversees its economic, military, and social efforts.

Hezbollah and the IRA: Beginning Comparative Analysis and Shared Characteristics

Hezbollah has achieved a successful *entrance* into the Lebanese political arena, and in so doing has garnered a degree of international recognition and a current bloc of popular support. However, a succinct overview of the Northern Irish republican movement's transition into government shows that a non-state entity's sociopolitical gains will only sustainably exist through a developed political branch of the

The Irish Republican Army of the late twentieth century arose out of grave social, economic, and political inequalities

Clausewitzian Trinity. The Irish Republican Army (IRA) provides a reasonable case for comparative analysis with Hezbollah; the juxtaposition of these two groups is made possible by the fact that despite being politically, geographically, religiously, and culturally dissimilar, the IRA and Hezbollah display multiple shared characteristics.

Ideologically, both the IRA and Hezbollah allow religion to become tied to their respective resistance movements. Whereas Hezbollah maintains strong links to the Islamic faith, the Northern Irish "Troubles" pit an overwhelmingly Irish Catholic republican base against the pro-British Protestant population. Additionally, the ideological context buoying up the two militant movements was created by the presence of an occupying force and by the imposition of a disagreeably foreign way of life. For the southern Lebanese, Israel represented this occupying

force; for the Northern Irish Catholic population, the British government and its privileged Protestant populace threatened Irish unity and led to unequal political and economic conditions.

In the political arena, the IRA and Hezbollah also share many commonalities. Like the Syrian and Iranian-backed Hezbollah group, the IRA has always attempted to expand its foreign relations, often benefiting from financial backers and arms suppliers in the Western world (which has included millions of dollars of support from American citizens). Most strikingly, the cardinal political demands of the Irish Republican Army parallel those of Hezbollah: the IRA demands the withdrawal of all British forces and the termination of all political intrusion into Northern Irish governance, as well as greater political autonomy and stronger ties with Ireland (which is geographically-linked to Northern Ireland). Additionally, just as many Lebanese view Hezbollah as the people's protectors, the Irish republican movement has spent the past five decades fighting for the political and social equality of the Northern Irish Catholic population. However, although these important similarities exist, which make comparison between the two militant organizations possible, the Irish republican movement's political success presents a more successful Clausewitzian model.

The Troubles

The Irish Republican Army of the late twentieth century arose out of grave social, economic, and political inequalities in British-controlled Northern Ireland. In the late 1960s, non-violent political activists began campaigning in Northern Ireland against the "second-class status of Catholics with regards to voting rights, job opportunities, and housing"; sadly, this predominantly-Catholic movement was met with violent animosity by Protestant business owners and political heads.¹⁸ Political commentator Deaglan de Breadun writes, "The political system in Northern Ireland, dominated by an inflexible unionist elite, was unable to accommodate the demands of the Catholics and integrate them into a pluralistic, inclusive society

with opportunity for all. The fact is that Northern Ireland was set up to maintain Protestant supremacy.”¹⁹ By the early 1970s, the Troubles had officially begun; the Troubles denote a period in Northern Ireland history that saw the rise of a largely Catholic paramilitary force—the IRA—confronting British soldiers and pro-British Protestant forces with the aim of removing British influence from the land, and providing equality to the Catholic population. However, as the movement progressed into the 1990s, although billions of dollars of British military, intelligence, and business assets had been drained, not to mention the loss of thousands of pro-British Unionist lives, the Irish Republican Army found itself in a similar quandary to what Hezbollah faces today: the realization that military means alone cannot overcome enemy resources, although the organization’s ideological foundations and popular support call for continued resistance.

Reshaping the Arms of the Irish Republican Movement

It was during this predicament that Sinn Fein leader Gerry Adams helped to redirect the Irish republican movement. It was the work of Adams, and more broadly, the work of Sinn Fein, which helped Irish republicanism access lasting victories in the political branch of Clausewitz’s Trinitarian model. As the growing political arm of the Northern Irish republican movement, Sinn Fein held political objectives that had traditionally aligned with the sociopolitical goals of the Irish Republican Army. The first landmark step that Sinn Fein took in reshaping the Irish republican movement was to move away from the Armalite and ballot box strategy, thus separating the military leadership of the republican movement from Sinn Fein’s political leadership. By distancing the political arm from the movement’s more militaristic arm, Sinn Fein tacitly acknowledged that “the IRA’s activities were often counterproductive and hindered the growth of the republican movement’s political influence.”²⁰ The separation given between the military and political arms led to numerous strategic benefits for the Irish republican movement. The distancing

act empowered the republican government arm and opened the movement up to a broader popular base. The delicate balance between the arms of the Clausewitzian Trinity improved as the public sphere became more receptive to the republicans’ shift to honest politics: “While Sinn Fein continues to press to make partition history, the more immediate and tangible gains of the agenda make the party’s revisionist republicanism attractive to the nationalistic electorate for which armed struggle and militant paths to unity were always a minority taste.”²¹

Whereas the Irish republicans had generally utilized the political arena in the service of military objectives, Sinn Fein reversed this paradigm. The military’s presence was to be gradually tuned out, and in the rare instances when the military arm of the resistance was required, it became an instrument of republican political interests:

For the IRA, coercive bargaining will normally involve indicating to the adversary, through military action, that the costs of not acceding to its political demands will outweigh the costs of concession. In this sort of conflict the weaker party may not be able to achieve any tangible military objectives, such as securing a piece of territory. Instead, as Clausewitz observed, another military objective must be adopted that will serve the political purpose and symbolize it in peace negotiations.²²

Another important component of the military phase-out and political empowerment occurred when Sinn Fein sat down for international peace talks. As Sinn Fein strengthened its public and governmental resolve in the 1990s, the political party eventually began to negotiate a lasting peace treaty with the British, Irish, and Northern Irish governments. In order to access sustainable economic, political, and social gains for the Catholic community, the republican movement would have to concede considerable ground. Firstly, the Irish republicans

had to actively renounce the use of terrorism, and gradually disarm their military wing. Secondly, the hard-line ideological goals set up during the 1970s had to be supplanted by limited gains within the state. And as Gerry Adams pointed out, these gains would only actualize through political compromise and strategic coalition: “ ‘Irish republicans... simply do not possess the political strength to bring about these aims. [This truth] must continue to influence the political and strategic thinking of Irish republicans.’ The focus of republican politics, according to Adams, should be on ‘attempting to reconstruct a broader, deeper, sustainable Irish political consensus.’”²³ By the end of the 1990s, the Irish republicans’ ability to politically adapt, compromise, and demilitarize led to the greatest advancement of Catholic legal and social equality in modern Northern Irish history: the Good Friday Agreements of 1998.

Ideologically, Sinn Fein discovered a path to sociopolitical success by embracing principles of moderation, humility, and secularism. The religious impetus of the resistance movement, which unified the Catholic population under the IRA banner, was supplanted in the 1990s by secular political backing. Colin Coulter and Michael Murray assert, “The Catholic Church is now much less politicized than at the height of the Troubles when priests joined civil rights protests and visited hunger strikers. The politics of peace have meant that the Catholic Church is increasingly taking a political back seat... [especially] since the decline in violent conflict.”²⁴ The revised role of international influence also portrayed the humility, and militaristic moderation, of the 1990s Irish republican movement. Historically, the Irish republicans had turned to American citizens and other developed Western nations solely for financial backing and arms dealing. In the 1990s, however, Sinn Fein helped coordinate the Mitchell Review, which provided necessary multinational oversight to move the peace process along and to hold each party accountable for disarmament and political compromise.²⁵ By turning to the international community for aid in humanitarian and political processes, the Irish republicans finally achieved

their sociopolitical aims and gained lasting political legitimacy around the world.

Conclusion

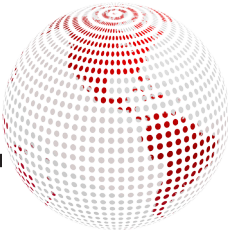
The Irish republican movement’s gradual evolution into a purely political existence offers many significant lessons to the modern Hezbollah campaign. In 2006, Hezbollah’s rejection of international calls for disarmament highlighted the group’s inability to successfully balancing the political and military arms of Clausewitz’s Trinity model. As Hezbollah demonstrated its weak dedication to the political arena, the United States, Israel, and numerous other developed nations became emboldened in their aggression against the southern Lebanese group. In order for Hezbollah to sustainably access its sociopolitical goals, it must be willing to adjust its outlook in the political wing of Clausewitz’s Trinity model.

The Irish republican movement proved to non-state actors that the government arm of an organization must become distanced from the organization’s military arm. Along with this distancing, political leaders must be willing to separate themselves from military leadership if they ever hope to strengthen the popular wing of the Trinity model. In order to make headway in the path to sociopolitical success, the Irish republican movement confirmed the need for arms reductions and became willing to enter into the peace process. By developing into a secular political entity capable of compromise with other parties, non-state entities gain international legitimacy and social acceptance from local governments. In order for Hezbollah to see their ideological teloi come into fruition, they must be willing to moderate their political expectations, embrace international oversight, and decrease military presence within the organization. If the non-state Shiite entity is capable of making these significant revisions, every wing of the Clausewitzian Trinity will be strengthened and the Lebanese population may one day discover lasting political peace and social improvement.

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Effects of Islamic Banking on Financial Market Outcomes in GCC Countries and Iran

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Islamic banking and finance have become increasingly widespread over the past two decades, particularly in Muslim-majority countries in the Middle East, North Africa, and Southeast Asia. This paper uses country-level data to examine how growing Islamic banking sectors have affected financial market outcomes in six countries. The analysis is split into two parts, first testing the hypothesis that countries with large Islamic banking sectors were less affected by the 2008 financial crisis than countries with strictly conventional banking systems, and second testing the hypothesis that emerging Islamic banking sectors have had a positive effect on private saving in countries with large Muslim populations. I find evidence that the banking systems of countries with large Islamic banking sectors fared no better at providing credit during the financial crisis than conventional alternatives, but do find evidence supporting a positive correlation between Islamic bank development and private saving.

I. Introduction

“O you who believe, you shall not take *riba*, compounded over and over. Observe God, that you may succeed.” - (Al-’Imran 3:130)

Developed to comply with Islamic or *Shari’ah*¹ law, Islamic financial institutions and structures have spread rapidly over the past decade and today represent a significant share of the financial system in many countries. Islamic banking assets worldwide are estimated to exceed \$1 trillion, with surveys indicating that one in two Muslims, representing some 700 million people, would opt for an Islamic alternative if it were available (Oliver Wyman, 2009). Some regions have witnessed particularly rapid growth; Islamic banking assets in the Gulf Cooperation Council² (GCC) have been estimated to grow from less than 10% of total banking assets in 2003 to representing approximately 22% of total assets in 2008, or some \$285 billion. This corresponds to an average annual growth rate of 35% or nearly twice that of conventional bank assets over the same period (Coughlin, 2010).

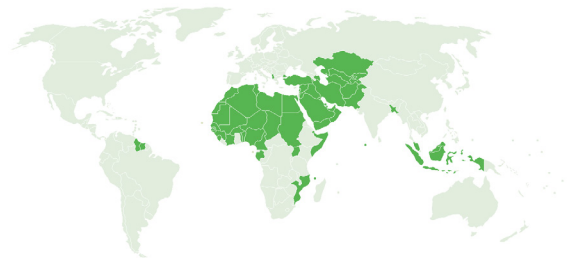
Islamic banks are money-making financial intermediaries much like conventional banks,

but in order to meet the requirements of *Shari’ah* they must adhere to four major principles. A prohibition on charging *riba* (interest) is the primary difference between Islamic banks and conventional banks, derived from the notion that charging interest is a form of exploitation and inherently inconsistent with Islamic values of fairness; the literal translation of *riba* is “excess”. Islamic banks are also prohibited from speculation, in the form of risky or uncertain business ventures, and from financing *haram* (illegal) activities such as businesses involved in the production of alcoholic beverages or pork. Finally, Islamic banks are compelled to donate part of their profits to benefit society in the form of *zakat*, one of the five pillars of Islam (Imam & Kpodar, 2010).

Despite its remarkable growth, or perhaps because of it, Islamic finance has not been without controversy. Proponents of Islamic finance argue that it is more equitable than traditional financial models and that Islamic banks are more resistant to crises due to the avoidance of speculation and to risk-sharing inherent in the Islamic banking model. Critics, however, argue that Islamic banks are different than conventional banks in name only, with some claiming that, because of underdeveloped

standards and a lacking regulatory-supervisory framework, Islamic banks are in fact more risky than conventional banks (Musa, 2010).

To date, empirical work on Islamic banks and the economies of countries where they have developed is thin and the impact of this development remains poorly understood. As Islamic banks are expected to sustain asset growth in the near future (Oliver Wyman, 2009), it is now critical for governments to understand the effects of Islamic banking on financial market outcomes in their countries. Is the growth of Islamic banking, on the balance, a positive or negative economic development? This paper presents a comparative study, in two areas, of the countries in which Islamic banks have come to represent the largest shares of the overall banking systems. I examine the



Map of the world showing the member states of the Organisation of the Islamic Conference

resilience of these countries' banking systems in providing credit during the years of the 2008 financial crisis, as well as how private savings rates have behaved in the presence of increased Islamic banking.

On the first account, comparing the growth rate of bank-generated credit in countries with high shares of Islamic banking during the crisis to various benchmarks, I find that, contrary to the view held by proponents of Islamic banking, Islamic banking countries fared no better than conventional banking countries during the recent financial crisis. On the second account, using a regression framework, I find that the development of Islamic banks in countries with large Muslim populations is positively correlated with private saving. While this paper does not claim to make a fundamental judgment of good or bad, it does

find evidence that Islamic banking growth seems to have improved financial inclusion in Muslim countries.

II. Background

What is "Islamic finance"?

"Islamic finance" describes the body of Islamic jurisprudence related to economics and financial matters. Indeed, this is a vast field, with Islamic *takaful* insurance, government-issued *sukuk* bonds, and Islamic banks all falling under today's "Islamic finance" umbrella. For the descriptive section of this paper I focus primarily on Islamic commercial banks, as they are most relevant to the financial market outcomes we are concerned with. Islamic banks are broadly defined as financial intermediaries that allow Muslims to deposit money and finance projects in accordance with religious requirements (World Bank & International Monetary Fund, 2005).

The spread of Islamic banking

The origins of today's Islamic commercial banks can be traced to experiments with Islamic modes of financing in rural Egypt some four decades ago (Imam & Kpodar, 2010). The Islamic Development Bank, one of the earliest successful Islamic banks and today one of the largest in the world, was established in Jeddah in 1975 and Malaysia also emerged as an early-adopter and innovator in the industry. Around this time, several countries including Pakistan (1979), Iran (1983), and Sudan (1984) attempted to restructure their entire economies to comply with Islamic principles (Iqbal & Molyneux, 2005). These experiments were met with varying degrees of success; today only Iran claims to maintain a fully *Shariah*-compliant economy and banking system. As GCC countries emerged as financial hubs and oil revenues exploded at the beginning of the 21st century, Islamic banking sectors in the region began growing rapidly and were recognized by a number of central banks as distinct components of the banking system. Today, as we will see in data

below, Iran, Saudi Arabia, Bahrain, Kuwait, Qatar, and the United Arab Emirates boast the most significant Islamic banking sectors in the world.

Financing structures and sources of funds for Islamic commercial banks

While in theory the Qu'ran provides a framework for permissible economic activity, in practice there is no absolute scale of which banking activities qualify as *shariah*-compliant and which do not. The transactions of Islamic commercial banks are typically certified by "*shariah*-compliance boards" of religious scholars, employed by the banks themselves, or in the case of Iran by guidelines that have been established by the country's Central Bank. Despite these efforts, Islamic banks have been criticized as being only cosmetically different than conventional banks and not truly in the spirit of Islamic law (Khan, 2010). This debate is relevant for our discussion insofar as understanding whether or not Islamic banks have legitimately altered the economics of banking systems they have penetrated or simply the perceptions of some devout Muslims vis-à-vis the use of formal banking institutions will be important in interpreting our results. Let us briefly consider the major financing structures and sources of funding employed by Islamic commercial banks.

Mudaraba

The *mudaraba* financing model is a profit and loss sharing (PLS) structure in which profits are shared between the stakeholders of a project. One group of stakeholders provides capital, in this case a bank, while another group, an entrepreneur or business, provides management of the project and profits are shared according to a predetermined formula. In the event of a loss, the financiers assume the financial loss and the managers stand to lose their time and effort.

Musharaka

Musharaka financing is a PLS financing

model similar to the *mudaraba* model, except that all partners partake in management of the project. A legal contract drawn up beforehand determines the ultimate division of profits and losses.

Murabaha

In the *murabaha* model, a non-PLS form of financing, an asset is purchased at a given price and then resold at a predetermined markup. For example, instead of a conventional home mortgage, an Islamic bank using the *murabaha* structure would purchase a home on behalf of a customer and allow the customer to live in the home while retaining full ownership of the asset. Customers typically make periodic payments to the bank until they have repurchased the entire asset, at which point ownership is transferred from the bank to the customer.

Ijara

The *ijara* model is a non-PLS model similar to *murabaha* financing, except that instead of a bank reselling an asset to its customer, it leases it to the customer over the period of the contract in exchange for periodic payments. Unlike a *murabaha* contract where payments are typically of a fixed amount, payments in the *ijara* case are tied to a market rate (e.g. LIBOR) and may vary. Additionally, when an *ijara* contract expires, ownership of the asset returns to the bank instead of transferring to the customer.

The four financing structures described above fall into two distinct categories: profit and loss sharing (PLS) financing, or non-profit and loss sharing (non-PLS) financing. This first type of financing, represented by the *mudaraba* and *musharaka* structures, requires either a partnership or direct equity-sharing in a project by all parties. PLS financing is considered preferable by Islamic legal scholars and is fundamentally different from conventional debt-based financing models. Non-PLS contracts must be based on real underlying assets, but do not require profits and losses to

be shared amongst stakeholders. In practice, the cash flows in a *murabaha* or *ijara* structure are virtually indistinguishable from those of a traditional loan (Khan, 2010). The distinction between PLS and non-PLS structures also exists on the liabilities side of Islamic bank balance sheets.

Sources of funding

The most important liabilities on a conventional commercial bank's balance sheet are typically customer deposits, long-term debt, and loans from other financial institutions. Because the Islamic interbank market is relatively undeveloped and Islamic

depositors providing capital and a bank providing management. On their own, these PLS and non-interest bearing funding sources would eliminate much of the liquidity risk faced by conventional banks due to mismatches in returns on assets and liabilities (Musa, 2010). In practice, however, Islamic banks have also begun to rely on non-PLS reverse-*murabaha* transactions and to issue *Shariah*-compliant *sukuk* bonds. These structures, like non-PLS financing, offer guaranteed returns to depositors and mimic the cash flows of conventional deposits or debt securities.

Interestingly, while PLS structures are preferable from an Islamic legal standpoint and likely reduce liquidity risk, non-PLS structures currently dominate Islamic banks worldwide. According to Warde (2000), PLS financing only accounts for about 5% of transactions by Islamic financial institutions worldwide and a similar breakdown is given for GCC countries by Ali (2011). Even in Saudi Arabia, a country distinguished by its strict Islamic practices, the Islamic Development Bank saw 92% of its income in 2007 come from non-PLS structures such as *murabaha* and *ijara* (Khan, 2010). This imbalance indicates that while Islamic banks satisfy many devout Muslims in name, the underlying financial structures they employ—and thus the risks inherent in Islamic banking—in many ways resemble those of conventional banks. This is an important distinction that I will return to throughout the paper.



Islamic Development Bank Logo

banks are prohibited from issuing traditional interest-bearing debt securities such as bonds and commercial paper, today's Islamic banks structure their balance sheets somewhat differently. Two important sources of funding for Islamic banks are non-interest-bearing deposit accounts, similar to demand deposits with conventional banks, and profit and loss (PLS) sharing investment accounts, resembling conventional bank savings accounts but without guaranteed returns (Hasan & Dridi, 2010). The latter source can also be thought of as a reverse-*mudaraba* structure, with

Did Islamic banks prove better than conventional banks at providing credit during the crisis?

Proponents of Islamic banking have argued that Islamic banks may be more stable than conventional banks in times of crises because (1) PLS funding sources allow losses on the asset side of Islamic bank balance sheets to be passed along to depositors and (2) Islamic banks are prohibited from investing in financial products not backed by real assets, such as mortgage-backed securities. If these claims are true, the presence of Islamic banks could

prove a boon in times of financial uncertainty. Empirical evidence has been mixed.

Musa (2010) measures the comparative strength of Islamic and conventional banks in the United Arab Emirates using bank-level data from the period immediately following the 2008 subprime crisis. His results show that while Islamic banks exhibited lower Z-Scores³ both before and during the financial crisis, indicating a higher risk of becoming illiquid, they were significantly less impacted by the crisis when it hit. In their 2010 paper using data from 77 Islamic banks in 21 countries, Martin Cihák and Heiko Hesse compare the Z-Scores of Islamic and conventional banks over the period 1993 to 2004, finding that while small Islamic banks tend to be financially stronger than small conventional banks, the opposite is true when comparing their larger counterparts.

Finally, in a recently published IMF working paper entitled “The Effects of the Global Crisis on Islamic and Conventional Banks: A Comparative Study”, Maher Hasan and Jemima Dridi look at bank-level data from a sample of Islamic and conventional banks in Bahrain, Jordan, Kuwait, Malaysia, Qatar, Saudi Arabia, Turkey, and the United Arab Emirates. Results show that Islamic banks grew more rapidly in terms of credit and assets, but that the two groups performed similarly in terms of profitability and external bank ratings.

Most previous research about Islamic bank performance during crises has used bank-level data and achieved inconclusive results. In order to capture the actual performance of banking systems in countries with a significant presence of Islamic banking, as well as possible interactions between the Islamic and conventional banking sectors in these countries, I will compare the growth rates of domestic credit provided by the banking systems in countries with Islamic banking to growth rates in countries without Islamic banking, both before and during the crisis.

Have Islamic banks increased private saving?

Whether or not the economics of Islamic banks are materially different than those of commercial banks, the perception of Islamic banks as Islamic may, on its own, have had positive consequences in countries where Islamic banking has developed. Observers have pointed to the existence of a large, underbanked population of devout Muslims in many countries as one explanation for the rapid growth of Islamic banking over the past decade (Imam & Kpodar, 2010). Data on financial inclusion in the region is limited—the Middle East and North Africa was the most poorly covered region in the 2010 Financial Access report published by the Consultative Group to Assist the Poor (CGAP) and The World Bank Group—but if individuals indeed lived for years without satisfactory financial institutions with which to deposit their money, the development of Islamic commercial banks has likely increased financial inclusion in many countries, rather than simply displacing conventional commercial banks. In order to understand this relationship between Islamic bank development and financial inclusion, I will also look at how private savings rates have behaved in countries with the highest levels of Islamic bank penetration, controlling for the factors Masson, Bayoumi, and Samiei identify in their 1998 paper on the determinants of private saving.

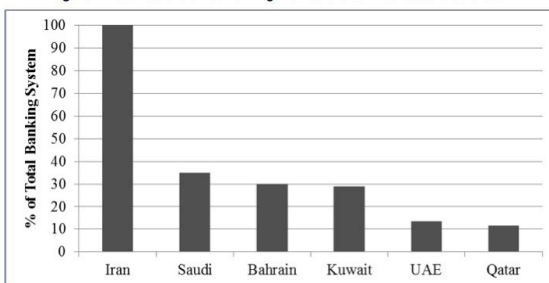
III. Data And Methodology

One challenge to empirical work on the macroeconomic impacts of Islamic banking is the lack of comprehensive data about Islamic banks and the size of Islamic banking sectors in different countries. This paucity stems from the lack of an absolute framework to designate a bank as “Islamic” or “conventional”—a proposal even further complicated by the growing importance of conventional banks operating Islamic windows—compounded by relatively weak reporting to begin with in the countries with significant shares of Islamic banking. Previous researchers have relied on banks’ self-designation as “Islamic” to construct datasets

from bank-level data, but the size of the overall Islamic banking sector as well as the relative shares of Islamic and conventional banks in specific countries' banking systems is still a matter of some debate. Most estimates are similar to those used by Hasan & Dridi in their working paper on Islamic and conventional banks during the 2008 crisis (Figure 1) and it is generally accepted that Iran and the five GCC countries excluding Oman are the current leaders in Islamic banking growth. I will refer to these six countries as the Islamic Banking Countries (IBCs) in my analysis.

Private Saving

Figure 1. *Estimated Islamic Banking Market Share in Selected Countries*



Source: The Effects of the Global Crisis on Islamic and Conventional Banks: A Comparative Study, Hasan & Dridi (2008)

Table 1. *The origins of Islamic banking in six countries.*

Country	Year	Event
Bahrain	2000	Bahrain Monetary Agency establishes <i>Prudential Information and Regulations for Islamic Banks</i> law
Iran	1983	<i>Law for Usury-free Banking Operations</i> established after nationalization of banking system in 1979
Kuwait	2004	Amendment to <i>Central Bank Law 32</i> brings Kuwait Finance House under authority of Kuwait Central Bank
Qatar	2005	Regulators allow conventional banks to establish Islamic windows
Saudi Arabia	2003	Conventional banks begin making their retail business lines Sharia-compliant
U.A.E.	2001	Abu Dhabi Water and Electricity Authority issues <i>sukuk</i> bonds to finance <i>Shuweihat S1 IWPP</i> project

Sources: Wilson (2009), Iqbal & Molyneux (2004), Coughlin (2010), Collins & Hills (2010).

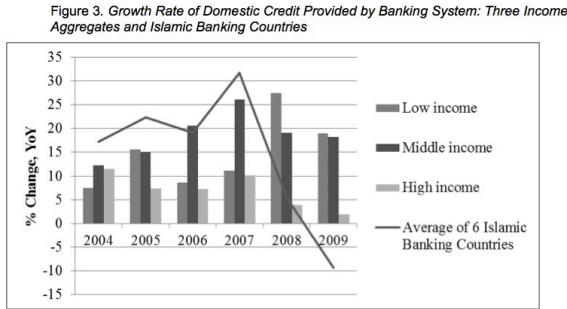
Provision of Credit

meaningful panel variable for Islamic banking market share, but by identifying the point in time at which Islamic banking was liberalized or formally recognized by governments or central banks, I was able to construct a binary or “dummy” variable for each country tracking the beginning of significant Islamic banking growth. These events are summarized in Table 1 above.

IV. Results

Provision of Credit

Comparing the average performance of the six Islamic Banking Countries to the three income aggregates from above, we see initially that, as a group, the IBCs outgrew other countries in the years leading up to the crisis, but performed significantly worse in 2008 and 2009.



Source: World Development Indicators, World Bank Data Bank

Table 2 presents results on a country-by-country basis, looking at the average growth rate of credit leading up to the crisis from 2000-2007, the average growth rate during the crisis in 2008-2009, and relative change between these two periods. Countries are compared to their corresponding income aggregates, with an average calculated for the high-income IBCs. The performance of IBCs appears somewhat better individually—in particular, the banking sectors of Bahrain, Qatar, and the United Arab Emirates grew their credit provision faster during the crisis period than over the early period—but still fails to illustrate the supposed resilience of Islamic banks in the face of crisis.

On the whole, it does not appear that the

presence of Islamic banks allowed Iran or GCC countries to maintain credit growth any better than other countries during the global financial crisis. This result may be because Islamic banks do not yet represent a large enough share of banking systems to have a noticeable impact—although evidence from Iran’s fully *Shariah*-compliant banking system would suggest otherwise—or, as discussed above, it may be because the economics of Islamic commercial banks are not materially different from those of conventional banks.

Table 2. Growth Rates of Domestic Credit Provided by Banking Sectors: GCC Countries and Benchmarks

Country/Aggregate	Average Growth Rate of Credit (2000-2007)	Average Growth Rate of Credit (2008-2009)	% Point Change in Crisis Years
Middle Income Benchmark	15.3	18.6	3.3
Iran	17.6	6.0	-11.6
High Income Benchmark	7.7	2.9	-4.8
High Income IBC Average	19.0	-3.6	-22.6
Bahrain	19.5	26.1	6.6
Kuwait	17.1	8.7	-8.4
Qatar	29.6	36.1	6.5
Saudi Arabia	1.3	-120.1	-121.4
United Arab Emirates	27.4	31.4	4

Source: World Development Indicators, World Bank Data Bank

Private Saving

Table 3 presents the results of a panel regressing private savings rates in the six Islamic banking countries on a number of potential explanatory variables, including for each country a variable tracking the development of Islamic banking in that country. I use a fixed effects estimation in order to account for the potential effects of excluded variables and include below results for all potential determinants of private saving in order to compare my findings to those presented by Masson et al. in 1998.

An initial observation is that these results closely corroborate those presented by Masson et al., with coefficients on all terms except per capita GDP relative to the United States showing the same sign and similar magnitude. These are also the results one might expect from standard economic intuition. Among the determinants that are statistically significant in this model, households save in response to

Table 3. Determinants of Private Saving: Results from six Islamic Banking Countries with an Islamic banking dummy.

Variable	Coefficient	t
Islamic banking development	7.35	4.40
Government budget surplus/GDP	-1.12	12.52
Government current expenditure/GDP	-0.87	3.82
GDP growth rate	0.03	0.23
Real interest rate	0.06	0.17
Inflation rate	0.20	0.49
Per capita GDP relative to U.S.	-0.03	0.77
Current account/GDP	0.57	6.79
Dependency ratio	-0.15	1.67
<i>Fit statistics</i>		
Adjusted R^2	0.76	
Number of Observations	96	

Source: Authors' calculations.

One shortcoming of this model is that, by using country-level rather than bank or household-level data, we can say nothing about the mechanism by which Islamic banks may have caused private savings to increase. An increase in private savings suggests that Islamic commercial banks have complemented conventional banks in the markets in which they now coexist, but it is also difficult to tell to what extent Islamic banks have replaced conventional banks in these markets. As Islamic banking continues to grow and more reliable data sources become available, it would be interesting to reproduce this study

One tangible distinction of Islamic banks, however, is their classification as complying with Islamic religious norms. Whether this classification is deserved or simply superficial, it has allowed Islamic banks to experience rapid growth among Muslim populations by catering to the needs of devout Muslims who would not otherwise be comfortable depositing money with conventional, *riba*-based banks. A consequence of this growth, as devout Muslims have gained access to savings vehicles that meet their religious needs, appears to be that private savings rates in countries with significant Islamic banking sectors have increased.

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Endnotes

- 1 The Arabic term Shariah translates literally as the “path” or “way” in which Muslims must live their lives.
- 2 Members include Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates.
- 3 A “Z-score” represents the number of standard deviations a bank’s returns must drop in order to deplete its equity.

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Revisions to Lipset's Economic Theory of Democratic Development

India as a Case Study

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Seymour M. Lipset dubbed economic development a “social requisite to democracy,” considering factors such as national wealth, a large degree of industrialization, and high levels of education to be necessary fertilizers to prepare a breeding ground for democracy. Citing many different cases throughout history leading up to the present (which, for him at the time of writing his article, “Some Social Requisites of Democracy,” was 1959), he famously posited that “the more well-to-do a nation, the greater the chances that it will sustain democracy.”¹ While these arguments may ring true for many countries (particularly Western ones), one country in particular does not follow that trend and, thus, fails to fit into his model. That country is India.

India has long been known as a relatively poor country; even today, as it is increasingly being referred to as an emerging world power along with China, it has a GNI per capita of just \$1,220. That is less than three percent of the United States’ GNI of \$46,360, for comparison.² The percent of the Indian population at or below the poverty line was a whopping 51.3 percent in



Seymour M. Lipset

percent of the population living in poverty was still high, at 27.5 percent.⁴ Yet, since its independence from British colonialism in 1947, India has had “more than five decades of periodic elections in which all offices are contested,” making it a “successful democracy.”⁵ Clearly, this data provides a surprisingly strong challenge to Lipset’s theory. Lipset even goes as far as to say in his assessment, that “[i]n the rest of Asia east of the Arab world, only two states, the Philippines and Japan, have maintained democratic regimes without the presence of large antidemocratic parties since 1945.”⁶ While it is true that India gained independence in 1947, a difference of two years is clearly not enough justification for Lipset’s monumental oversight. Thus, India’s case illuminates the inadequacy of Lipset’s argument. Possible revisions to his theory are removing the assumption of causality between the factors he mentions, understanding and giving attention to India’s special circumstances of post-colonialism, and adding a clause emphasizing the importance of a national set of values based on religion.

Lipset mentions three indicators of a country’s development towards democracy, or rather, social prerequisites for democracy: wealth, education, and industrialization. He seems to support Daniel Lerner’s step-by-step path to democracy: wealth leads to education (associated with literacy and media growth,

1978, when India was already an independent democracy.³ Even as recently as 2005, the

which mutually fuel one another), which leads to technology and industrial development. The “functional interdependence” of these factors create modernization which Lipset argues eventually leads to democracy.⁷ The logic behind this argument of Lipset’s is that “only in a wealthy society in which relatively few citizens lived in real poverty could a situation exist in which the mass of the population could intelligently participate in politics and could develop the self-restraint necessary to avoid succumbing to the appeals of irresponsible demagogues.”⁸ Each of these indicators of democracy as proposed by Lipset will now be discussed at length in relation to the case of India.

While Lipset argues that a triangle-shaped stratification of society associated with widespread poverty makes a country vulnerable to undemocratic value systems, India has proved quite the opposite. Lipset argues that increased national wealth changes the stratification of society from a triangle shape with the elite on top and a large lower class, to a diamond shape, with very few rich, very few poor, and a large, moderately well-to-do, middle class. The triangle shape is vulnerable to undemocratic value systems because the gap between the rich and poor creates pressure on the upper strata to treat the lower class as “innately inferior” or “a lower caste,” in order to legitimize their superiority in their own eyes.⁹ Lipset’s use of the word “caste” here is an uncanny coincidence, as the religious caste system has, for years, been a source of great social and political inequality in India, a problem with which India still struggles. However, instead of the Indian democracy crumbling under the pressure of this and leading to undemocratic legislation or an oligarchy of the elite, quite the opposite has actually happened. The Indian democracy has instituted “constitutional safeguards to the backwards sections of the population”¹⁰ and the government continues to try to erase long-ingrained prejudices through equalizing legislation.

Another point Lipset emphasizes is that economic development leads to higher levels of education, which then lead to democracy; in

the case of India, however, this is where Lipset’s logical progression first falters. Lipset finds the relationship between increased wealth and higher education to be consistent at the primary, post-primary, and higher educational level. In the case of India, however this relationship is not untrue. Although India is far less economically developed than other major world democracies, its education level is still up to par with some of the strongest democracies of the world, including the United States. For example, India’s higher education system is second only to the United States and China.¹¹ Furthermore, India produces 350,000 engineers a year, which is twice as many the United States produces.¹² In fact, in a line graph of primary school completion rates for India, the United States, and Japan (which has the strongest education system in the world, with a 100 percent primary school completion rate), one can see that India is on the verge of overtaking the United States and moving beyond, closer to Japan.¹³ In other words, India’s education system is growing faster than either of the other two countries. In contradiction to Lipset’s theory, then, economic development is *not* a prerequisite for high levels of education, as this has not been true in the Indian case. Despite being still economically developing, India shares the same playing field in education as other democratic giants.

Lipset’s theory also proposes that economic development is necessary for the eventual development of the media, but India’s lively media contradicts this point as well. Both Lipset and Lerner assert that once a country becomes wealthy, education leads to widespread literacy, which fertilizes growth of a robust media. Lerner explains: “There is a close reciprocal relationship between [literacy and media growth], for the literate develop the media which in turn spreads literacy.”¹⁴ The proposal, then, is that the widespread media would, presumably, bolster support for personal and civic freedoms, which would lead to a struggle for democracy. Even though India did not start out with the wealth, which Lipset and Lerner regard as necessary for these developments, India still does “enjoy free

and lively media...[with] considerable scope to express political dissent and protest.”¹⁵ Some of the fastest growing media markets in the world are those in the Asia-Pacific, and among those, “India is one of the most important markets from a growth perspective.”¹⁶

Finally, the third factor contributing to democracy, for Lipset, is industrialization; and yet again, India does not fit the theory. One of the indices for industrialization, according to Lipset, is “the percentage of employed males in agriculture.”¹⁷ As recently as 2010, the percent of India’s population living in rural, agricultural areas was an overwhelming majority of 70.3 percent of the population.¹⁸ (For the purpose of comparison, the United States had just 18.0 percent of the population living in rural areas in the same year.¹⁹) The other index by which Lipset quantifies industrialization is “the per capita commercially produced “energy” being used in the country...per person per year.”²⁰ This statistic, in terms of kilograms of oil per capita, was just 560 kilograms in 2010 in India, an extremely small figure.²¹ (Again, as a point of comparison, the United States consumed 7,051 kilograms per capita in the same year.²²) This vast disparity clearly illustrates that India’s industrialization still lags far behind other countries; perhaps the most so of the three indicators of democracy that Lipset proposes. Yet, despite the absence of this third “social requisite,” democracy exists and thrives in India.

As shown thus far, India’s strong democracy does not fit comfortably into Lipset’s theory of economic development leading to democracy, and instead seems to cut jagged holes into the logical progression of his argument. Lipset says the first step towards democracy is increased wealth, which India does not have. Although India has very recently been developing economically to compete with China and the rest of the world, its democracy has thrived since 1947, back when this was not the case. Lipset says increased wealth will lead to higher levels of education and media development, which also have occurred in India without the prerequisite of wealth. Finally, he says education

and literacy will lead to industrialization and urbanization, culminating in democracy, and on this last point, India again does not fit, as it is still considered a developing country that is not fully industrialized. So, the story of the Indian democracy within the context of Lipset’s theory of economic development is a series of exceptions, deviations, and inconsistency. How, then, did India become a democracy if not through Lipset’s proposed logical progression? Is there some flaw in Lipset’s theory, or some key element he missed?

Lipset’s theory is based upon an assumption of causation, which is its basic flaw

Lipset left room for exceptions to his theory, and this is important to understand while considering its critique, based on India. In fact, Lipset practically begins his paper with a disclaimer stating that he does not claim to have covered every possible case of democracy in his theory, and that an exception or two to the general trends he proposes “cannot be the sole basis for rejecting the hypothesis.”²³ While this may be true, this stark exception to this theory cannot be ignored, either. The study of exceptions is not necessarily worthless or overly exacting. Studying the case of India as it relates to Lipset’s thesis can still yield worthwhile insight into the theory and how it can be revised to be more all-encompassing. With this perspective in mind, the causes of India’s atypical democratic development and possible revisions to Lipset’s theory will now be discussed.

Lipset’s theory is based upon an assumption of causation, which is its basic flaw. He asserts that wealth leads to education, which leads to industrialization, which leads to democracy, but it is clear that for India, these events have not necessarily occurred, nor are they necessarily occurring, in that order. While a robust democracy and a strong education system have already been achieved, the country is still economically and industrially developing. However, it cannot be ignored that *most* strong democracies around the world are indeed wealthy and possess the

characteristics that Lipset has pointed out, so the basic foundation of his theory is true. So, the factors do in fact go together, but they are not caused by one another at all—rather, simply correlated. Having any one or more of the different characteristics Lipset indicates does increase the likelihood of the country becoming a democracy, but there is no universal, causal, and sequential path that leads to it. Democratic countries must not necessarily be, but rather *tend* to be wealthy and industrialized with an educated, growing middle class. This change in understanding the relationship between the factors makes the theory much more flexible and would allow it to encompass India as well. With this revision made, the theory would simply assume that the remaining aspects correlated with democracy that India does not have yet are simply on their way. This claim seems to be true so far, for there has been a growing buzz about India's development over the past few years. With a record growth rate of 9.5 percent per year in economic development, India is second only to China in this field, and is expected to overtake it by the year 2013.²⁴ India is industrializing as well, albeit more slowly. Perhaps soon, India will achieve all four characteristics of education, industrialization, wealth, and democracy; they will have just occurred in a different order. So, Lipset's mistake was to assume causality among a set of variables that were really only correlated. Removing causality from the argument would render the theory less exact, but more accurate.

Another point to consider is that the beginning of "India" as it is known today, was an atypical one, and this may have contributed to its relative ease of becoming a democracy. Lipset pointed out that "a deviant case...often may actually strengthen the basic hypothesis if an intensive study of it reveals the special conditions which prevented the usual relationship from appearing"²⁵ and this precisely relates to India. Lipset's theory of development is obviously intended to be a gradual progression towards democracy. That is to say, over the course of a hundred, two hundred, or more years, Lipset would expect the country to acquire the different

characteristics leading to democracy. India does not fit Lipset's and a few other development theories because they presume this slow development into democracy, and India had quite the opposite. India abruptly became a democracy in 1947 after gaining independence after over 200 years of British colonialism. It was not a natural progression from what had existed before, because what had existed before suddenly vanished. Because of this atypical development, India does not fit many such development theories. For example, Barrington Moore's theory of democratic development is similar to Lipset's in that it also presumes gradual political development from one form of government to the other. Moore posited that hegemonies and competitive oligarchies transform into "near-polyarchies," then near-polyarchies into full polyarchies, and lastly, full polyarchies into democracies in the third wave of democratization.²⁶ This kind of development was impossible for India, because it went from being a loose collection of hundreds of states with regional rulers, to spending 200 years under British rule, and then suddenly being allowed to choose its own government after gaining independence, with the newly created Pakistan, and soon after, Bangladesh, as neighbors. There were no other styles of self-government preceding democracy for India, because it only became a unified country after its freedom from colonialism. Lipset himself said that "a political form may develop because of a syndrome of fairly unique historical factors"²⁷ and this is most definitely true for India.

Furthermore, the very phenomenon of struggling to free itself from an oppressive colonizer can invoke in a country an intense reverence for the democratic virtues such as civil rights and freedoms, making it more likely to become a democracy after emancipation. This also could have contributed to India's immediate choice of democracy as the form of self-government after independence. In this way, India is very similar to the United States. In his analysis of democratic development, Samuel Huntington notes the same effect of

the special circumstance of British colonialism on development in America. The experience of oppression by a tyrant makes the country so fearful of strong government that it becomes predisposed to think of government as something to be restricted rather than something to build up. This naturally leads its people to prefer democracy and the freedoms it affords as their choice for self-government. Huntington's own words on the topic are very cogent, and thus worth quoting at some length:

Huntington's description of American political development rings uncannily true for India as well. After 200 years of being oppressed by Great Britain, like Americans, Indians were not willing to entrust that much power again with any uncontested entity or person, and thus, they chose democracy. So, the special circumstance of post-colonialism is a two-fold reason for why India does not fit Lipset's theory. First, India's democracy did not develop from a previous form of self-government, and second, the struggle against a foreign oppressor made people prefer restricted government, creating a value set of rights, freedoms, and liberties, which gave way to a democracy.

Nationally shared democratic values can also be created from a source other than just education, as Lipset suggests, or traumatic experiences of colonialism, as discussed above. Another common source is religion. Lipset takes a very economy-based approach to the development of democracy. That is not to say that he ignores the role of values and the spread of ideas entirely, but rather, he embeds it into his theory of economic development. He regards democratic values and ideas as being a direct result of a growing economy, because he says that increased wealth leads to better education, which "broadens men's outlooks, enables them to understand the need for norms of tolerance...and increases their capacity to

make rational electoral choices."²⁸ By contrast, he claims that "'homeless illiterates'...provide a ready audience for...extreme ideologies."²⁹ This is an oversimplification of a much more complex dynamic, one that includes more variables. For example, Lipset himself points out that Germany and France, while highly educated nations of Europe, did not easily stabilize into democracies. He is unable to explain why, vaguely attributing these gaping exceptions to "other anti-democratic forces" at work.³⁰ In reality, while it is true that the economics and finance of a country have much to do with its



A farmer ploughs his field with oxen in Kadmati Village, Brahampur, West Bengal, India

propensity to become a democracy, religion can also contribute to the spread of democratic ideas as well. The values promoted by the religion of the majority of a country can incline it towards becoming democracy or not. For example, as Huntington claimed, "Confucian heritage, with its emphasis on authority, order, hierarchy, and supremacy of the collectivity over the individual, creates obstacles to democratization."³¹ So far, this has proven to be true, for China remains the world's largest communist state. In India's case, 80 percent of Indians are Hindus.³² Hinduism is known as a religion of tolerance and acceptance,³³ and these religious values helped build the foundation of democratic principles in India, despite widespread poverty and slow industrialization. "The support for democracy in India under such difficult conditions cannot be understood without an appreciation of the tremendous strength that Gandhi drew from some traditional Hindu religious values and

styles of action in his peaceful struggles for independence [and] democracy..."³⁴ Indeed, a drawback to Lipset's theory is that he virtually ignores the monumental effect that the religious consciousness of a country can have on developing political ideals. The case study of India illustrates the importance of ingrained values and beliefs in a people, often from religion and not from education or industrialization. Lipset's theory could be revised to add this important point to have a more holistic set of variables that lead to democracy.

Seymour Lipset boldly claimed that "only in a wealthy society in which relatively few citizens live...in real poverty could a situation exist in which the mass of the population could intelligently participate in politics and could develop the self-restraint necessary to avoid succumbing to the appeals of irresponsible demagogues,"³⁵ but this claim is only partially and sometimes true, and requires revision. While the general correlation seems to ring true for most democracies, India is a major exception. India poses a great challenge to his theory because it boasts a strong democracy without having followed the trajectory Lipset claimed necessary for its development: increased wealth leading to strong education, which leads to industrialization, which leads to democracy. India fits some but not all of these categories, and there are several reasons why. First of all, Lipset erroneously assumes sequence and causality among a set of factors that are simply

loosely correlated. Second of all, India's unique history of post-colonial political development is a "special circumstance," as Lipset calls it, allowing India to relatively easily settle into a stable democracy without having the "social requisites." Finally, Lipset ignores—or at least, greatly underappreciates—the role of religion in imbibing a nation's collective consciousness with democratic values. While education has quite an impact as well, the Hindu principles of toleration and acceptance have gone a long way towards creating and maintaining a stable democracy in India.

In short, Lipset's theory is not incorrect, but rather inadequate, and certain revisions are in order. Changing the presumption of causality to correlation would be the first step towards amending it. Secondly, a clause should be added acknowledging the role of a nationally shared value set, deriving often from religion, in leading to a democracy. India, in particular, also had the "special circumstance" of post-colonialism, which further encouraged the emergence of democracy there. To conclude, a revised, adjusted theory (that would account for India, as well) would be: Wealth, education, industrialization, and democratically-inclined religious beliefs are all associated with stable democracies. The more a country has of any of these factors, the more likely it is to develop and sustain a democracy.

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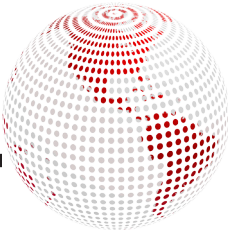
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Should the Responsibility to Protect be Enshrined in International Law?

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While states admit a moral responsibility to take action against states that violate human rights and international criminal law, international law does not create any legally binding obligations on states to prevent or punish violators of human rights. Yet, enshrining the “responsibility to protect” in international law will only threaten the stability of the international system that has long operated based on the norm of state sovereignty and the principle of non-interference.

The structure of the paper is as follows. First, I will discuss the historical background that gave rise to the concept of the “responsibility to protect” in order to understand its purpose and definition. Next, I will address the inherent tensions found within the responsibility to protect, and will focus on the tensions between the moral responsibility versus legal responsibility of states when they are faced with the “responsibility to protect”. Through the case of Libya, I argue that humanitarian concerns do not override the importance of the principle of state sovereignty. Finally, I suggest what the international community can do to fulfill their moral duties without undermining state sovereignty.

I.

The international community realized that its failure to protect civilians during the 20th century led to disastrous outcomes. “Never again” would the world let events as horrible as the Holocaust, the Cambodian genocide of the 1970s, and the 1994 Rwandan genocide be repeated. The doctrine of the “responsibility to protect” emerged from this background as the United Nations and its member states sought to improve their responses to mass atrocities.

The central tenet of the responsibility to protect is based on two ideas: “sovereignty as responsibility” and human security.

Sovereignty as responsibility is the idea that state sovereignty entailed responsibilities, which governments are held accountable for. In particular, states are responsible for the human security of their citizens, meaning governments need to guarantee the basic human rights, dignity and worth of every human person.

According to the responsibility to protect, it is a primary responsibility of a state to protect its own citizens from four serious crimes: genocide, war crimes, crimes against humanity and ethnic cleansing.¹ The principle of responsibility to protect is based on three pillars²: first, it is the primary responsibility of a state to protect its population from the four crimes listed above, genocide, war crimes, crimes against humanity and ethnic cleansing. Second, the international community is responsible for assisting states to meet their responsibilities. Third, when a state has manifestly failed to protect its population from these crimes, the state has abrogated its sovereignty, and the international community has a responsibility to take timely and decisive action through appropriate diplomatic, humanitarian and other means under Chapter VI and VIII of the UN Charter, and appeal to stronger measures under Chapter VII, which include the collective use of force authorized by the UN Security Council.



II.

One of the biggest challenges of implementing the responsibility to protect is the unresolved tensions between a state's moral duty versus its legal obligation when it is faced with the "responsibility to protect". In general, states acknowledge there are moral imperatives in responding to mass atrocities. However, the legal responsibility to respond to widespread human rights abuse taking place in another sovereign state is weak, and almost nonexistent under existing international law.

The moral imperative for states to prevent such horrible crimes from repeating is well documented, and most states have signed and ratified to treaties designed to protect civilians in armed and non-armed conflicts. In the post-World War II international system, with the UN Charter as the basis of the international legal system, states have sought to avoid a repetition of the scale, intensity and duration of the brutality inflicted on civilians during World War II. In this spirit, a series of



A French marine, part of the international force supporting the relief effort for Rwandan refugees

legal documents have been produced over the years that reaffirm the United Nations and its member states' commitment to limiting abuses on civilians. The passage of the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide in 1948, the Geneva Conventions in 1949, the Hague Conventions, as well as the prosecution and creation of war crime tribunals show a strengthening of international humanitarian and criminal law. These are some of the most

ratified treaties, and provide strong evidence that states realize their moral duties to prevent the innocent deaths of civilians. Furthermore, the United States, which has long provided leadership in global humanitarian issues, has continued its commitment to preventing mass atrocities. In 2011, President Obama reaffirmed the responsibility of the United States in atrocities prevention, authorized the creation of an interagency atrocities prevention board, and cited that "preventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States."³ Importantly, the President did not make reference to the legal responsibility to prevent mass atrocities and genocide. The existence of a legal responsibility for states to respond to atrocities is the topic that I will address next.

While the responsibility to protect builds upon this common understanding that states have a moral duty to prevent civilians from unjustified human rights abuse, the legal basis for states to respond to mass atrocities is extremely weak. Our legal understanding of the responsibility to protect is based on four documents. The document that first introduces the concept is the International Commission on Intervention and State Sovereignty's 2001 report, *The Responsibility to Protect*.⁴ The second document was produced in December 2004 during a debate on United Nations reform, and the High-Level Panel on Threats, Challenges and Change reinforced the concept in its report, *A More Secure World: Our Shared Responsibility*.⁵ The third document is a 2005 report of the UN Secretary-General called *In Larger Freedom: Towards Development, Security and Human Rights for All*.⁶ The report states that the security of states and that of humanity are indivisible and that collective action is necessary in order to solve threats facing humanity. It emphasizes that the responsibility to protect must be embraced and acted on when necessary. The fourth document, the Outcome Document, was produced after a high-level meeting of the General Assembly in September 2005.⁷

Paragraphs 138 and 139 in the Outcome Document recognize that each state is responsible for protecting its citizens from crimes of genocide, war crimes, ethnic cleansing and crimes against humanity, and determined that the international community also had a corresponding responsibility.

While the doctrine of responsibility to protect and these four documents seem to reinforce the idea that the international community has the responsibility to take action when a state fails to protect its citizens, in reality, there is little evidence that states have the legal duty to take action. If foreign states do not live up to their responsibility to protect and take collective action, they do not face any kind of sanctions, which suggests that the responsibility to protect cannot even be considered anywhere close to a primary norm in international law. Therefore, it is extremely hard to prove that states have a positive duty to take collective action. No specific consequences are attached to a state's failure to act according to the ILC Articles on State Responsibility. Furthermore,

It is extremely hard to prove that states have a positive duty to take collective action

sanctions against inaction by an international organization like the United Nations are almost impossible to determine or even imagine in international law. At best, third parties may consider protesting against the inaction, but if states in the international community do not live up to their responsibility to protect, existing international law is unable to coerce these states to take collective action.⁸

In addition, none of these four main documents, which the responsibility to protect concept is based on, can be regarded as generating binding international law. According to Article 38(1) of the Statute of the International Court of Justice, which defines the traditional sources of international law, only international conventions, international custom, general principles of law, judicial decisions and scholarly writings of respected legal scholars can

generate binding international law.⁹ Since none of these four documents are considered sources of international law, they do not create any kind of legally binding obligation on states. This means states do not have any international legal duty to take action on a state that has failed to protect its citizens.

Moreover, there is weak evidence suggesting that states should take collective action under Chapter VII of the UN Charter to enforce the responsibility to protect. The responsibility of a state to protect its own citizens is clearly explicated in paragraph 138 of the Outcome Document. Paragraph 139 also distinctly articulates that foreign states should assist a state to fulfill its primary responsibility to protect through measures short of the use of force. However, the statement on the responsibility to take collective action is much more reserved. Paragraph 139 states: "We are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis..."¹⁰ According to the text, foreign states merely reaffirm that they are *prepared* to take collective action, which suggests their engagement is more voluntary than mandatory. Furthermore, collective action will be taken on a *case-by-case* basis, which undermines any idea that states have a systematic duty to take collective action.¹¹

The only hope that the responsibility to protect may become part of international law in the future is if the concept is accepted as customary international law. According to Article 38(1) of the Statute of the International Court of Justice, customary international law is defined as "evidence of a general practice accepted as law". International customs are evaluated based on two components: the objective measurement of state practice, and the subjective measurement of *opinio juris*. State practice looks at the uniformity and duration of how states have applied the custom, and *opinio juris* measures whether states perceive this legal custom as law, and view the practice of the custom as part of their

legal obligation.

Yet, the future of the responsibility to protect as an international custom is dim. Primarily, it has suffered from inconsistent state practice, and an unclear definition of what are the legal obligations for states creates a weak sense of *opinio juris*. The responsibility to protect has been invoked in nine different cases and there has been no consensus on what is a legitimate invocation of the responsibility to protect.¹² For example, Russia invoked the responsibility to protect its citizens in 2008 to justify its military action in Georgia. Russian claims were widely rejected by governments. The responsibility to protect was also invoked in 2008 by France and some NGO advocates to rally action from the international community to respond to the cyclone-related humanitarian disaster in Myanmar. The debates reached a conclusion that the responsibility to protect was not applicable to natural disasters. While the responsibility to protect invoked during the election violence in Kenya in 2007 proved to be a success,¹³ the appeals to the responsibility to protect have been inconsistent.

III.

Given the weak legal pull of the responsibility to protect, the question that naturally follows is this, should the responsibility to protect be enshrined in international law? But the question we should ask is, do we want to enshrine the responsibility to protect in international law? In fact, enshrining the responsibility to protect in international law may endanger the stability of the international system.

To legalize the responsibility to protect would be an enormous challenge to existing norms in international relations. Primarily, it has to contend with one of the most sacrosanct norms in international relations, which is the principle of state sovereignty. Since the Peace of Westphalia of 1648, two principles have formed the basis of the modern international system. First, the concept of state sovereignty, which is a nation-state ruled by a government

of its own, and second, the concept of territorial integrity, the idea that borders are secure between states. These principles are enshrined in Article 2(4) of the UN Charter, which forbids “the threat or use of force against the territorial integrity or political independence of any state.”¹⁴ It is a difficult task to balance this idea with the responsibility to protect, which allows foreign states to intervene when necessary to protect civilians. Based on the responsibility to protect, state sovereignty is not an inherent right of statehood, but a positive right earned by responsible governments that protect their populations.¹⁵ To encourage the application of the responsibility to protect means revising the widely-accepted norm of state sovereignty



Graffiti in Syria reading “Down with Bashar al-A[ssad]”

and putting in place a new definition of state sovereignty, which is extremely difficult to do given the long history of the current definition of state sovereignty.

The case of Libya presents a great example to illustrate the dangerous precedents that the international community is setting that could threaten the future stability of the international system. Protests began on 15 February 2011 in Libya. On 20 February, Human Rights Watch reported that 233 civilians had died over the 4 days since protests began and that government troops were indiscriminately targeting civilians.¹⁶ Despite the fact that the level of atrocities was drastically lower than in Syria, the United Nations and the international community responded immediately to the situation in Libya. Within 11 days, on 26 February, the United Nations Security Council

unanimously adopted Resolution 1970 reaffirming Libya's "responsibility to protect its population";¹⁷ the first time that the doctrine of responsibility to protect was invoked since 2006 regarding the situation in Darfur, Sudan. Shortly after a month of protests, on March 17, the Security Council passed Resolution 1973 sanctioning a no-fly zone to protect civilians and authorizing member states to take "all necessary measures to protect civilians"¹⁸ with Secretary-General Ban Ki-moon affirming "clearly and unequivocally, the international community's determination to fulfill its responsibility to protect civilians from violence perpetrated upon them by their own government."¹⁹ Two days later, on March 19, a multi-state coalition led by NATO began



Syrian President Bashar Al-Assad

a military intervention in Libya to implement Resolution 1973. With regards to the situation in Libya, foreign states acted decisively, even when evidence about human rights violations was only just emerging. States were willing to use force collectively and prevent Gaddafi from inflicting further mass violence on civilians.

In Libya, the responsibility to protect was quickly invoked, and military action was taken immediately when it was determined necessary by the Security Council. As a result,

many deaths and injuries of civilians were prevented. From a moral point of view, the international community was successful in preventing a humanitarian disaster. Stewart Patrick of Council on Foreign Relations argues that the intervention was the "first unambiguous military enforcement of the Responsibility to Protect norm" and that "Qaddafi's utter defeat seemingly put new wind in the sails of humanitarian intervention."²⁰ However, from a legal point of view, the case of Libya set a dangerous precedent because it signaled to states that in the future, the right to sovereignty could be lost if the international community decided to remove that right. This concern particularly troubles emerging states, notably the BRICS (Brazil, Russia, India, China and South Africa) in the international system. India's U.N. ambassador, Hardeep Singh Puri has said, "Libya has given R2P a bad name."²¹ South African diplomats also expressed similar concerns, saying that they were indignant that the West ignored calls by the African Union for a cease-fire.²²

The Libya operation is significant because emerging countries such as BRICS express a fear shared by weaker states that their statehood would be undermined if the responsibility to protect becomes a robust norm in international law. While the Security Council passed Resolution 1973, the decision to intervene and the subsequent expansion of NATO activities beyond the UN mandate was diplomatically controversial. All the BRICS except South Africa, and Germany abstained from the original UN mandate. South Africa supported the mandate on the condition that the resolution was only used to protect civilians and ensure the delivery of humanitarian aid.²³ Furthermore, NATO's decision to pursue regime change incited disagreement and frustration among these states. Russia and South Africa accused NATO of overstepping its authority in pursuing regime change in Libya.²⁴ Meanwhile, China demanded that Libyan sovereignty be respected in the process of finding a peaceful solution to the crisis,²⁵ at the same time, Brazil

and India expressed opposition to NATO air strikes.

The BRICS reluctance to authorize intervention in Libya reflects a concern about state sovereignty, which should not be ignored. These states feared giving support to the responsibility to protect, because it would contribute to the weakening of state sovereignty. Creating regime change by removing Gaddafi was proof that the value of sovereignty was being undermined. The BRICS did not want other states to utilize the responsibility to protect argument to justify an intervention on humanitarian basis, while harboring other political intentions such as regime change. Adopting the responsibility to protect as international law could transform the way states interact, which has primarily been guided by the principle of non-interference. "Sovereignty has underwritten international order primarily by enshrining the doctrine of non-intervention in the internal affairs of states as an essential ingredient of international society. While this may not have prevented interventions in the past, it has acted quite effectively as a normative requirement by forcing potential or actual interveners to justify their actions before their sovereign, and legally equal, peers."²⁶ In the international system, states are legally equal based on the shared concept of state sovereignty. Enshrining the responsibility to protect in international law means changing the 'normative requirement' that governed intervention. This change could make it easier to intervene in the internal affairs of another sovereign state, and potentially lead to more instability and conflict in the international system.

IV.

Other considerations would also problematize the legalization of the responsibility to protect. If the responsibility to protect were to be enshrined in international law, it would create legal contradictions. The UN Charter's purpose was to limit the legitimate pretexts for states to engage war

to either self-defense or collective security. Therefore, the Charter is silent on the question whether states can use military force to address a humanitarian crisis occurring in another sovereign state.²⁷ By enshrining the responsibility to protect in international law, it would remove the Charter's silence on the use of military force for humanitarian purposes, but it would go against the Charter's original purpose, which was to limit the use of force to cases of self-defense and collective security. It would potentially open the floodgates for states to justify the use of force in the guise of humanitarian support.

Second, there is little utility in enshrining the responsibility to protect in international law. The responsibility to protect is a broad concept that involves



Former Libyan ruler Muammar Gaddafi

the responsibility to prevent atrocities from occurring, and reacting decisively if atrocities occur, and to rebuild after atrocities have halted.²⁸ The problem is how to make each step a legal responsibility for states in the international system. Instead of treating the responsibility to protect as a legal concept that should be eventually adopted as international law, it would be more helpful to treat it as a catalyst for further action by the international community to create legal instruments that bind states to specific responsibilities under

the umbrella concept of the responsibility to protect.

The responsibility to protect received unanimous adoption at the 2005 UN World Summit and was reaffirmed twice by the UN Security Council. By taking this consensus as a beginning, international community can begin to create new and specific legal regimes targeting the crimes specified in the responsibility to protect. This is more useful than adopting a broad and multifaceted concept such as the responsibility to protect as law.

The origins of international human rights law provide a great example of how to work on the existing consensus states share on the responsibility to protect. In 1948, the Universal Declaration of Human Rights was adopted unanimously by the United Nations General Assembly, where member states committed themselves and their people to secure the recognition and observance of the human rights specified in the Declaration. Importantly, the Declaration was a declaration and not a treaty, which meant that it was not a legally binding document, though it is generally accepted as customary international law given its unanimous passage. However, the takeaway point is that while the Declaration did not legally bind states to implement policies that respect, protect and fulfill human rights, it became a starting point for contemporary human rights regimes by triggering the creation of various United Nations and regional human rights covenants and international treaties which were legally binding.

The Declaration was the foundation for two UN human rights covenants, the 1966 International Covenant on Civil and Political Rights, and the 1966 International Covenant on Economic, Social and Cultural Rights. Other international treaties inspired from the Declaration include: the 1965 International Convention on the Elimination of All Forms of Racial Discrimination, the 1979 Convention on the Elimination of All Forms of Discrimination Against Women, the 1984 Convention

Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, the 1989 Convention of the Rights of the Child, and the 1990 International Convention on the Protection of the Rights of all Migrant Workers and the Members of their Families. The Declaration has also spurred the adoption of three regional human rights conventions, namely the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, the 1969 American Convention on Human Rights, and the 1981 African Charter on Human and Peoples Rights.

A better way to enshrine the international community's aspirations to protect civilians from the four crimes: genocide, war crimes, crimes against humanity and ethnic cleansing is to generate specific treaties that prevent and punish these crimes. Genocide has been outlawed with the passage of the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide in 1948. Similarly, war crimes, crimes against humanity and ethnic cleansing should deserve their own treaties that prevent and punish any person, group or government that commit these crimes.

Conclusion

Based on the existing body of international law today, while states have the moral imperative, they do not have the legal duty to take action against a state that has failed to uphold its responsibility to protect its citizens. The documents which "responsibility to protect" is based on are not considered authoritative sources of international law. Therefore, even if states agree to the concept, it does not mean there exists a corresponding legal obligation to fulfill the responsibility to protect. Furthermore, the argument to use force collectively by the international community against violators of human rights law is weak. It appears that the international community intended for engagement to be voluntary and evaluated on a case-by-case

basis. Finally, even if states decide not to fulfill their responsibility and do not take action against violators, they are not sanctioned or punished for noncompliance.

While enshrining the responsibility to protect in international law seems like an easy remedy to the lack of legal obligation on states to take action, it could potentially destabilize the international system by undermining the norm of state sovereignty. Sovereignty has guided how states interact with each other for the past four centuries since the Peace of Westphalia. BRICS' reluctance to support the responsibility to protect in the case of Libya demonstrates a legitimate concern about upholding state sovereignty when considering the long-run stability of the international system. While the responsibility to protect is a morally appealing concept, it should not be

enshrined in international law because the benefits of having the responsibility to protect as an international law do not outweigh its relative costs. In the short run, we may reduce the level of civilian casualties in humanitarian conflicts. However, in the long run, more deaths could result due to the potential instability generated by the weakened norm of state sovereignty, which make interventions more likely and common. Even more significantly, accepting the weakened form of state sovereignty under the responsibility to protect will fundamentally alter the way states interact each other. States can no longer be legally equal peers if the sovereignty of some states is less respected than others.

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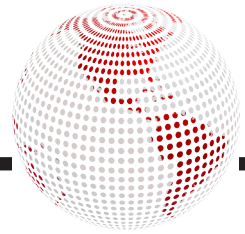
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Campaign of Devastation

Assessing Motives for the Russian Government's 1999-2000 Destruction of Chechnya



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In 1999, the Russian government all but razed Chechnya's capital city of Grozny. The Russian military devastated Chechnya, killing thousands of civilians and wiping out vital infrastructure, signifying the capstone in a campaign of destruction inflicted on Chechnya to crush the burgeoning separatist movement. Government-rebel attacks like this one occur when governments seek to end insurgent campaigns by using force to kill rebels and destroy their base of support.¹ The unusual paradox in the Russian-Chechen conflict was that the Russian government's ultimate intent was to stop the Chechen separatist movement and re-absorb Chechnya into the Russian Federation, and yet the damage it chose to inflict on the region was unimaginable in its scope and extent. Why would a government, in effect, completely destroy its own land and ruin what it considers its own infrastructure and part of its economy? Why would a government want to inflict massive pain, suffering and death upon enormous numbers of civilians that it considers to be legitimate members of its own nation? At face value, nothing appears more ludicrous than a government murdering its own civilians and scorching its own earth. This paper endeavors to prove, however, that such brutality was not paradoxical, but had underlying normative and strategic value for the Russian government.

Hypotheses

Why would the government harm its own land in an exceptionally brutal manner? At face value, this seems to be a counterproductive course of action. I postulate, however, that the Russian government's actions during the Chechen conflict were not paradoxical or counterproductive at all, but instead laden with normative and strategic value. I propose the following as the overriding motivation for the Russian government's use of overwhelming force in Chechnya, as exemplified by the 1999-2000 offensive:

H1: The Russian government used the violence in Chechnya as a means of signaling its strength to other actors in the Russian Federation who may have been considering secession. It also wanted to signal its strength to external actors. Additionally, Vladimir Putin took advantage of the situation in Chechnya to bolster his domestic political image.

I argue that the Russian campaign of destruction in Chechnya was considered a vehicle for messages about the power of the state and was used to threaten future rebellions with brutal retaliation. Russia had just emerged from the Cold War when it decided to initiate the first Chechen War; this campaign appears to be a move to not only restore its international reputation as a powerful state but also deter groups that wanted to push for secession from the Russian Federation.² The second Chechen offensive, the subject of this paper, was also initiated during a period of internal political change. The domestic political events that influenced the government's decision to engage in the 1999-2000 offensive are discussed in this paper.

In addition to the normative argument, I propose two other hypotheses focusing on the strategic aspect of the violence:

H2: The use of overwhelming force in Chechnya was an attempt by the Russian government to coerce the rebels to

cease fighting in order to prevent further destruction of their territory. It was also an attempt to undermine civilian support for the rebels by severely impacting the Chechen civilians' quality of life and endangering their persons.

Civilian life in Chechnya had certainly become unbearable by 1999.³ The Russian government was using overwhelming violence to literally crush the rebellion, but also to undermine support vital to its continuation as an insurgent movement.

H3: The Russian government bombarded the city of Grozny and other areas within Chechnya so as to render the territory devastated, and to reduce the rebel's incentive to secede.

If the government succeeded in destroying vital infrastructure, ruining agricultural sites, and destroying cities and major economic centers, the rebels would face a difficult period of reconstruction in the event of a successful secession. Such devastation could deter secession entirely or provide a safeguard if secession were successful, in that the state may be able to re-establish economic and social control of the newly independent region in the period of intensive reconstruction when the new state is weak and reliant on external aid. The Russian government therefore had a strategic interest in destroying Chechnya: while the government was hurting its own territory, it was in effect trying to destroy its own land in order to retain it.

Brief Overview of the Conflict in Chechnya⁴

The Russian-Chechen conflict grew out of the breakup of the Soviet Union. During the Soviet era, Chechnya had been an autonomous republic in the USSR; after the fall of the Soviet Union, however, the Chechens fought their absorption into the Russian Federation and declared themselves the Chechen Republic of Ichkeria. Russian forces fought to put down the

separatist movement in two phases, the first from 1994 to 1996 and the second from 1999 to 2007. During the first phase of the conflict, President Boris Yeltsin headed the Russian government. During the second phase, the government was lead by President Vladimir Putin, who was acting Prime Minister after Yeltsin's 1999 resignation and won the presidency in 2000.

In response to demands for autonomy among the Chechen people, elections were held in Chechnya in 1991. Dzhokhar Dudayev was elected president, although the elections were not recognized by the Russian Federation. Dudayev's supporters seized territory in the capital, Grozny, and for the next three years refused the Russian Federation's offers for taking on the status of Republic within the



Russian President Vladimir Putin

Federation. In 1994, Russian military forces launched the first full-scale military invasion into Chechnya, beginning the Russian-Chechen war in an attempt to crush the rebel movement. The first phase of the war was largely considered unsuccessful for the Russians.

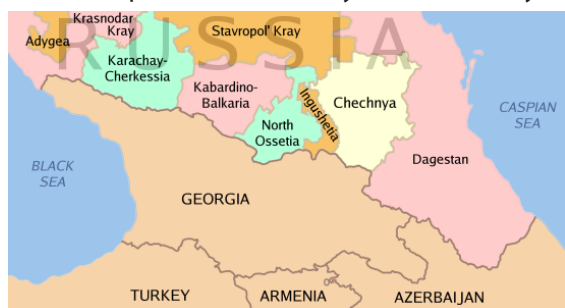
The conflict was marked from the beginning by extreme and widespread violence against civilian areas and populations on the part of the Russian army. The destruction of the capital city Grozny and countless other cities and villages in Chechnya destroyed much of Chechnya's infrastructure and in many cases

reduced areas of the country to rubble.⁵ The best estimates state that through 12 years of active conflict, about 17,600 people were killed, with 17,500 to 33,393 deaths falling under the possible range.⁶

Details of the 1999-2000 Russian Offensive

The second Chechen offensive began in September 1999 and continued until the spring of 2000. It was marked by “artillery and air strikes on populated places” and intense destruction, especially in the capital city of Groznyy.⁷

The US Country Report on Human Rights Practices for Russia notes that “in September and early October, government forces launched air and artillery attacks against numerous Chechen villages along the republic’s eastern border with Dagestan,” and “attempts by government forces to gain control over Chechnya’s capital, Groznyy, were characterized by indiscriminate use of air power and artillery, which destroyed



Chechnya and the Caucasus region

numerous residential and civilian buildings.” The report relayed ICRC estimates of two-thirds of the 150,000 civilians in Groznyy fleeing the capital as a result of the Russian offensive.⁸ On October 27, 1999 the heaviest bombardment yet occurred within in the second phase of the conflict, resulting in 116 deaths from the Russian bombings.⁹ The Russian news agency Interfax reported that from October 27 – October 28 alone, the Russian air forces flew 150 sorties over Chechnya.¹⁰ While the Russian government claimed to use high-precision weapons, reports indicate that they in fact relied mainly on unguided missiles, which were not precise enough to guard against unnecessary civilian casualties.¹¹

The US Country Report on Human Rights Practices for the year 2000 reported on the results of the campaign, indicating that:

There were some reports that federal troops purposefully targeted some infrastructure essential to the survival of the civilian population, such as water facilities or hospitals. The indiscriminate use of force by federal troops resulted in massive destruction of housing and commercial and administrative buildings, as well as the breakdown of gas- and water-supply facilities and other types of infrastructure.¹²

This is evidence that the Russian campaign of 1999-2000 was not only costly in terms of lives lost but also in terms of the amount of devastation wrought on regional infrastructure. As journalist Anna Politkovskaya would later note, the Russian government indeed succeeded in turning Chechnya into “a small corner of Hell.”

Russian Devastation of Chechnya as a Normative Mechanism – Signaling Power to Internal and External Actors

With basic historical background of the conflict established, it is possible to examine the government’s potential motives for such brutality. It is clear from an examination of the circumstantial evidence surrounding the offensive, as well as a synthesis of the available primary sources, that the offensive in Chechnya was an attempt to signal Russian strength both to internal and external actors. It is also clear that Putin used the situation to bolster his own political reputation. This section describes the domestic political situation of Russia in late 1999 and its relationship to the decision to launch the offensive as a signal to internal and external actors.

Political Circumstances Surrounding the 1999 Offensive:

Newly appointed Prime Minister

Vladimir Putin was responsible for launching the second Chechen offensive in August of 1999. Putin was operating under the widespread normative assumption in Russia that Yeltsin's first offensive had been a failure: Thornike Gordadze notes that "...Putin and the military swore not to repeat the mistakes of the first war and from the start pursued a strategy of massive daily aerial attacks followed by the advance of ground troops, disregarding the number of civilian casualties this would provoke."¹³ Russia was also reeling from the bombings of Moscow apartment buildings, supposedly carried out by Chechen terrorists in September 1999.¹⁴ Because Putin would be facing a competitive presidential election in March of 2000, it is likely that he wanted to take action to enforce his hard-line stance against crime and back up his image as a no-nonsense politician who would work to keep the territorial integrity of Russia intact.¹⁵ According to Gordadze, "the outbreak of the second Chechen war in October 1999 came just at the right moment: it sidelined political debate over who would succeed Boris Yeltsin and consolidated the electoral rise of his prime minister, Vladimir Putin."¹⁶

Domestic Political Environment and its Relation to Internal Signaling:

Barbara Walter's work on reputation and civil war postulates that in separatist conflicts, the state has strong incentives to pay the costs associated with reputation building, like engaging in long, bloody, and expensive military endeavors, because it faces the prospect of repeated play. Russia, an ethnically heterogeneous state, was operating under the threat of what Walter deems repeated play – Putin engaged in the Chechen offensive as a visible warning to other ethnic groups in Russia that threats of succession would be met with violence. Walter relays: "as one Russian political scientist aptly observed: 'the fighting in Chechnya was not just against the Chechen rebels, it was against movements all around.'"¹⁷ As Monica Toft similarly posits, states face an impetus to keep their territory intact, because

the breakup of a state's physical territory could spell its demise.¹⁸ The problem confronting Russia was that it believed that it potentially faced a series of separatist movements, and thus had incentive to brutally suppress the Chechen movement rather than offer political concessions. This is because the war itself would bolster Russia's – and Putin's – reputation for decisive and bloody action in the face of rebellion, and in their anticipated outcome, future rebels would choose to remain subservient to Moscow rather than take up arms, out of fear for how the Russian government would react.¹⁹

The available historical evidence backs this claim. In 1999, there was significant domestic political unrest in Russia. Putin could have realistically expected to face separatist challenges in several surrounding regions, and was also dealing with numerous ethnic and minority groups that were unhappy with their standing in the Russian Federation. The Karachay-Cherkessia region was experiencing large-scale, non-violent unrest from 1999-2001 regarding a disputed election, which the government may have feared could foster a potentially violent separatist movement. The Dagestan region was also in turmoil, with groups like the Lezgin demanding the creation of an ethnic state; although the region seemed willing to compromise on their most radical demands at the time, there was still the potential for a violent movement to arise. Moscow was also engaged in negotiations with Tartarstan to forestall secession during this time.²⁰ The government was also likely still scarred by the dissolution of the Soviet Union in 1991 and the accompanying separatist movements that led to radical loss of territory.

Walter's argument also sheds light on Putin's personal motivations for pursuing the second Chechen offensive in a highly brutal manner. She posits that the longer a leader plans on holding office, the more likely he is to resist territorial challenges, because he can anticipate a greater number of challenges arising during his tenure.²¹ Putin likely hoped that he would hold the office of President for

some time; his predecessor Yeltsin had held the position for eight years, and Russian politicians have historically had a relatively long span of influence and office holding within the government.²² Therefore, it was sensible for Putin to take costly action very early on in his political career, even before officially gaining office, in order to forestall rebellion during his assumedly impending presidency. As Benjamin Valentino notes, “an understanding of mass killing must begin with the specific goals and strategies of high political and military leaders...sometimes even individual leaders can play a decisive role in instigating and determining the course of the slaughter.”²³ It is likely that the brutal nature of the 1999-2000 Chechen offensive was driven in large part by Putin’s dictates and his desire to forestall repeated play combined with his concern for his personal reputation in Russia’s domestic political sphere.

The Russian and international media certainly spoke at length about how Chechnya was an important early test for Putin, and how his actions fit with his “tough-man” image. As Jamie Walker reported for *The Australian* on December 11, 1999:

Chechnya is as much about Putin’s political ambitions as it is about cleaning up this troubled corner of the Caucasus. And as a political strategy, it has worked brilliantly. Earlier this year, he was attracting just 2 per cent of support in presidential polls. By the time Russian aircraft began pounding the Chechen rebels’ strongholds in September, it was up to 14 per cent. In recent polls his numbers have trebled again, catapulting him into favoritism for the presidential elections... In Russia, if nowhere else, Putin’s war is a popular one. The reasons for this are complicated, reflecting public nostalgia for the might and power of the old Soviet Union and exasperation with the lawlessness that spilled across the borders of Chechnya and arguably into

the Russian heartland itself.

The campaign in Chechnya was Putin’s introduction onto the world stage. Before the Chechen campaign, Putin was “a political nobody” with a “strictly limited future in Boris Yeltsin’s Kremlin.”²⁴ Nikolai Ulyanov stated in the *Russica Izvestia* on August 11, 1999 that when Putin was named Acting Prime Minister, he had “to act quickly in order to demonstrate that the President [Yeltsin] has made the right choice.” Ulyanov also stated that “the Kremlin expects Putin to demonstrate toughness to

If the violence in Chechnya was indeed a ploy to bolster Putin’s military image, it worked not only on a domestic scale, but on an international scale as well

the nation” and that quick action in Chechnya could “confirm his reputation as a tough Prime Minister and enhance his authority in the military community.”

Polling from the Levada Center, a Russian public-opinion collection agency, lends credibility to Putin’s logic of using Chechnya as a signaling mechanism and reputation-enhancer. When polled in December 1999, 30 percent of respondents said that the Russian government should prevent the separation of Chechnya “by all possible means,” with a further 16 percent saying that they were against the separation but could accept it. Only 20 percent of those surveyed said that they supported such a separation. When polled in July 2002, a staggering 67 percent of respondents reported that they felt Chechens only understood “the language of force” and would interpret attempts to negotiate as a sign of Russian weakness. To that end, in December 1999, 68 percent of respondents felt that it was necessary to continue military operations rather than enter into negotiations. The Russian people certainly supported the use of force in Chechnya and were opposed to a potential separation of the region, even after witnessing the 1999-2000 campaign of destruction.

Therefore, on a domestic level, Putin had much to gain reputation-wise from a tough stance in Chechnya – he was a relative newcomer to the Russian political stage, facing an election for the presidency in just a few months, and attempting to disprove Russia's view of the President as a failure and a weak figure. Today, Putin's brutal and bloody strategy seems to have succeeded in bolstering his reputation, as he will now be entering his third term as president and 13th year in the Kremlin. Putin also managed to contain many of the potential separatist movements, indicating that he succeeded in his goal of cultivating a reputation for decisive and brutal action.

The Offensive and the Russian Image on the International Stage:

If the violence in Chechnya was indeed a ploy to bolster Putin's military image, it worked not only on a domestic scale, but on an international scale as well. International leaders rushed to condemn the brutality; Celestine Bohlen reported for *The New York Times* on December 8, 1999 that "from Washington, President Clinton has warned Moscow that it will pay 'a heavy price' if it continues killing civilians." The same article also reported that "in Britain, Foreign Secretary Robin Cook said aid from the European Union to Russia would be reviewed... if the Russian military did not observe 'basic humanitarian norms.'" The *Agence France-Presse* announced on December 14, 1999 that "UN High Commissioner for Human Rights Mary Robinson, speaking in Geneva, described the plight of Chechen civilians as 'unacceptable.'" While these are words of condemnation, and thus damaging to Russia's reputation, they also signify the strong disapproval of the offensive actions of the Russian military by international actors. Russia may have calculated that having a reputation for brutality in the international system was better than having no reputation at all, or a reputation for having lost the power it had held while it was the Soviet Union. While this judgment may have hurt Russia's international reputation and hearkened back to the killing of civilians under

the Stalinist regime, it would have furthered Russia's domestic purpose by demonstrating that the Russian military was not only willing to crush any separatist rebellion, but was also willing to do so in the face of international criticism. The Levada Center reported that in February 2001, 58 percent of Russian poll respondents said that they thought Russia had reason to fear NATO – this could imply that there was popular domestic support for the bolstering of Russia's reputation for ferocity in the face of military challenges.²⁵ As Chollet and Goldgeier note, "after Yeltsin stepped down from office at the end of 1999, the new president, Vladimir Putin, sought to reassert Russia's traditional place in world affairs as a country to be reckoned with."²⁶ It remains to be seen if Russia will be resurgent, but there is no doubt that the international community recognizes that Russia is still in many ways a power to be reckoned with, and an actor prone to using violent force.

Assessment of the Evidence:

There is substantial evidence to support the claim that the Russian government used the violence in Chechnya as a "shock and awe strategy" to signal its strength to other actors in the Russian Federation that may have been considering secession. The conflict also made an impression on external actors and possibly gave the Russians back some of their reputation for ruthlessness that they had lost since the breakup of the Soviet Union. The 1999-2000 offensive was also able to build Putin's reputation as a tough leader, and contributed substantially to his election as President in March 2000. The devastation thus served three related normative purposes, and proved valuable to Russia.

Russian Devastation of Chechnya as a Strategic Mechanism – Rebel Resolve and Civilian Support

I argue that the main motivation behind the 1999-2000 offensive was its assumed precedent-setting value and reputational benefits. However, I posit the secondary consideration that the Russian government

wanted to use a strategy of extreme force in order to crush the rebel movement and undermine civilian support for the rebel movement. While I place this hypothesis secondary to my main normative hypothesis, I nonetheless believe that it represents an important facet in the Russian government's choice to act in such a brutal manner.

Valentino notes that fighting a counterinsurgency campaign is in itself an incentive for mass killing and states, "...regimes seeking to defeat major guerrilla insurgencies may be drawn to strategies of mass killing" because of the nature of insurgencies.²⁷ Putin was facing a largely guerilla-based campaign, with militant groups striking Russian targets. Because the civilian population was much more readily available than the insurgent force, Putin and the Russian government had an incentive to attempt to defeat the insurgency by killing off all of its support, since it was a logistically easier maneuver.²⁸ Civilians were not able to hide, and most of them were defenseless against Russian bombing and shelling. As Valentino predicts, this strategy did in fact lead to mass killing of Chechen residents; the Chechen people were easy targets for a government with enough air power to carry on such warfare, and the Russian government likely felt that there was no viable military alternative that would preserve their vital interests.²⁹

The Russian government's strategy was likely bolstered by various examples of how overwhelming force could effectively be used to crush an insurgency, or at least to win battles in a conflict. One example that the Russian government likely drew on was the Soviet invasion of Afghanistan in the 1980s. Valentino postulates that even though the Afghan strategy was not a complete success, the Russians probably decided that there lacked a viable alternative for the Chechen situation.³⁰ Jason Lyall's study of Russian troops' shelling and its impact on subsequent insurgent attacks surprisingly concluded that such massive violence actually reduced the number of insurgent attacks, rather than inspiring the rebels

to attack more heavily.³¹ Therefore, the early devastation provided an incentive to continue that level of violence, because it appeared to be serving Russians' strategic interests.

There are instances of Russian leaders explicitly expressing their desire to use force to crush the insurgent movement. On October 27, 1999, news reports relayed televised comments by Viktor Kazantsev, head of the federal forces in Chechnya, in which he stated, "taking Grozny is not the point, the aim is to free Chechen territory of the terrorist bands. They must realize they have just two options -- to lay down their arms or to be destroyed."³² Other Russian leaders also spoke out on the strategic purpose of the violence. Before the campaign's start, Putin himself expressed in earnest that the Russian military would "...deliver strikes against any place where gunmen are based [in Chechnya]... we will destroy the gunmen."³³

Examining the alternative military strategies available, it is easy to see why the Russian government settled on a strategy based on artillery and air power. The first phase of the conflict was considered a loss for the Russians and was marked by especially poor performance in urban combat, especially in Grozny. This was probably a factor in the Russian military's choice to use bombing and shelling as a means of attack – it could be carried out from far away, but it was necessarily more indiscriminate than using ground forces to take a city. As Michael Coffy posits, "the Russian military learned to use brute force in the second Chechen war because it did not have a military that was capable of conducting a modern 'bloodless' war."³⁴ As was previously noted, the Russian military did not possess precision munitions, only more indiscriminate weapons, which placed limits on how much they could avoid targeting civilians. Since the Russian military had no other viable strategic options, they were left with little choice to how they would rout the insurgents if they wanted to minimize Russian casualties while ensuring a cease to the insurgency.

The stakes were high enough that the Russian military could not take any chances

with the campaign – they risked terrorist strikes on their homeland, as well as the threat of the secession of other parts of the Russian Federation if the Chechen separatists were successful. Therefore, the Russian military possessed many strategic incentives to utilize a campaign of destruction. On a theoretical level, the nature of the enemy meant that the use of massive violence against civilians was likely. On a practical level, the Russian military may not have had the ability or resources to conduct the campaign in any other way, given the stakes of losing. It was better for them to raze Grozny than to risk protecting Chechen civilians at the expense of the safety and territorial integrity of the homeland.

Russian Devastation of Chechnya as a Strategic Mechanism – Deterring Secession

The Russian military wanted, as its ultimate aim, to crush the separatist movement. They could have done this by wiping out the



A mass grave in Chechnya

rebels, starving them of support, or convincing them to give up their struggle. One way of achieving the aim of convincing the rebels to surrender their cause could have been to render the territory so devastated that the rebels faced little incentive to secede.

Chechnya's destruction was so severe that repair of the region was likely inconceivable without financial support from the Russian central government. Chechnya was still reeling from the first phase of the conflict when the second phase commenced; a state budget had

not existed since 1992, the collection of taxes had ceased and so Chechnya did not get its expected share of oil revenue, and in 1999 the region's oil output had dropped to 400 tons per day, compared to 4,200 tons in 1998.³⁵ In 2002, the UN named Grozny the "most destroyed city on the planet."³⁶ Indeed, in 2000, the Russian government did pledge to provide support for Chechnya through the UN.³⁷ Later, according to a January 29, 2001 news report by *Agence France-Presse*, Russia provided \$514 million dollars worth of aid to Chechnya in 2001. In 2009, nine years after the Russian offensive, the Russian government was still pumping hundreds of millions of dollars into Chechen reconstruction.³⁸ Had the separatists succeeded, it is unclear how they would have managed to rebuild without such funding, especially given that Chechen employment continued to be extraordinary – in 2009, Chechen unemployment levels remained over fifty percent.³⁹ Russian government officials must have been aware of the region's financial situation, and thus could have chosen to take advantage of it by creating even more weakness through gratuitous destruction and engendering dependence on Russian aid for rebuilding purposes. The need for funding would have been a powerful incentive to give up hope of independence, as otherwise, the Chechens would have simply seceded to a pile of rubble, hopeless to rebuild. The challenges of nation-building in post-conflict societies are great enough without having to physically rebuild a country from the ground up. It is entirely plausible that if the Chechens had succeeded in their quest for independence, the devastation wrought by the Russian attacks would have forced them back to Moscow shortly after independence because the financial strain of nation-building would be too large a barrier to overcome.

This argument, while logically plausible, currently suffers from a lack of supporting evidence. The evidence presented in support of this hypothesis could be used to support my other hypotheses, or could simply be written off as tallies of the destruction wrought as a side

effect of a brutal military campaign carried out for the aforementioned normative and strategic reasons. Unfortunately, it is almost impossible to discern whether this desire motivated the Russian military based on the available evidence. Therefore, this hypothesis remains only theoretically plausible until such time as it can be either confirmed or denied. Nonetheless, I offer it as a potential alternative or supplement to my main normative and strategic hypotheses, supported by the circumstantial evidence offered above.

Conclusion

The Russian attack on Chechnya from 1999-2000 was horrific. It left between 8,606 and 17,377 people dead, making it the two deadliest years of the entire conflict. It destroyed infrastructure, families, and an entire region. As former president Mikhail Gorbachev stated, "there were many guilty parties in this war, and history will put everything in its place. But the human lives lost cannot be brought back, and the destruction is difficult to reverse." This paper has put forth three potential motivations for Russia's violence in Chechnya: Putin's desire to restore the reputation of Russia, prevent other groups in Russia from considering secession, and further his own political career; the Russian government's desire to find an effective way of combating the insurgent movement given their

limited military capacity; and finally the Russian military's desire to devastate Chechnya so that the rebels had reduced incentives to secede, given that their territory would be irreparably damaged. While this paper points to the normative, reputation-enhancing aspect of the extreme violence, it also implicates the second and third factors as contributing to the decision to use overwhelming force.

The odds, both circumstantial and strategic, were against the Chechen civilians. Because of the situation in which history and politics had placed them, over 17,000 Chechens lost their lives. In the end, Russia superficially achieved its stated goal of silencing the insurgency. However, in actuality, the rebellion lives on in the present movement to unite the Caucasus. While it is too late to save Chechnya from destruction, it is not too late for the international community and domestic political actors to understand the context historical events and the motivations of the Russian government. Learning from Chechnya's horror, the international community can reduce the amount of regions and groups that will have to experience such campaigns of destruction brought upon them by the government. With luck, international actors can fashion a world in which innocent civilians will no longer experience what it is like to struggle to live in and sometimes die in "a small corner of Hell."

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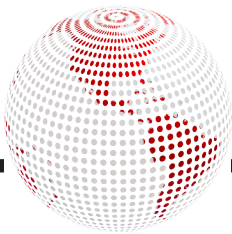
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A Pacifist in the Pacific:

Past, Present, and Future United States

Policy towards Myanmar



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Myanmar, sitting on the border between South and Southeast Asia, reflects a historically oppressive state with internal struggle as surrounding countries compete for influence. In 1990, the government promised multi-party elections only to ignore the results and imprison advocates for democracy, including Aung San Suu Kyi, the face of Myanmar’s democratic movement. Afterwards, the United States adopted economic sanctions and restricted ties with the country. Recently, leaders in Myanmar have reached out to the United States for the first time in decades. With policy towards Myanmar at a crossroads, how can the United States pursue its own interests while influencing Myanmar’s slow transition to political and economic change?

Note: In 1989, the military regime changed Burma’s name to the *Union of Myanmar*, but the western world refused to adopt the new name. However, since the 2008 Constitution officially changed the nation’s name to the Republic of the Union of Myanmar, this essay uses Myanmar rather than Burma when referring to the country.¹

Introduction

As Myanmar begins to reach out to the United States diplomatically, how can the United States evolve its previous policy to reflect its national interest while influencing Myanmar’s slow transition towards political and economic change? The US has maintained economic sanctions against Myanmar since 1990, but recently reevaluated its approach. In 2009, the US initiated a strategy of “practical engagement,” using both pressure and engagement to establish better relations with Myanmar as it starts to engage with the US. In November 2011, President Barack Obama stated in a speech to the Australian parliament, “After a decade in which we fought two wars that cost us dearly, [...], the United States is turning our attention to the vast potential of the Asia Pacific.”² Secretary of State Hillary Clinton visited Myanmar two weeks later,

marking the first visit by a Secretary of State to the country since John Foster Dulles in 1955.³ On April 1, 2012, the National League for Democracy (NLD) party, led by democratic revolutionary Daw Aung San Suu Kyi, won 43 out of 44 contested parliamentary seats in Myanmar’s by-election – an event Secretary Clinton called “an important step in Burma’s democratic transformation.”⁴



Monks Protesting in Burma

In this paper I examine past, present, and future US policy towards Myanmar. First, I provide an account of the country’s oppressive history, as Burma became modern-day Myanmar. Second, I analyze Myanmar’s current internal and external challenges and evaluate the strategic national interests of

the US, China, India, and the Association of Southeast Asian Nations (ASEAN) in regards to Myanmar. I incorporate a multi-level strategy for the Obama Administration, where China's regional influence affects US policy towards Southeast Asia. In addition, I include Harvard International Affairs Professor Stephen Walt's balance of threat theory, where states align against a common threat, to demonstrate how the US and Southeast Asia are beginning to balance against the strongest state in the region, China.⁵ Third, I present arguments for and against engagement and show how some critics assert that new diplomatic initiatives with Myanmar are premature. Finally, I present a prescription for an incentive-based policy using Robert Jervis' *Perception and Misperception* theory, with both sticks for deterrence and carrots to appease the government, to implement a policy that eases sanctions on Myanmar if it meets expectations on political reform and adherence to rule of law. Myanmar presents a unique opportunity for a mutually beneficial relationship if the US can follow Massachusetts Senator John Kerry's plan to "encourage even an authoritarian to change course working in concert with like-minded members of the international community."⁶

History of Burma/Myanmar

In the 1820s, the British colonized the territory they named Burma. In 1886, the British made Burma into a province of India, and it did not become a separate colony until 1937.⁷ Burma's independence hero, General Aung San, led a coalition of nationalist forces to negotiate independence from the United Kingdom in 1947. Five months later, a rival Burmese politician assassinated Aung San. The following January, Burma achieved independence and democratically elected U Ni as its first Prime Minister.⁸

In March 1962, General Ne Win gained power through a military coup. He suspended the 1947 constitution and closed the country from outside influence. Between 1962 and

1988, the Burmese people mounted protests against Ne Win's isolationist and socialist regime as Burmese citizens realized his policies did not help the bring the change they had fought for under colonial rule.⁹ In 1988, a year before China's Tiananmen Square massacre, the Burmese people launched a revolution and unarmed demonstrators took to the streets in peaceful protest in an event known as the "Massacre of 8-8-88." Soldiers fired upon the masses, killing thousands of the non-violent protesters. The Burmese, intimidated by the use of force, did not stage any mass demonstrations again until the 2007 Buddhist monk-led "Saffron Revolution."¹⁰ These demonstrations were suppressed, but the effort underscored how Myanmar's citizens continued to long for democracy.¹¹

When the State Law and Order Restoration Council (SLORC) gained power after Ne Win's resignation in late 1988, the government promised to hold "free and fair multi-party general elections."¹² Aung San Suu Kyi, daughter of revolutionary Aung San, ran for office and became the face of Burma's democratic movement. In September 1988, the democratic activists of her National League for Democracy (NLD) party were detained as the SLORC declared martial law. Suu Kyi would be placed under house arrest for 15 of the next 21 years, while her party won 80 percent of the seats in the 1990 election.¹³ The government ignored the results, and it took from 1993 until 2007 to draft the constitution that SLORC, which became the State Peace and Development Council (SPDC), promised before the elections.¹⁴ The US implemented economic sanctions in 1990 and cut ties with Burma. The 2003 "Burmese Freedom and Democracy Act" banned imports from Myanmar to the US, and the legislation was expanded in 2008 to include jewelry from other countries made with Myanmar's resources.¹⁵ In 2010, Thein Sein was elected president in the first elections since 1990, showing a partial move towards greater civilian government.¹⁶ Suu Kyi was

still under house arrest, and her NLD party boycotted the vote.¹⁷ Suu Kyi was released following the election and continued to advocate for democracy within her country and to the international community. In the April 2012 by-elections, she was elected to parliament as the NLD party gained 43 out of 45 contested seats – the army and its proxy Union Solidarity and Development Party (USDP), however, still hold about 80% of the 664 Union Parliament Seats.¹⁸ Suu Kyi stated that she hoped “this will be the beginning of a new era, where there will be more emphasis on the role of the people in the everyday politics of our country.”¹⁹ Following the elections, the Obama Administration announced it would suspend sanctions and nominate Derek Mitchell to become first US ambassador to Myanmar in 22 years.²⁰ Although Suu Kyi praised suspending sanctions as a “possible first step,” she noted that the democratization process is not irreversible “until such time that the military commits itself to democratization solidly and efficiently.”²¹

Internal and External Problems

Once a source of hope for Southeast Asia following World War II, the historically poorly managed country of Myanmar remains a source of trade and resources. However, internal problems become problems for its neighbors, and the international community cannot decide whether to maintain sanctions or engage Myanmar diplomatically and economically. China and India compete for influence, while ASEAN countries pressure the Myanmar government for political change. Meanwhile, the US has begun to try and take advantage of a possible opening in political freedoms to diplomatically engage Myanmar with the international community.

For the US, Myanmar has multiple challenges to address in terms of providing for personal freedoms and addressing concerns regarding its possible nuclear capability. In the confirmation hearing for then-appointed envoy Derek Mitchell, Senator John Kerry

expressed the urgency to address the problems in a country that “sits on sea lanes, natural resources, and fertile soil that create the conditions for potentially unlimited development.”²² However, demonstrating Graham Allison’s bureaucratic politics model, applied where goals conflict between organizations within the government, the debate over control of policy between the US State Department and Congress has caused polarization over the issue of relations with Myanmar.²³

The 2010 presidential elections and 2012 parliamentary by-elections possibly showed false promise; the 2008 constitution requires a quarter of parliamentary seats to be reserved for the military, and members with relations to the old regime compose about 80% of the legislature.²⁴ The US called for Myanmar to release its 2,100 political prisoners, and the 200 it released on October 13, 2011 represented a small step towards that goal.²⁵ Reporters Without Borders placed it in the bottom ten countries in its world press freedom ranking with 108,900 Internet users out of 50.5 million people.²⁶ Finally, Senator Richard Lugar disclosed that Myanmar could be getting assistance from North Korea for the development of nuclear capabilities, which engagement with Myanmar’s government could clarify.²⁷ The US is concerned that despite opening up diplomatically, there has been little progress in human rights or constructive dialogue towards internal reconciliation.²⁸

The US has adopted a multi-level strategy as the Obama Administration attempts to assert its strategic national interests in Myanmar, exercise greater American influence in the Pacific, and provide a counterweight to China’s growing influence.²⁹ Previously, the US maintained economic sanctions while China pursued its strategic national interests in Myanmar after the military took over in 1988. However, Secretary Clinton’s visit in November 2011 signaled to China that the US seeks to weaken Beijing’s influence in

Myanmar. As Assistant Secretary of State Kurt Campbell stated in October 2009 before the Senate Foreign Relations Committee, "Let me be clear: we have decided to engage with Burma because we believe it is in our interest to do so."³⁰ Campbell also stressed multilateral engagement to promote transparency in Myanmar's government.³¹ As the US pursues its own interests, it must factor into its decision-making the interests and goals of China, India, ASEAN, the United Nations, and Japan, among others.³²

China has cultivated strong political and economic relations in Myanmar. It put billions of dollars into trade and investment, receiving military benefits, such as access to ports, in return. China sways the government despite neighbors' concerns about Myanmar's future.³³ China and Russia vetoed attempts for international sanctions and, as evidenced by Iran and Iraq, both countries do not believe the UN Security Council should sanction a country for human rights violations.³⁴ Li Chenyang, professor at Yunnan National University, argues that Myanmar is not a threat to regional peace or security, and that "simply adopting the Western democratic system would cause social chaos and humanitarian disasters."³⁵ As a newly emerging economy, China wants to pursue closer cooperation with other developing countries. Myanmar values China as a country that opened up to it when Western countries did not.³⁶ From a US perspective, China's support of developing countries can insulate dictatorships in countries such as Myanmar and North Korea that otherwise could be influenced by the West.³⁷ From Myanmar's perspective, only China has a seat on the UN Security Council, which gives the relationship special purpose.³⁸

India, despite cutting off contact with Myanmar in 1988, slowly adopted new policies after 1993, in order to build better relationships with Southeast Asian countries, to provide balance against China's threat in Myanmar, and to help its northeastern states.³⁹

In addition to being oil-rich, Myanmar offers a land route to other East Asian countries. India's retired General Gurmeet Kanwal believes that China encourages North Korean assistance to Myanmar on nuclear technology. India's policy is that the international community must prevent other Asian countries from developing nuclear weapons.⁴⁰

After 1990, the renamed country of Myanmar peaked in internal growth when it partially liberalized the economy. Since then, it has become both an area of national interest and a threat to its neighbors, as the corrupt gas and oil rich state is home to a drug trade that produces 80% of the heroin in Southeast Asia.⁴¹ In 1997, Myanmar was controversially admitted to ASEAN under the rationale that



United States Secretary of State Hillary Clinton meets with Burma's President Thein Sein

member states would positively influence Myanmar's decision-making.⁴² While the body has not resolved the collective action problems that Southeast Asian nations face, where member-states have difficulty not acting in their own self-interest, ASEAN has provided some integration and corporate centralization to balance against the threat of China's future regional hegemony.⁴³ ASEAN is a critical factor in future Myanmar political reform, but it is driven by ideologies of economic states like Indonesia and Malaysia, which emphasize growth over democracy and human rights. ASEAN, however, has also admitted other undemocratic countries including Vietnam, Cambodia, and Laos.⁴⁴

In 2009, Secretary Clinton visited

Indonesia to strengthen the US-ASEAN partnership and encourage the promotion of human rights and democracy. This was a reversal of the Bush Administration's policy whereby former Secretary of State Condoleezza Rice missed the ASEAN Regional Forum twice during her four-year term.⁴⁵ However, because of Myanmar's uncertain future, ASEAN has expressed doubts about giving Myanmar the regional chairmanship when its turn comes in 2014.⁴⁶

Pros and Cons of a New Strategy

Incentives to pursue a new strategy emerged after neither engagement or sanctions alone led to Myanmar's political reform. Greater diplomacy follows President Obama's stance of "practical engagement" around the world. Stanford political scientist Larry Diamond suggests that because of the "logic of linkage and leverage, it is not surprising that sanctions do not bring about democratic reform."⁴⁷ Although sanctions may have worked with western-linked countries, they have not in countries like Cuba, North Korea, Zimbabwe, and Myanmar. However, South Africa's last decade of apartheid offers a counterexample, where lack of foreign investment and an economic recession caused leaders to negotiate.⁴⁸ Overall, isolating nations already outside western influence diminishes leverage unless there is widespread cooperation and linkage.⁴⁹ For US policy, engagement supplements sanctions, and the restrictions can be permanently lifted once Myanmar meets benchmarks regarding political reform and improved human rights. This promotes political change, as economic integration with its neighbors brings money, jobs, and greater demand for transparency.⁵⁰

In the Western hemisphere, while there are differences between the two cases, Chile offers an example of a US policy of sanctions, then sanctions plus engagement, to achieve political reform. In order to change the behavior of Chile and Pinochet's human rights abuses during the 1970s and 1980s, Congress

imposed sanctions on military, economic, and multilateral aid.⁵¹ The US used pressure through sanctions and, in the late 1980s, it used engagement with the democratic opposition. The democratic opposition against the Pinochet regime used US and international support to help defeat Pinochet in the plebiscite election in 1988, easing the transition to a democratically elected president in 1990.⁵² The US would not directly fund Myanmar's democratic opposition, but engagement gives democratic parties a better environment to participate in government.

Others are hesitant to lift economic sanctions on Myanmar. The relatively low foreign investment stood at \$259 million in 2007 and \$323 million in 2009, but increased to \$20 billion in 2010-2011.⁵³ The White House eased some sanctions on Myanmar but does not support lifting the import ban, which the Senate allowed to temporarily expire on September 30, 2012. It is possible that liberalizing the economy to allow greater foreign investment will lead to yet greater corruption in an already corrupt system. However, as Myanmar gives more voice to democratic movements like Aung San Suu Kyi's NLD party, civilian discontent will hold the government more accountable to its people.⁵⁴ In the current era of globalization and greater flow of information, the international community and people of Myanmar can force more accountability on the government. This change will most likely happen more slowly than Indonesia's change between 1980 and 2000. Mancur Olsen outlined a theory about transition from dictatorship to democracy in the *American Political Science Review*, which states, "if no one leader can subdue the others, [...], then the alternative is either to engage in fruitless fighting or to work out a truce with mutual toleration."⁵⁵ As the nominally civilian government in Myanmar has begun to show, the pressure of political reform can lead to power sharing and an opportunity for a transition to democracy.

Future Policy Outlook

Former Secretary of State George Kennan stressed in *American Diplomacy* that the US needed to ensure that emerging powers are prevented from taking control over key global industrial centers. Stephen Walt argued this logic “reflects a realist view that it is to U.S. advantage to keep Eurasia divided among many separate powers.” As the dominant regional power in the Western hemisphere, the US must work with Southeast Asian countries to prevent China from establishing a “sphere of influence” and similar regional hegemony in Asia.⁵⁶ As Myanmar emerges from fifty years of military rule, the current

The pressure of political reform can lead to power sharing and an opportunity for a transition to democracy

US strategy of pressure plus engagement is appropriate.⁵⁷ In *Perception and Misperception in International Politics*, Robert Jervis states, “while sticks as well as carrots are to be employed, the other’s friendship cannot be won by gratuitous concessions.”⁵⁸ The US should offer sticks to deter Myanmar from taking hostile actions and offer incentive-based carrots to reward Myanmar’s progress in key areas including human rights, democratic reform, and support for the rule of law. If Myanmar’s government meets clearly stated goals, the US can slowly lift economic sanctions to cultivate political and economic reform, improved human rights, and more personal freedoms.

Over time the US and the international community must enact several more progressive and engaging policies, but must do so without a specific timetable to avoid premature transition. The US needs to pressure Myanmar to become more transparent with its nuclear development intentions, allow free assembly, and implement “free, fair, transparent, and inclusive” elections by 2015.⁵⁹ The US, alongside ASEAN, the

EU, Japan, and Australia, should institute a development aid package for Myanmar, enacted inside rather than outside the state, as aid has been implemented in the past.⁶⁰ The aid could help support and restore the educational system, provide health support including HIV/AIDS treatment, fund rural farmers, and support other key efforts to address the needs of a country whose people frequently live on \$1 to \$3 dollars a day.⁶¹ There must be adequate oversight in place to ensure any new foreign aid is going to the right places and reaches the country’s civil society to promote development, rather than being channeled through the government. If Myanmar continues positive reforms, the US can improve diplomatic relations by endorsing Myanmar’s integration into international bodies. Additionally, the international community needs to reach out to military members in the parliament by offering them freedom from persecution if they permanently remove themselves from government.⁶²

The US, through a clear policy of engagement and accountability, and Myanmar, through transparency and reform, can and must develop mutual credibility, with the ultimate goal of paving a path where the US, working with the European Union, Australia, and Japan, can permanently lift sanctions.⁶³ This can only occur once it is certain that Myanmar’s leaders are embracing reform with institutional safeguards in place so future crises do not return the state to past trends.

Conclusion

Arguably, the future of democracy and economic growth rests with Asia more than any other region in the world.⁶⁴ Myanmar’s potential economic prosperity faded as its neighbors, the Asian “Tigers,” enjoyed economic growth while Myanmar grew at a level almost two percent lower annually than it did before 1962.⁶⁵ It had been one of the most undemocratic countries in the world

until the end of its 48-year military rule in 2010, when President Thein Sein showed interest in engaging diplomatically with the US.⁶⁶ In April 2012, the “landslide victory” for Aung San Suu Kyi’s party in parliamentary by-elections provided hope for Suu Kyi’s goal of a “genuinely democratic atmosphere” in Myanmar.⁶⁷

The Obama Administration is trying to shift American interests away from the Middle East and towards the Pacific. Secretary Clinton made progress in her November 2011

visit to the country after President Obama announced a “larger and long-term role in shaping this region and its future.”⁶⁸ Clinton met with the leader of Myanmar’s democratic movement, Daw Aung San Suu Kyi, and made progress to create a mutually beneficial partnership with Myanmar and its allies in the Pacific. The US government’s approach of “pragmatic engagement” can offer the slow transition to political reform that is needed in Myanmar.

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