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Editor's Letter

With the close of another fulfilling academic year, Politicus is ready to publish its second Spring issue! It gives us great pleasure to publish these seven extraordinary student contributions within the sphere of political academia here at Queens University.

Of course, there are a number of committed and passionate individuals who we must thank in particular for, without their tireless support and dedication, this unique forum for undergraduate academic engagement could not continue to exist.

First and foremost, a huge thank you must go to the team of devoted student volunteers that make up both our Management Board and our Editorial Board. The impassioned work of these outstanding individuals is not only what allows Politicus to function, but truly thrive as an academic organization. Without the steadfast commitment of these individuals, Politicus could not continue achieving our outstanding standards of academic achievement while simultaneously soaring to tackle new challenges and reach new heights.

A very gracious thank you must also go to our academic partners namely, Professor Grant Amyot and the Department of Political Studies, Major Christian Breede and Professor Pierre Jolicoeur from the Royal Military College Department of Political Studies, as well as the entirety of our Panel of Referees. Your guidance and support are the reason why Politicus, as an organization, is able to continue learning, developing and growing within academic circles. For all those professors and students that have also taken the time to prepare and participate in our various academic events throughout the course of the school year, we thank you deeply for supporting our goal of improving the critical engagement of undergraduate students beyond the classroom.

Finally, we would also like to thank the Arts and Science Undergraduate Society and the Department of Political Studies for their continued financial generosity and logistical support. Namely, we must highlight the support of Adam Grotsky, Blake Butler and Emily Graham for their encouragement and support in all aspects of the Journal.

From the first day of operation, Politicus Journal has remained dedicated to fostering a community of critically engaged undergraduate scholars at Queen's University. As Co-Editors, it is our only hope that Politicus remains a valuable resource to future generations of Queen's students. From the hard work and overwhelming support that we have had the pleasure of witnessing this year, we are confident in the future of Politicus and we look forward to seeing how it develops into the future. The seed was planted, and it has been an absolute pleasure to watch it grow. Now, it's time for Politicus to blossom.

Sincerely,

Michael Oshell & Wudassie Semaneh-Tamrat
Co-Managing Editors, 2014-2015

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Religious Accommodation In France And Germany: An Analysis of Muslim Umbrella Organizations and the Effects of State Structure on Mobilization

Jeffery Ong

This paper will be addressing Muslim religious organizations within Western democracies and how they respond strategically to the political structure set by the state in which they reside in. This discussion will be drawing theoretical input from Meyer's account on political opportunity structures in order to better frame the channels and strategies these Muslim organizations take in order to advance religious claims. The main research question guiding this paper is as follows: how does the political opportunity structure of a given state affect the strategies and ways in which Islamic institutions advance claims of religious accommodations? In light of this discussion, this paper seeks to suggest that a more open opportunity structure to the political process allows Muslim organizations to take a more docile approach to advancing accommodation claims and that more closed structures encourages Muslim organizations to take more aggressive or untraditional routes to advancing religious accommodation claims.

The current body of literature based on what Frank Peters calls "the Muslim field"¹, has increased, along with the pressing issues of religious freedoms within the boundaries of Western European democratic states. The influx of Muslims into these Western democracies has challenged the historical models of church-state relations and has allowed Western states to reexamine their own positionality within the realm of accommodating religious minorities.² The state's role of negotiating accommodations has been extensively explored. However, discussing solely the state's role in providing or denying these accommodations risks methodological nationalism – assuming the state as the best or sole unit of analysis. In order to gain a more holistic view of how accommodation claims are brought forth, negotiated, and ultimately afforded or ignored, it is necessary that scholars go beyond that of a state-centered account of religious accommodations. Specifically this paper will be highlighting the role of Muslim religious organizations within Western democracies and how they respond strategically to the political structure set by the state in which they reside in.

This discussion will be drawing theoretical input from Meyer's account on political opportunity structures³ in order to better frame the channels and strategies these Muslim organizations take in order to advance religious claims. The main research question guiding this

paper is as follows: how does the political opportunity structure of a given state affect the strategies and ways in which Islamic institutions advance claims of religious accommodations? In light of this discussion, this paper seeks to suggest that an open opportunity structure to the political process allows Muslim organizations to take a more docile approach to advancing accommodation claims and that closed structures encourage Muslim organizations to take more aggressive or untraditional routes to advancing these claims.

This paper will focus on case studies of two states and the Islamic organizations within them. Namely, the focus will be on two areas of accommodation: religious education and mosque building rights. Muslim organizations will be drawn from France and Germany. The reason these two countries were selected is twofold. First, there are definitive and salient overlaps in terms of religious provisions that can be documented through various sources, such as news, personal accounts and state documents. Secondly, both states offer up very active Muslim umbrella organizations that are continuously pushing for, and struggling with, religious accommodation, whilst remaining distinct in political structure. Within these two states, the focus will be on the largest Islamic organizations with regards to membership count. This is because it is highly likely that these organizations would have the most influence in forwarding accommodation claims, due to the mere breadth of their reach. In Germany, these organizations include (but are not limited to): The Turkish-Islamic Union of the Institution for Religion (DITIB) and the Union of Islamic Cultural Centers (VIKZ). In France the largest Muslim umbrella organizations is the Union des Organizations Islamiques de France (UOIF). In examining these organizations, this research hopes to explore how constraints via political structure of the residing state of the organizations affect how these organizations advance claims for accommodations in religious education, and mosque building rights.

Before attempting to analyze the question of Islamic institutional reactions to opportunity barriers, it is pertinent that there be a discussion on political opportunity theory first. According to Meyer, mobilization and advancing of claims do not happen within a vacuum, instead, governance structures affect what claims are legitimate and which claims take priority over others.⁴ However, it is also crucial that one does not forget that opportunity is one of many factors that influence the actions of institutions. The agency of actors also needs to be considered.⁵ Nevertheless, this is not to say that political opportunity cannot affect the agency of activists. Much of the scholarly work on social movements and rights claims has focused on the internal arrangements of movements, such as group make-up, incentives, and resources. For example, addressing Muslim

religious accommodations in particular, Warner and Wenner suggest that the lack of coherent mobilization to advance rights claims comes as a result of these internal structures, and more specifically, argues that it is the actual fragmented nature of Islam itself that prevents Muslims from organizing successfully.⁶ Eisinger's use of political opportunity theory highlights how certain regimes —,that are responsive to claims brought forward, where power is dispersed and there are more opportunities to formally or informally negotiate claims—,tend to be considered “open” since their governance structures encourage the discussion of various claims, issues, and policies that are relevant to specific populations. On the other hand, regimes where there are more barriers, and where power is centralized, tend to discourage political mobilization. These systems are ,considered closed.⁷ Using this theorization of political opportunity as well as conceptions of open and closed systems, we will be able to better analyze the reasons behind the actions and strategies of Muslim organizations in forwarding their claims for religious accommodations in various areas.

I. Germany: Political Structure and Governance

In order to properly analyze political opportunity theory in Germany, it is necessary to first give an account of Germany's state structure and governance. Germany is a federal state with each *Land* (district) government determining which religious groups are recognized and which are not. Recognition gives legitimized status to forward claims of accommodation as public corporations and also allows religions to collect taxes of around 8-10% in order to support the operations of the religion.⁸ The Basic Law also governs religions, where they must follow certain regulations in order to be recognized.⁹ The Basic Law contains four criteria in order to determine if a religious group should be granted recognition, also known as “public corporation” status. The four criteria are as follows: 1) Exist in a designated *Land* for an appropriate amount of time (usually 30 years); 2) The religious group must make-up one-one thousandth of the *Land* population; 3) The group must follow the law¹⁰ and 4) The religion must have a hierarchical structure (similar to that of Roman Catholic churches).¹¹ Much of the state structure in Germany (as well as in France) can be summarized in Jepperson's modern polity models. Jepperson identifies four broad typologies, which are categorized by high or low corporatism, and high or low statist tendencies.

The resulting categories are social-corporate, state-corporate, liberal, and state-nation.¹² Koenig further elaborates on how these categories of state structures can highlight how religious groups can be affected by the organization of the state.¹³ Germany, having state-corporatist

tendencies, is characterized by religious action being brought forth by corporate actors rather than individuals (which can be observed in Britain). Germany is also characterized as similar to France, in that it has a fairly high degree of “stateness”, wherein public policy is centralized in the state and incorporated actors negotiate with the state.¹⁴

Due to this form of polity, religious affairs in Germany are negotiated solely between corporate units and the state. Thus, it is evident how the status of public corporation as outlined by the basic law, gives religions not only practical utility (in being a recognized religion), but symbolic usefulness as well. However, Islam has yet to attain public corporation status in any of the German *Lands*.¹⁵ From this, it becomes clear how state structure can limit the options of Muslim organizations with regards to advancing religious accommodation claims. Due to the criteria for determining which religions can become publically incorporated (especially requiring religions follow a hierarchical style), Muslims must resort to other means in order to allow their claims to be heard. Although the necessity for public corporation can be seen as a significant barrier for opportunities to advance claims, The Basic Law does have provisions for which religions are able to negotiate with the state, due to a history of church-state relations in Germany.¹⁶ There is also minimal division amongst political elites of all *Lands* to give public incorporation to Muslims, in fear that if one of them allocates this status for Muslims, it will set a precedent for other *Lands* to do the same.¹⁷ Although required status of public incorporation is an evident external political barrier for Muslims looking for recognized public accommodation, Muslims are still able to freely practice their religion on the individual level.¹⁸ However, accommodation requires that the state go beyond merely the freedom to practice religion. Despite Muslims in Germany having this freedom, the ways in which they can practice are still limited by state structures.

II. Muslim Organizations in Germany: Strategies Towards Accommodations

The following will be an analysis of Muslim organizations in Germany and actions or strategies they have taken in order to voice and raise awareness around two distinct accommodations: religious education and mosque building rights. Much of the analysis will also discuss these approaches to advancing accommodation in these areas with regards to the current structures of governance discussed above.

Beginning with a brief summary of the two issues, Ewing discusses how it was not until recently, that mosques in Germany were recognizable “from the outside”, and that historically, mosques in Germany tended to be housed in unused industrial facilities. Other concerns Muslims in Germany have include the call to prayer, which has been the source of much controversy surrounding public opinion.^{19 20} As explained above, since Muslims have so far failed to acquire public corporation status, German officials are at a loss of official religious bodies to work with in discussing barriers to mosque building. Instead, claims to how mosques should look, their operations, and allowance to be built are negotiated between Muslim umbrella organizations and the German state. Therefore, barriers presented by the structure of Germany prevent Muslims from having a united front when negotiating with German government officials, since singular umbrella organizations fail to capture the diversity of the Muslim body in Germany.

With regards to negotiation strategies Muslim umbrella organizations have used to negotiate mosque building, much of the literature points to fairly moderate methods. These include forming alliances with other religious groups²¹ and public hearings with government officials.²² DİTİB, in particular, has been able to curb political barriers through alliances. The Muslim community and DİTİB, without the capacity to be recognized as a public corporation, would hypothetically lack the funds to build mosques. However, DİTİB has been able to keep crucial ties with its home state, Turkey, which has allowed them to acquire the resources needed in order to build mosques.²³ This alliance has proved critical insofar that DİTİB would not be able to build mosques due to the lack of finances that comes as a result of external political barriers. Bruce argues that the finances provided through this alliance has given DİTİB a “critical advantage” over Islamic organizations who do not have such alliances, since without the existence of this relationship, DİTİB would be forced to rely on donations.²⁴ DİTİB has also formed alliances with Catholic and Evangelical churches in order to quell public fears and opposition of a mosque being built in the areas with lower Muslim densities.²⁵ Another mosque that came out of DİTİB in Duisberg, Germany faced virtually no conflict. Harris suggests that this is due to the fact that DİTİB was able to work with politicians in the planning of the mosque and notified local politicians early on in the process.²⁶ In short, the organization has used two main strategies: peaceful negotiations and alliance formation. From this evidence alone, it is evident how the DİTİB has taken fairly docile approaches to negotiate mosque building in Germany and transcend political barriers presented by Germany’s state structure.

VIKZ, another Islamic umbrella organizations had plans to build a mosque out of an old purchased industrial complex.²⁷ Kuppinger elaborates how in this instance, public officials initially were not receptive to having a mosque built in their area. The negotiations were described as fierce and controversial, drawing criticisms from various sides of the debate. By the end of negotiations however, public officials noted how legally there were few points of objections. Local public officials rejected VIKZ plans for the mosque and the conflict eventually reached the higher administrative body (Regierungspräsidium) where it was ultimately denied.²⁸ This is yet another example of how political structures inhibit religious accommodation. Nevertheless, forwarding claims and strategies to do so remained within the realm of negotiating with local politicians and did not manifest into aggressive means. Since the state structure of Germany has a decentralization of powers to *Land* governments, it allows Muslim organizations the opportunity to advance claims of mosque buildings and negotiate with claims through these strategies, rather than resorting to more antagonistic means. Availability of political elites provides a more open structure through which these Muslim organizations can negotiate with and as explained above, this can have an effect on how organizations advance claims.

Religious education also positions itself as a controversial issue within the Muslim communities where Muslim families want their children educated with the doctrines of Islam.²⁹ However, since Islam has yet to receive public corporation status, public officials feel that it is necessary to provide Muslims with religious education within the existing education system. As a result, Muslim youth are usually provided Islamic education in the form of religious studies, albeit, a very watered down version.³⁰ Furthermore, similar to mosque building, issues of education fall under the jurisdiction of *Land* governments. According to Fetzer and Soper, this results in a high level of variance of quality in religious education that Muslims receive and that the government is limited in what they can provide since Islam does not have public corporation status.³¹ Although Germany's governance structure does not allow for fully-fledged Islamic education, successes by Muslim organizations have been made in the political arena when it comes to forwarding claims of religious education.

KRM, a smaller Muslim umbrella organization, worked vigorously alongside the government of the *Land* North Rhine-Westphalia in order to bring plans for denominational Islamic education for Muslim students who resided in that *Land*. In collaboration with KRM, the local government formed a special advisory group, which consisted of various members from KRM and four experts appointed by the state.³² Peucker and Akbarzadeh note that the program was a huge step forward

and a great success. According to the authors, this project has inspired other states to follow suit and develop education projects under close advisements by Islamic organizations and communities.³³ Other groups such as the Islamic Federation Berlin used the judicial system in order to assert their request to provide Islamic religious classes in public school.³⁴ Due to these available processes, it is easy to see why Muslim organization have not resorted to more aggressive means in forwarding claims of accommodation in public education for religion: the various governance set-ups have allowed Muslim organization to pursue their goals through other, less provocative ways, deeming actions such as protests, marches, or civil disobedience unnecessary.

In both of the religious accommodation observed above, I have noted how Muslim organizations in Germany have tended to use fairly diplomatic means with which to attain these accommodations. Some of these means include but are not limited to: appeals to the judiciary system, forming alliances with other organizations, and getting local politicians involved. The reasons why Muslim organizations have resorted to these traditional political strategies come as a result of a more open system of opportunity, as I have explained above. Germany's federal system for example, allows a decentralization of power, in which Muslim organizations are able to bring concerns to local governments. The localization of power has also allowed Muslim organization to work closely with local governments in order to address concerns and come to solutions that benefit both. As a result, Muslim organizations do not see the need in taking more aggressive action. Due to the availability of political opportunity despite not being a public corporation, Muslim organizations have been able to form their strategies in such a way as to overcome these political and legal barriers.

The situation in France departs significantly from strategies used by organizations in Germany. Generally, due to the strict adherence to *laïcité*, Muslim organizations and their populations in France are characterized by more aggressive actions.³⁵ The next case study will attempt to explain how France's more closed opportunity structure contributes to more forceful measure taken by Muslim organizations.

III. France: Political Structure and Governance

France is a unitary state in which power is centralized in the national government. Moreover, it is the prominence of strong French secularism: *laïcité*. *Laïcité* requires a strict separation between church and state, in which the state cannot fund or promote any of the existing religious

bodies. *Laïcité* also requires that religion be left in the private sphere and should not permeate public spaces such as public schools.³⁶ Ironically, France's state structure still allows for freedom of religion amongst its citizens³⁷. In addition, referring back to Jepperson's typology, there are certain implications that the political structure of France has on the ways in which religious organizations can interact with it and are affected by it. France in particular falls under the classification of state-republicanism. This classification of polity has resulted in fostering strong national identity, which has suppressed and diminished relationships between religion and the state in France. Koenig in particular notes how the population is often regarded as homogenous and that since the state takes charge for the modernization project of the population in this particular governance structure,³⁸ it is no surprise that the initial separation has led to a strong form of *laïcité* that is still prominent in French politics. Since France also has a unitary government, it would require that Muslim umbrella organization engage with the state at the national level, as opposed to the local level as seen in the case study on Germany. Unitary states potentially provide less opportunity for Muslim organizations to engage with the state for two reasons: 1) Centralized governments make it hard for Muslim organization located in more distant regions to bring claims forward, whereas localized governance encourages local engagement which may differ from the political orientation of politicians at the national level, and 2) The fear of having a claim rejected and set as a precedent for future claims may prevent Muslims from engaging on the national level. Also relevant is the very limited access to policy making officials in France's government, this is due to the centripetal nature of the political parties in France.³⁹ The remainder of this section will demonstrate how these governance structures shape the strategies of Muslim umbrella organizations in France in two areas of religious accommodation: mosque building rights and religion in public schools.

IV. Muslim Organizations in France: Strategies Towards Accommodation

Political opposition has come to be one of the larger obstacles Muslim organizations must overcome when it comes to mosque building.⁴⁰ The orientations of local politicians have been a hindrance to many mosque building projects, one of the most notable instances being the mosque project in Charvieu-Chavagneux in which the prayer hall was demolished without notification from public officials and constant rejection of building permits to create new ones.⁴¹ Fetzer and Soper discuss at length a track record of politicians and local authorities that continue to deny building permits to Muslim communities. These officials are also outwardly spoken on their inclinations

to allowing the continuous denial of these accommodations for Muslims, even going so far as to campaign directly against these mosque projects and the Muslim population.⁴² Unsurprisingly, politicians justify the rejection of mosque building applications by and large because under the concept of *laïcité*, the French state does not directly fund or support religion.⁴³ France has one of the lowest mosques to population ratios, with approximately 1 mosque or prayer room for every 3,333 Muslims, with the average large mosque fitting around 2,500 Muslims.⁴⁴

In light of the lack of prayer spaces as well as the difficult institutional terrain, Muslim umbrella organizations have used unorthodox and politically untraditional methods of accommodating their followers. In a recent release from the Gatestone Institute International Policy Council, the Great Mosque of Paris (one of the larger Muslim umbrella organizations) followed by two smaller Muslim organizations (Council of Democratic Muslims in France and Collectif Banlieues), have called on the Catholic Church in France to make spaces available in their churches for Muslim prayers on Friday, as to avoid Muslims praying on the streets. However, due to the lack of prayer spaces, Muslims have taken to the streets to pray for practical means.⁴⁵

Although this comes as a result of lack of prayer spaces, this action can also be interpreted as a symbolic gesture of civil disobedience and as an attempt to draw attention for the French government to address prayer space accommodations. This action has drawn the attention of political leaders and of the wider Muslim community for the need to create more prayer spaces. In particular, it has attracted the attention of French politician Marine Le Pen, and more importantly, Interior Minister Claude Guéant. This symbolic gesture outwardly disobeys French law since *laïcité* requires that religion be relegated to the private realm. As a result, Minister Guéant allocated empty barracks to accommodate those praying in the streets.⁴⁶ Evidently, these non-traditional approaches in forwarding claims of accommodation comes as a result of the rigid structures with which Muslim communities are forced to work with to forward claims. Unlike Germany, whose political institutions are centered on previous church-state relations, France's political institutions provide less opportunity for Muslims to engage with politicians through more common political practices. With the addition of *laïcité*, Muslim organizations must resort to more assertive tactics in order to bring attention to their religious needs.

The realm of public schools in France has become a more politicized debate between the state and Muslim communities. More specifically, the banning of *hijabs* and other religious symbols from public schools sparked controversy on the limits of *laïcité* and intrusion on Muslim religious freedoms.⁴⁷ Fetzer and Soper have noted that although there has been some success with

utilizing the courts in order to reinstate suspended girls who have worn *hijabs* in schools, they also note that most Muslim families are not able to afford a lawyer and as a result, unable to use the court as a mechanism for religious accommodations.⁴⁸ Issues pertaining to public funding for Islamic schools in France take on a position that is less favourable to the Muslim community than those in Germany. Fetzter and Soper note how there is not a single publically funded Islam school currently in existence. In order to gain public funding, a school, must fulfill certain criteria, including: continuous operation for 5 years before funding, clean facilities, curricular similar to that of other public schools, competent teachers, and optional religious classes.⁴⁹ Given the present secularist nature of French politics however, it is likely that most schools are rejected due to curriculum straying too far away from that of other public schools.

At the start of controversy over banning *hijabs* in 1988, UOIF has been active in staging protests to voice discontent with the decision, but has recently scaled back its strategy.⁵⁰ Initially, seeing as France's relatively closed off political structure prevents Muslim organizations from affecting policy; it is unsurprising that the frustration of UOIF manifested itself in the form of protests. That being said,, this is not to say that violent protests are the main form of strategic actions that the Muslim umbrella organizations in France use. The evidence above however, does suggest that Muslim organizations in France are less likely to use public consultation with political officials or other traditional political means since access to them is limited due to the form of governance in France.

V. Conclusions

The above analysis suggests that the political structures have shaped the strategies used by Muslim umbrella organizations in France and Germany. In particular, the case studies examined how the structures and institutions of these democracies have shaped how these organizations advance claims of religious accommodation by looking at two controversial areas of Muslim life: mosque construction and prayer space, and religion in public school settings. Ultimately, this paper suggests that more open systems encourage dialogue and traditional political negotiation between Muslim communities and the German state, while more closed systems, as seen in France, foster frustration and lead Muslim Umbrella organizations to resort to more unorthodox means, which can eventually lead to antagonistic relationships.

Germany on the one hand has outlined provisions, which cement a particular church-state

relation, and has allowed for public involvement in the area of religion and has allowed German Muslim umbrella organizations to adopt fairly procedural political strategies in negotiating religious accommodation in the German state. Although Muslim organizations in Germany have failed to receive public corporation status, which is administered to Catholicism and Protestantism, the provisions of church-state relations within German law allow for the facilitation of relatively peaceful negotiations between Muslim organizations and local German officials. The availability of local officials has also provided more access points for Muslim organizations to engage with public officials since local governance bodies are autonomous from the federal government.

Contrastingly, Muslim umbrella organizations in France have encountered a more closed system of political opportunity. As a result, their actions are characterized as more unconventional, non-negotiable, and at certain times; fairly assertive. The strict law of *laïcité* in France diminishes what little supportive contact the state has with Muslim umbrella organizations and encourages antagonistic behaviours on both sides. The final product consists of Muslim organizations that are frustrated that their claims to religious freedoms are not being heard and a French state that is more concerned with national identity. Tactics used by these Muslim umbrella organizations are meant to draw attention to concerns within the Muslim community as well as to achieve political ends.

Through the above analysis, this paper demonstrates that one can look to political opportunity theory to better understand the intentions and strategies religious organizations use. The scope of this paper has remained within political mobilization discourse and has used a limited sample of Muslim organizations, but further research into a wider variety of these organizations and how they respond to certain state structures can be explored in order to better understand the specificities of their actions. Further areas of research should include the theoretical underpinnings of church-state relations. This paper has interpreted church-state relations as a manifestation of state structures (namely state-law), but further theoretical analysis can be done to determine whether church-state relations come as a result of state institutions or whether they should be separated from these institutions in order to mark a different point of departure into the theoretical and empirical analyses of the politics of religion.

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Protecting Prisoners, Protecting Communities: An Analysis of Prison Needle and Syringe Programs as a Harm-Reduction Strategy for Canadian Aboriginal Prisoners, 2012 to Present

Claire Robbins

Aboriginal people in Canada have disproportionately high rates of HIV/AIDS and of federal imprisonment. Given that the most common cause of infection for Aboriginal people is Intravenous Drug Use (IDU), this paper will explore the phenomenon of needle sharing in prison, and the potential for Prison Needle Syringe Programs (PNSP). Noting that health is a socially and politically determined variable, the harmful legacies of colonialism will be discussed, as well as the effects of current “Tough on Crime” and Mandatory Minimum Sentencing legislation. Establishing links between Aboriginal prison overrepresentation, high HIV/AIDS rates, and elevated IDU among Aboriginal prisoners, this paper argues for the implementation of PNSPs as a measure of harm reduction.

I. Introduction

The treatment and prevention of HIV/AIDS in Canada requires a holistic approach that acknowledges the presence and power of structures of oppression, which make certain that populations are vulnerable to the illness. While Canada is often celebrated as a multi-cultural and equitable society, there are clear inequities between Aboriginal and non-Aboriginal people that manifest in numerous ways. Specifically, the overrepresentation of Aboriginal people in the prison system, and the disproportionately high rates of Aboriginal people infected with HIV/AIDS indicate clear inequality. These inequalities cannot be addressed separately, as they are fundamentally intertwined, and together offer valuable insight into a number of relevant social phenomenon. Intravenous drug abuse within prisons has been well documented, particularly among Aboriginal prisoners, and holds dangerous potential for the spread of HIV/AIDS.¹ Spurred by a 2012 lawsuit against the Canadian government by a former prisoner infected with Hepatitis C (who was infected through needle sharing during his time in prison), the need for comprehensive prison based harm-reduction strategies has generated controversy and important discussion. Acknowledging that the vast majority of prisoners will eventually return to their communities and families, this paper will argue that HIV prevention amongst Aboriginal prisoners must be a greater priority for Canadian

public health care. In particular, the introduction of Prison Needle and Syringe Programs within penal institutions holds the potential to reduce HIV/AIDS transmission among Aboriginal and non-Aboriginal prisoners, thus benefitting the public health of the greater Canadian population. I intend to first discuss the social determinants that have led to high proportions of Aboriginal Canadians with HIV/AIDS, followed by a discussion of high rates of incarceration and the War on Drugs in order to contextualize the need for Prison Needle Programs. Lastly, I will discuss the barriers and benefits of program implementation and the issues represented within the 2012 lawsuit.

II. Colonialism as a Social Determinant of HIV/AIDS

Incorporating a framework that acknowledges the presence of enduring colonial structures and legacies is essential in assessing the potential impact of Prison Needle and Syringe Programs. According to the World Health Organization's Commission on the Social Determinants of Health, the causes of ill health can stem from deeply unequal social structures that are "systematic, produced by social norms, policies and practices that tolerate or actually promote unfair distribution of and access to power, wealth and other necessary social resources".² While HIV/AIDS is a relatively recent public health concern, it is inseparable from the long Canadian history of colonialism and racism that contribute to its disproportionately high rates. Controversy ensued in 2009, when Dr. Kham Chokani, a Medical Officer for the Prince Albert Region of Saskatchewan (which has a high Aboriginal population), stated that the future death rate of Aboriginal people from HIV/AIDS was comparable to that of Sub-Saharan Africa.³ While Dr. Chokani did not back this statement with empirical evidence, existing statistics on the matter point to significant cause for concern. According to the Public Health Agency of Canada, while Aboriginal people make up 3.8% of the Canadian population, they account for 8% of all persons living with HIV in Canada and 12.5% of all new infections. Therefore, Aboriginal people are 3.6% more likely than non-Aboriginal people to become infected with HIV.⁴ Assessing the means of transmission is necessary to gain a deeper understanding of the cause of such disproportionate rates. Among Aboriginal people, 66% of new HIV infections in 2008 were attributed to Intravenous Drug Use (IDU), compared to 17% within the non-Aboriginal population.⁵ Drug abuse is directly linked to the internalization of colonialism, which is defined as the "Process of encroachment and subsequent subjugation of Aboriginal peoples since the arrival of the Europeans. First conceptualized by both Antonio Gramsci and Vladimir Lenin, from the Aboriginal perspective, "it refers to the loss of lands, resources, and self-direction

and to the severe disturbance of cultural ways and values”.^{6 7} This “disturbance” is linked to a further “internalization of racism”, which occurs when “a colonized group begins to judge itself by the standards of the colonizing society, swallowing externally imposed negative valuations”.⁸

The violent legacy of Residential Schools, assimilative policies, and ongoing social and geographical marginalization has further contributed to high levels of poverty and psychological disturbance⁹. These factors, including the concomitant “lack of self-worth”, have contributed to substance abuse and IDU as a means of “coping”.¹⁰ According to one female Aboriginal participant in a study of IDU in the Vancouver Downtown Eastside, like many other Aboriginal ID Users, “I used drugs to forget. It made me feel good... a big party but the poverty and my children. It’s a coping mechanism... the pain is overwhelming”.¹¹ While IDU is often blamed as a “Native Problem”, it is rather the problem of a nation built on colonial violence. Indeed, its high prevalence among Aboriginal people directly relates to a “history of victimization, poverty, family dysfunction—including alcohol and other drug problems among family members— low educational attainment and unemployment, and those who lack accessibility to appropriate and effective services”.¹² The lack of culturally appropriate addiction and rehabilitation health services, constructed by Aboriginal leaders and health care providers themselves, contributes to the perpetuation of “inequality, by not allowing Indigenous peoples, for instance, to dictate what determines their health and what actions are needed to address health disparities”.¹³ Indeed, I found there to be a lack of literature within official government sources promoting or proposing Aboriginal-led solutions to reducing IDU and HIV/AIDS transmission.

III. IDU and High-Risk Behaviour

The use of IDU as a means of “coping” is a high risk activity that leads users into a state of “dopesickness”, a stage of withdrawal in which users are likely to engage in high risk activities in order to secure their “next hit”. This includes sex work, theft, and needle sharing, among other activities that can increase the likelihood of HIV transmission and criminal activity.¹⁴ The risk-taking nature of IDU communities and individuals presents a significant challenge to public health and HIV prevention organizations. The previously noted statistic, that 66% of new Aboriginal infections are attributed to IDU, is a testament to the enormous risks associated with substance abuse.¹⁵ Additionally, IDUs are less likely to regularly see a doctor, be tested for HIV/AIDS, and keep up with complicated Anti-Retroviral medication procedures.¹⁶ The barriers to health care

access are also racialized, as Indigenous people may feel that their voices are not heard or fully appreciated in Western-based healthcare institutions.¹⁷ The formation of IDU “communities” or social networks can be assessed as a response to this, with both positive (communal support) and negative implications (needle sharing, gang formation, etc.). Increasing the chances of exposure, needle-sharing networks are also strongly linked to norms of unprotected sex, demonstrating the risks characterized within IDU networks.¹⁸ Therefore, while IDU is often perceived as a singular risk factor for HIV, it actually increases the likelihood of participation in other risky activities. The very nature of substance abuse as a judgment-impairing activity remains consistent, regardless of whether the user is incarcerated, or connecting with others in the greater community. Harm-reduction initiatives must regard prevention as encompassing a number of different lifestyle risks, in a range of locations.

IV. IDU, Race and Crime

Communities of IDUs are more likely to be arrested for participation in illegal activity (such as possession), while simultaneously experiencing a higher degree of police surveillance. While drug users are often perceived to be dangerous, violent offenders, three quarters of drug-related arrests made in Canada do not occur in conjunction with another crime, meaning that the illegal activity of drug users is usually restricted to their possession or sale of the drug. The few drug-related arrests made involving another offense were overwhelmingly non-violent and minor offenses.¹⁹ This paradox has manifested in high rates of incarceration for drug users, despite the fact that the nature of their crimes may not pose a threat to public safety. From an intersectional perspective, it is useful to note the differences in these rates between Aboriginal and non-Aboriginal peoples. According to the Correctional Service of Canada, approximately 70% of the general population of federal offenders “have problems with alcohol or other drugs that warrant intervention”, compared with 88% of federal Aboriginal inmates.²⁰ In general, Aboriginal inmates are also overrepresented within the greater federal prison population. In 2013, Aboriginal people made up 4% of the Canadian population, but 23.2% of the federal inmate population.²¹ While shocking, these statistics are acknowledged by official sources as problematic. The Supreme Court of Canada holds that the level of overrepresentation reflects a “crisis in the Canadian criminal justice system”.²² Overrepresentation has direct and negative implications for Aboriginal communities and families, as penalization without rehabilitation perpetuates cycles of addiction,

dispossession and poverty.

Furthering disparities within the Canadian population, Aboriginal offenders are more likely than non-Aboriginal offenders to serve their sentences in a federal institution than in the community on supervision.²³ The public-health implications created in restricting a population with a history of substance abuse to one geographical area (the prison) are serious, and require specialized solutions. Recent studies have shown that 1.64% of federal inmates self-reported to be HIV-positive.²⁴ While this statistic may seem small, this does not account for prisoners who choose not to report, or are in the asymptomatic “window” stage of the infection. As well, the number of known HIV cases in prisons rose by 35% between 2003 and 2008.²⁵ Given that the average federal prison sentence lasts approximately 8 years, there is a significant opportunity for prisoners to contract or spread HIV before release back into their communities.²⁶ Thus, prisons can be assessed as a high-risk environment for contracting HIV, and as a site for potential spread to Aboriginal communities. HIV/AIDS Activists have stressed the importance of implementing rehabilitative, harm-reduction policies for prisoners, but face significant challenges in light of neoliberal influences to the Canadian prison system. In particular, the power of the neoliberal War on Drugs has posed significant barriers to the creation of Prison Needle Exchange Programs in Canada.

V. “Tough on Crime” Legislation and Aboriginal Overrepresentation

While the War on Drugs was originally conceived in the United States, its policies and neoliberal underpinning have influenced the Canadian penal system to a considerable extent. Within the realm of public health activism, the War on Drugs has been heavily critiqued, in large part due to its racially marginalizing effects, and its focus on incarceration over rehabilitation. According to Ethan Nadelmann, founder of the Drug Policy Alliance, “Looking to the United States as a role model for drug control is like looking to apartheid South Africa for how to deal with race”.²⁷ Indeed, growing evidence has shown the policing and prohibitionist policies associated with the War on Drugs to be counterproductive and marred with racial disparities.²⁸ The spread of the War on Drugs “mindset” has led to a global increase in the incarceration of women, the poor, immigrants, and non-white individuals.²⁹ In Canada, this can be seen through Stephen Harper’s “Tough on Crime” mandate, which resulted in the 2008 “Safe Streets and Communities Omnibus Bill” that mandates minimum sentences for drug offenses and increased funding for police surveillance.³⁰ Evidence

has shown Mandatory Minimum Sentences (MMS) to be ineffective at reducing recidivism, discriminatory towards minorities, and a driving factor behind prison over-crowding.³¹ In a pilot study on MMS in Canada, Aboriginal prisoners were disproportionately affected, contributing towards their overrepresentation in segregated populations, disproportionately longer sentences and later releases.³² Overrepresentation in the Canadian penal system can thus be conceived as an extension of the neoliberal colonial state, perpetuating racialized structures of control and inequality.

VI. Overcrowding and Prison IDU

The expansion and subsequent overcrowding of Canadian prisons is an increasingly problematic phenomenon that has negative effects on the well-being and human rights of prisoners. Over-crowding has been proven to increase prison violence and rioting, aggravate mental illness, and heighten the chances of HIV transmission.³³ This is, in part, due to the practice of “double-bunking” prisoners, which can increase the likelihood of unprotected sex or rape — a significant risk factor for HIV/AIDS transmission.³⁴ Just as substance abuse is a means of “coping” for non-incarcerated Aboriginal people, the stressful, isolating and overwhelming nature of an overcrowded prison environment can lead inmates to begin or continue IDU. A lack of funding for culturally sensitive programming contributes to IDU as a “coping” strategy for Aboriginal inmates. According to a 1995 study by the Correctional Services of Canada, 11% of federal inmates reported having injected drugs within their time in prison.³⁵ Unfortunately, this study has not been re-initiated in recent years, making it difficult to identify the prevalence of IDU in prisons, and its ethnographic components. However, an independent study of Quebecois prisoners found that of those who admitted to injecting drugs in prison, 63% of men and 50% of women reported having shared needles and other equipment.³⁶ Another independent study found that 21% of all HIV infections among IDUs in Vancouver might have been acquired in prison.³⁷ Clearly, incarceration is a risk factor for HIV, and harm-reduction strategies must be implemented in prisons in order to prevent transmission into the greater community. Due to the relatively higher rates of Aboriginal prisoners with IDU histories prior to incarceration, Aboriginal inmates and their communities would benefit from the implementation of harm reduction strategies in prison. Specifically, Prison Needle and Syringe Programmes (PNSPs) are an opportunity to reduce the risk of transmission, protecting both inmates and communities. While not necessarily rehabilitative, they are a cost-effective,

proven harm reduction initiative.

VII. Prison Needle Syringe Programmes

There have been a number of studies conducted demonstrating the effectiveness of PNSPs in reducing prison HIV transmission, as well as Hepatitis C (HCV). Currently, bleach kits are provided to federal inmates as an implicit acknowledgment of the risks and presence of IDU. However, the World Health Organization (WHO) has concluded “bleach and other forms of disinfection kits are not supported by good evidence of effectiveness for reducing HIV infection”.³⁸ Instead, the WHO advocates for global implementation of PNSPs as best-practice for reducing the AIDS epidemic. In a literature review of the impacts and effects of the 60 (as of 2008) PNSPs across the globe, the Canadian HIV/AIDS Legal Network found that, even across diverse circumstances and types of penal institutions, the results of PNSPs have been consistently positive. The review’s findings are as follows:

- 1) ”PNSPs reduce the use of non-sterile injecting equipment and of resulting blood borne infections
- 2) Do not lead to increased drug use of injecting
- 3) Reduce drug overdoses
- 4) Lead to a decrease in abscesses and other injection-related infections
- 5) Facilitate the referral of users to drug addiction treatment programs
- 6) Have not resulted in needles or syringes being used as weapons against other prisoners or staff”.³⁹

Given the clear, evidence-based benefits of PNSPs, implementation would be a logical step for the Canadian government.⁴⁰ However, PNSPs may be seen as encouraging drug use (despite evidence of the contrary), which is especially controversial within the context of the War on Drugs and its influence in Canada. As well, supplying prisoners with syringes involves acknowledging the failure of the Canadian penal system to curb corruption and block drugs from entering its facilities. The stigma surrounding drug use and HIV/AIDS is also a significant barrier.

The Canadian Government’s refusal to implement PNSPs has garnered controversy and debate over the rights of prisoners and HIV/AIDS harm reduction strategies. Specifically, a lawsuit against the Government of Canada has brought significant attention to the topic. Filed in 2012,

by four HIV/AIDS advocacy groups in conjunction with a Hepatitis C-positive man who claims the federal government failed to protect him against infectious diseases during his time in prison. Particularly, the presence of Needle Exchange Programs in the greater community, but not within the penal system, indicates a failure of the federal government to “fulfill its statutory obligation to provide prisoners with essential health care equivalent to that available in the community”.⁴¹ The lawsuit also links the lack of PNSPs to a failure of the government to ensure Section 7 of the Canadian Charter of Rights and Freedoms — the “Right to Life, Liberty, and to Security of the Person” because “denying prisoners access to sterile needles and syringes which are available to persons outside of prison has a potentially grave impact on their health”.⁴² Acknowledging the existence of disproportionate rates of Aboriginal IDUs in need of harm-reduction programming could provide reasoning for the failure of the federal government to ensure Charter Section 15, “The Right to Equality”.⁴³

VIII. Conclusion

While it may take years for the PNSP lawsuit to be brought to court, it has raised significant public awareness of the importance of prison-based harm reduction strategies. The challenge presented by the lawsuit to the “Tough on Crime” rhetoric, and its subsequent promotion of mass incarceration is as important as it is controversial. Acknowledging the enduring colonial legacies that have contributed to the disproportionate rates of Aboriginal people affected by HIV/AIDS, IDU, and incarceration, PNSPs are a logical first step in the implementation of Aboriginal-targeted harm reduction strategies. Along with other culturally appropriate programmes, healing and rehabilitation can occur in hand with HIV prevention and treatment. As most prisoners will eventually re-enter their communities, “Prison Health” must be perceived as “Public Health”, and prioritized as such.

1 Canadian HIV/AIDS Legal Network, *Clean Switch: The Case For Prison Needle and Syringe Programs in Canada* (Toronto, 2007): 27.

2 The World Health Organization, “Closing the Gap in a Generation: Health Equity through Action on the Social Determinants of Health”, *Commission on Social Determinants of Health*: 33.

3 Isha Thompson, “Alarming Rate of HIV in Aboriginal Population”, *Saskatchewan Sage*: 9.

4 Public Health Agency of Canada, “HIV/AIDS Epi Update: HIV/AIDS Among Aboriginal People in Canada” (Ottawa, 2010): 2.

5 *Ibid.*

6 E. LaRocque, "Violence in Aboriginal Communities: The Path to Healing", *The Royal Commission on Aboriginal Peoples*: 73.

7 Stanley Doyle-Wood, *A Trace of Genocide Racialization, Internal Colonialism and the Politics of Enunciation* (Toronto: University of Toronto Press, 2011): 21.

8 Naomi Adelson, "The Embodiment of Inequity: Health Disparities in Aboriginal Canada", *Canadian Journal of Public Health* (96): 48.

9 *Ibid.*, 47.

10 Susan Ship & Laura Norton, "HIV/AIDS and Aboriginal Women in Canada." *Canadian Woman Studies* 21(2): 28.

11 *Ibid.*, 27.

12 *Canadian HIV/AIDS Legal Network*, 28.

13 *Ibid.*, 9.

14 Danya Fast et al., "Did Somebody Say Community? Young People's Critiques of Conventional Community Narratives in the Context of a Local Drug Scene" *Human Organization* 72(2): 107.

15 Public Health Agency of Canada, 7.

16 Dan Werb et al., "Injection Drug use and HIV Antiretroviral Therapy Discontinuation in A Canadian Setting" *AIDS and Behavior* 17(1): 68.

17 Adelson, 4.

18 C. Latkin et al., "Social Norms, Social Networks, and HIV Risk Behavior among Injection Drug Users" *AIDS and Behavior* 14(5): 1159.

19 Statistics Canada, "Trends in Police-Reported Drug Offenses in Canada" *Government of Canada*.

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21 Office of the Correctional Investigator, "Aboriginal Offenders – A Critical Situation" *Government of Canada*.

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22 *Canadian HIV/AIDS Legal Network*, 27.

23 *Correctional Service of Canada*.

24 *Public Health Agency of Canada*, 11.

25 Werb et al., "HIV Risks Associated with Incarceration Among Injection Drug Users: Implications for Prison-based Public Health Strategies" *Journal of Public Health*, 30(2): 129.

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27 Ethan Nadelmann, "Think Again: Drugs" *Foreign Policy Magazine Online*.

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28 *Canadian HIV/AIDS Legal Network*, 86.

29 M. Reynolds, "The War on Drugs, Prison Building, and Globalization: Catalysts for the Global Incarceration of Women" *NWSA Journal*, 20(2): 78.

30 Alana Cook & Ronald Roesch, "'Tough on Crime' Reforms: What Psychology has to Say about the Recent and Proposed Justice Policy in Canada" *Canadian Psychology* 53(3): 217.

31 *Ibid*, 219.

32 *Ibid*.

33 Reynolds, 80.

34 Ralf Jürgens, Andrew Ball & Annette Verster, “Interventions to Reduce HIV Transmission Related to Injecting Drug use in Prison” *The Lancet Infectious Diseases* 9(1): 60.

35 Canadian HIV/AIDS Legal Network, 2.

36 *Ibid*, 3.

37 *Ibid*.

38 *Ibid*, 5.

39 *Ibid*, 7.

40 Jürgens, Ball & Verster, 62.

41 Canadian HIV/AIDS Legal Network, 11.

42 *Ibid*, 17.

43 *Ibid*, 21.

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From Dag Hammarskjöld to Boutros Boutros-Ghali: How Preventive Diplomacy has changed since the Cold War

David Orr

In the Cold War context, ensuring that superpower tensions were quelled during times of conflict was imperative toward establishing international peace and security. Consequently, the second Secretary General of the United Nations, Dag Hammarskjöld, invented the notion of preventive diplomacy, which served as a vehicle to remove the pretext for superpower intervention in conflict by filling the resulting political ‘vacuum’ with a UN force. However, the end of the Cold War disrupted the bipolar status quo of the previous forty-five years, thrusting the United States forward as the world’s sole superpower. This calls into question whether the preventive diplomacy envisioned by Hammarskjöld remains relevant in the post-Cold War era. Thus, this paper uses the case study of the intractable 1960 Congo Crisis to assess the effectiveness of Hammarskjöld’s preventive diplomacy, and then assesses its success within the wider Cold War context. The paper continues by examining why preventive diplomacy was redefined in 1992 by Secretary General Boutros Boutros-Ghali, and analyses its evolution in the post-Cold War period. Ultimately, the paper finds that despite the inherent difficulties of the Congo Crisis and lapses in his impartiality, Hammarskjöld’s preventive diplomacy worked during the Cold War. Moreover, although preventive diplomacy’s definition has developed in the post-Cold War era toward a more cost-effective, decentralized, and dynamic framework, its basic tenet of crisis prevention remains vital for fostering a more peaceful world.

The second Secretary General of the United Nations, Dag Hammarskjöld, declared that one must “never for the sake of peace and quiet deny your convictions.”¹ Indeed, Hammarskjöld’s invention of preventive diplomacy has been widely celebrated as promoting peace by removing the pretext for Cold War superpowers to enter conflict zones and risk escalating tensions. However, recent revisionist literature establishes that Hammarskjöld’s legacy is not as rosy as traditionally held, and thus, the question of preventive diplomacy’s effectiveness is worthy of investigation. To explore these critiques, the UN’s response to the “sudden and catastrophic”² 1960 Congo Crisis will be analyzed as the primary case study; firstly because it exemplifies Hammarskjöld’s policies within a preventive diplomacy context, and secondly because the Congolese experience foreshadowed the structure of preventive diplomacy in the post-Cold War era. The USSR’s collapse in 1991 rendered the United States the world’s sole superpower, prompting the further question of whether Hammarskjöld’s preventive diplomacy remains relevant in the post-Cold War context. Thus, the

paper will explore the geopolitical events that inspired Secretary General Boutros Boutros-Ghali to redefine preventive diplomacy in 1992, followed by an analysis of its effects on preventing conflict. The paper finds that Hammarskjöld's preventive diplomacy worked in the Congolese and Cold War contexts, but has since evolved toward a more cost-effective, decentralized, and dynamic framework in the post-Cold War era. Ultimately, despite the redefinition of preventive diplomacy, its fundamental goal of crisis prevention remains integral for shaping a more peaceful world.

Hammarskjöld traditionally holds a glowing legacy. Historian Paul Kennedy states that Hammarskjöld came “close to performing miracles”³ in his role, with political scientists such as Mark Zacher and Peter Heller confirming that he was a competent, dynamic and impartial statesman.⁴ Moreover, Hammarskjöld understood the Secretary General's role in the broadest terms, in effect, expanding and centralizing his powers in a manner akin to the United States' constitutional principle of inherent powers.⁵ Centralizing power in the hands of the Secretary General allowed Hammarskjöld to use his own judgement—with or without any kind of special authorization—“to do what he thought the intricate events called for;”⁶ this was particularly apparent in the context of the Congo Crisis.

Hammarskjöld first articulated the idea of preventive diplomacy in 1956 during the Suez Crisis. Fearing that the conflict could escalate tensions between the American and Soviet superpowers, Hammarskjöld devised a strategy to mitigate potential tensions. The result was preventive diplomacy, with the basic premise for both quiet diplomacy and a typically militaristic UN presence to fill the power vacuum created during crises, thereby removing the pretext for superpowers to enter and risk escalating tensions.⁷ In the Suez Crisis, preventive diplomacy took shape in the United Nations Emergency Force (UNEF), which monitored and maintained a ceasefire between Egyptian and Israeli troops. Thus, the birth of preventive diplomacy complemented the development of classical peacekeeping. However, it must be noted that these two concepts are not synonymous, as preventive diplomacy also includes diplomatic approaches to prevent superpower intervention in conflict zones.

Unmentioned in the original conception of the UN Charter, peacekeeping was a novel approach as it fell under two Chapters. In keeping with Chapter VI, peacekeepers were required to be impartial, yet they were also armed with rules of engagement permitting military action under Chapter VII. Thus, Hammarskjöld's invention of preventive diplomacy was fundamental for developing peacekeeping operations (PKOs) to their “highest point” and protecting civilians during the Cold War period.⁸ Although peacekeeping has ascertained more militaristic elements in

the post-Cold War era, its core premise of mitigating conflict illustrates Hammarskjöld's continued legacy of preventive diplomacy.

It is worth analyzing Hammarskjöld's preventive diplomacy within the context of the UN's response to the 1960 Congo Crisis. The crisis created a militaristic and intrastate peacekeeping response—an anomaly under Cold War standards. However, post-Cold War PKOs have adopted a similar structure, rendering it worthy of investigation. Tragically, Hammarskjöld's efforts to mediate the conflict led to his untimely death by air disaster in September 1961.

In July 1960, Congo gained independence from Belgium under the left-leaning fiery Prime Minister, Patrice Lumumba. Unlike other African states whose armies were 'Africanized' upon independence, officers of the Armée Nationale Congolaise (ANC) remained Belgian.⁹ The army's poor discipline and distaste for Belgian officers fuelled a violent mutiny against Belgian officers and their families; this was to be the first of two problems Lumumba faced. The second issue arose in Congo's mineral-rich Katanga province, when Governor Moïse Tshombe, fearing Lumumba would nationalize the mines and channel Katanga's wealth out of the province, seceded from Congo.¹⁰ Tshombe was quietly supported by European mining companies with Katangese mineral interests, and assembled a mercenary force to further his secession desires. The mutiny and secession would prove an intractable problem for Hammarskjöld.

Lumumba's government lacked the resources to deal with the crisis, and appealed to the US for help. His request was passed on to the UN under the 'leave it to Dag' mentality, illustrating American affinity toward Hammarskjöld following his successful negotiations to release eleven American pilots captured by Chinese forces in Korea. Fearing the probable consequences of a failure to act, Hammarskjöld invoked Article 99 for the first time and brought to the attention of the Security Council the Congolese matter, "which in his opinion may threaten the maintenance of international peace and security."¹¹ Thus, on July 14, 1960, the Security Council passed Resolution 143 to establish the Operation des Nations Unies au Congo (ONUC), a prudent example of Hammarskjöld's preventive diplomacy efforts to diminish the pretext for superpower involvement in conflict. ONUC reported to Hammarskjöld and provided Lumumba's government "with such military assistance as may be necessary,"¹² with the mission of preventing civil war, supporting ceasefires, and halting all military operations. Force was authorized only as a last resort.¹³ Thus, ONUC was the most muscular PKO the UN had undertaken in the Cold War, and was the first to be authorized under Chapter VII of the Charter. With 11,000 initial troops, ONUC's tasks included rescuing Europeans from Congo, removing Belgian troops, and the ambiguous and

difficult task of restoring order. The latter proved a significant misunderstanding for Lumumba, who regarded 'restoring order' as reversing Katanga's secession, whereas the UN envisioned a holistic countrywide approach.¹⁴

ONUC's swift authorization, coupled with its success of removing Belgian troops and European citizens from Congo by September 1960, highlights Hammarskjöld's "miraculous" effectiveness toward developing a more responsive and relevant UN.¹⁵ Although the Katanga issue remained until 1963, ONUC further exemplifies Hammarskjöld's successful use of preventive diplomacy during the Cold War, as neither the US nor the USSR developed a physical presence in Congo. Unfortunately, this did not prevent the escalation of superpower tensions. On September 5, 1960, Congolese President Kasavubu dismissed the unstable Lumumba; in turn, Lumumba dismissed Kasavubu. Western states and the UN supported Kasavubu's action because it abided by the Congolese constitution whereas Lumumba's dismissal of Kasavubu did not. However, the UN's support for Kasavubu infuriated the Soviets. Hammarskjöld was criticized by the USSR for exercising pro-West sympathies, prompting the USSR to veto successive resolutions. The Soviets' loss of a left-leaning African leader, coupled with Lumumba's assassination in February 1961, fuelled their distaste for both Hammarskjöld and the UN, as they argued that the UN had failed to adequately protect Lumumba. Indeed, Soviet Chairman Nikita Khrushchev scathingly accused Western colonialists of "doing their dirty work in the Congo through the Secretary General."¹⁶ USSR-UN relations would not improve until Hammarskjöld's successor, U Thant, was installed.

The traditionally positive assessment of Hammarskjöld provided by Kennedy, Urquhart, and Zacher, establishes that he played a pragmatic role in building consensus between the USA and USSR over the Congo question.¹⁷ Indeed, Hammarskjöld's authorization of ONUC was an effective use of preventive diplomacy by limiting the opportunity for superpower intervention in the conflict. Despite the USSR's antipathy toward Hammarskjöld, Zacher argues that he was able to remain largely impartial and develop the first armed UN PKO.¹⁸ In addition to fostering discussions among superpower and smaller states in New York to mitigate the Congo crisis, Hammarskjöld also encouraged dialogue between Katangese and Congolese officials in Congo, illustrating how he used the UN as a "dynamic instrument of evolution toward more effective forms of international cooperation."¹⁹ Thus, Hammarskjöld was steadfast in pursuing preventive diplomacy and developing the UN as the ultimate agent to mitigate crises spurred by Cold War rivalries; a legacy that persisted throughout the Cold War.

A further tenet of Hammarskjöld's legacy concerns his consensus-building efforts. A Swedish citizen, Hammarskjöld related to the tribulations faced by smaller states in the General Assembly (GA). Accordingly, Urquhart states that he acted as an impartial mediator, shuttling between the Security Council's veto-wielding Permanent Five and the GA to avoid political deadlock.²⁰ Hammarskjöld's commitment to promote the voices of smaller member states is exemplified by ONUC's advisory committee, which enjoyed strong Afro-Asian representation to mollify Soviet and developing states' demands.²¹ Consequently, Zacher argues that the UN went through a rapid evolution during Hammarskjöld's term in office, establishing a new political and diplomatic role for the UN.²² Moreover, Hammarskjöld acted pragmatically when he supported the US' invoking of the Uniting for Peace Resolution to transfer the Congo question from the veto-riddled Security Council to the GA's agenda.²³ Hammarskjöld's support attests to his dedication to ensure that despite Soviet hostility, ONUC actions to mitigate Congo's troubles could continue to be authorized. This codification of the distinct roles of the Security Council and GA persists today. In effect, Hammarskjöld changed the inherent character of the UN by elevating its importance in mitigating conflict.²⁴

However, despite Hammarskjöld's prudent authorization of a self-proclaimed "neutral" ONUC, revisionist literature establishes a less rosy image of Hammarskjöld's handling of the Congo Crisis.²⁵ Although Hammarskjöld's primary goal was the cessation of hostilities in Congo, his impartiality was hindered in his pursuit of a solution. Gibbs argues that Hammarskjöld acquiesced to the demands of the US by directly aligning his policies with the US' objective to "undercut Lumumba."²⁶ Moreover, Hammarskjöld excluded Communist-bloc countries from significant participation in the ONUC operation. Hammarskjöld's special envoy to Congo, Conor Cruise O'Brien, tepidly agrees, stating that it was not surprising that the Soviets questioned Hammarskjöld's impartiality because he withheld confidence from all Soviets.²⁷

Initially, the majority of states supported Hammarskjöld, including pro-Lumumba states like Ghana.²⁸ However, Hammarskjöld violated the impartial nature of both preventive diplomacy and the role of the Secretary General by making UN and US policy vis-à-vis ONUC largely synonymous. In a symbol of Soviet frustration, Khrushchev responded to Hammarskjöld's acceptance of both Kasavubu's dismissal of Lumumba and Mobutu as Congo's new Prime Minister in September 1960 by advocating for a troika of three Secretaries General to address Hammarskjöld's impartiality. This call was refused, as it would have impugned the impartiality and authority of the Secretary General, but nonetheless symbolized the anger directed by the Soviets against Hammarskjöld.²⁹

Moreover, active Soviet hostility, coupled with smaller states' perception of Hammarskjöld's pro-US sympathies and resentment over Lumumba's murder, encouraged socialist states like Indonesia and the United Arab Republic to remove their contingents from ONUC.³⁰ Thus, despite professing neutrality, Hammarskjöld failed to wholly uphold the principle in practice. Following Hammarskjöld's untimely death in September 1961, ONUC helped return Congo to a state of relative normalcy under Joseph-Desiré Mobutu's leadership in 1964, and withdrew in the same year.

Due to the intractable nature of the Congo Crisis, one should refrain from critiquing Hammarskjöld too harshly. It must be remembered that Hammarskjöld's preventive diplomacy successfully prevented the Americans and Soviets from establishing a physical presence in Congo. Moreover, Lumumba's volatile actions support Meredith's argument that "Hammarskjöld feared Lumumba's actions might wreck not only Congo but the UN itself."³¹ Thus, Hammarskjöld's impartiality is unlikely to be intentional but rather a consequence of seeking a pragmatic and timely solution to what was an "enormously complex" conflict.³² Indeed, Hammarskjöld did refuse some US pressure, including their desire to disarm the ANC.³³ Nevertheless, the USSR was clearly alienated by Hammarskjöld's actions. His high degree of freedom with ONUC meant Hammarskjöld was too optimistic with what the UN could achieve, consequently augmenting Soviet dissatisfaction with the UN, although not to the extent suggested by Gibbs.

Despite lapses in Hammarskjöld's impartiality during the Congo Crisis, Hammarskjöld's preventive diplomacy was overwhelmingly successful during the Cold War. Although proxy wars between the Americans and Soviets were fought, the superpowers never attacked each other directly, attesting to preventive diplomacy's success in removing the pretext for superpower intervention. Hammarskjöld's successor, U Thant, was commended for his impartial use of preventative diplomacy when handling the Cuban Missile Crisis, which Ramcharan argues represented the largest threat to international peace in the Cold War context.³⁴ Thant's success illustrates that preventive diplomacy could successfully be undertaken in a manner deemed impartial by both superpowers. Indeed, Khrushchev and Kennedy subsequently thanked Thant for his efforts in preventing conflict³⁵, a direct contrast to Khrushchev's scathing reaction to Hammarskjöld during the Congo Crisis.

The end of the Cold War transformed preventive diplomacy. Nation-state rivalries and alliances, which had preoccupied states for much of the twentieth century, were no longer the most pressing threats to international peace and security. Instead, smaller-scale regional and ethnic

conflicts of the type seen in Somalia, Rwanda, and Bosnia began to proliferate, forming the main challenges of the post-Cold War era.³⁶ Moreover, the rise of the US as the sole superpower meant that Hammarskjöld's political 'vacuum' was eliminated. Thus, preventive diplomacy required reform to provide earlier diagnoses and tackle underlying causes of internal disputes before they "[became] fulminating infections that [raged] beyond rational control or political containment."³⁷ Additionally, more cost-effective approaches to mitigating conflict were required; PKOs had increased twelve-fold in cost between 1986 and 1993 to \$2.9 billion.³⁸

Faced with these new challenges, Secretary General Boutros-Ghali redefined preventive diplomacy in his 1992 report, *An Agenda for Peace*. Instead of removing the pretext for superpower intervention in conflict and sending UN operations into conflict zones, post-Cold War preventive diplomacy emerged under Article 33 as pre-crisis dialogue to prevent crises from erupting.³⁹ In effect, preventive diplomacy in the post-Cold War context embraces a 'prevention rather than cure' framework. The redefined preventive diplomacy offered novel tools to de-escalate violence and hasten the restoration of peace, including quiet negotiation among parties outside of the international spotlight, mediation efforts led by special envoys, civilian-led political missions to facilitate reconciliation, and the incorporation of preventive diplomacy into PKO mandates. Although preventive diplomacy in the post-Cold War context has become more dynamic and broader in scope than Hammarskjöld originally envisioned, the UN continues to act as a mediator during conflict and thus symbolizes preventive diplomacy's lasting relevance.

Preventive diplomacy has decentralized and evolved toward a proactive norm of conflict prevention by regional organizations, which typically enjoy a more nuanced understanding of the conflict and can react more readily than the UN.⁴⁰ This is partly due to the emergence of stronger normative frameworks in favour of coordinated international actions and early diplomatic efforts to prevent conflict, as illustrated by the 2005 Charter of the Francophonie and the 2007 Charter of ASEAN.⁴¹ Yet the prevalence of regional preventive diplomacy does not infer that the UN is less active in promoting preventive diplomacy. By contrast, the UN deployed 49 political missions in 2010 with the mandate of preventive diplomacy to prevent the rise of ethnic tensions, highlighting its continued commitment to preventive diplomacy in the post-Cold War era.⁴² Preventive diplomacy also requires timeliness to ensure that both human and economic costs are reduced. Swift responses to conflict have been augmented by the UN's burden-sharing of preventive diplomacy with regional organizations, encouraging the UN to channel resources more effectively into its own expanded preventive diplomacy toolkit. This includes the creation of the UN's quick-response Mediation

Standby Team in 2008 to provide expertise on key issues, such as transitional justice and power-sharing in conflict zones.⁴³ The UN's collective approach to preventive diplomacy has seen some success with half as many low and high-intensity conflicts from 2000 to 2009 as those started in the 1990s.⁴⁴ Although other factors help account for this decline, enhanced preventive diplomacy vis-à-vis greater coordination between regional organizations and the UN has fostered a "culture of prevention" that supports preventive diplomacy's lasting relevance.⁴⁵

Moreover, preventive diplomacy in its redefined form fosters greater UN legitimacy because it signals a sustained international focus on an issue, vital for incentivizing aggressors to reconsider violence as a solution to conflict. Since preventive diplomacy now relies on non-military instruments such as UN-run political offices in conflict zones and more negotiations between conflicting actors, it provides opportunities for burden-sharing with other international organizations, thereby reducing UN expenditures. Prevention efforts are simply less costly than UN PKOs, as exemplified by the \$8 million budget of the United Nations Office for West Africa, which has helped prevent conflict in Niger and Guinea.⁴⁶ The cost-effective nature of post-Cold War preventive diplomacy is a welcome contrast from the public disillusionment that characterized the expensive and largely unsuccessful UN PKOs in Somalia and Rwanda.⁴⁷ Although the expanded toolkit of preventive diplomacy is not a blanket solution for every conflict, its delivery of successful results with relatively modest resources may reduce the need for long-term PKOs in future.

However, preventive diplomacy must continue to evolve dynamically in order to retain relevance. Naturally, in conflicts where aggressors are unwilling to negotiate, preventive diplomacy alone is not effective enough. Other forms of leverage, such as coercive measures under Chapter VII of the Charter, may be required to restore peace. However, the authorization of PKOs with preventive diplomacy mandates can be advantageous for fostering peace. It is estimated that the UNPREDEP PKO in Macedonia from 1992-2001 cost \$0.3 billion, as opposed to the estimated potential \$15 billion, had violence in the former Yugoslavia spread to Macedonia.⁴⁸ Ultimately, the UN successfully prevented violence in Macedonia; these lessons of conflict prevention should be applied elsewhere. The UN has also taken progressive steps to address expected non-traditional threats to peace, such as climate change, attesting to its dedication to timely and preventive actions.⁴⁹ By addressing both traditional and non-traditional threats to security, preventive diplomacy has become more dynamic and regionally integrated in the post-Cold War era, demonstrating its continued relevance toward crisis prevention.

In conclusion, preventive diplomacy continues to prevent conflict. However, its definition has fundamentally shifted from Hammarskjöld's original vision during the Cold War of removing the pretext for superpower intervention in conflict. Instead, the rise of regional conflicts in the post-Cold War era has transformed preventive diplomacy into a 'prevention rather than cure' model. Contemporary UN preventive diplomacy enjoys a larger and more cost-effective toolkit for preventing conflict, allows for greater burden-sharing with regional organizations, and enables greater consideration of non-traditional threats to international peace than Hammarskjöld's understanding of the concept offered. In effect, a more dynamic and responsive framework of preventive diplomacy has developed. However, Hammarskjöld's definition of preventive diplomacy worked during the Cold War. Despite lapses in his impartiality, Hammarskjöld attempted to deal with the intractable Congolese conflict as best he could, and his invention of preventive diplomacy and the development of classical peacekeeping were integral to Congo's stabilization in 1964. Moreover, Hammarskjöld developed the UN as the ultimate agent for mitigating crises spurred by superpower rivalries, a legacy that lasted throughout the Cold War. Ultimately, although preventive diplomacy's definition has changed in the post-Cold War era in response to evolving geopolitics, its basic tenet of crisis prevention remains vital for fostering a more peaceful world.

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2 Urquhart, Hammarskjöld, (Ann Arbor: University of Michigan Press, 1972), 390.

3 Kennedy, *The Parliament of Man: The Past, Present, and Future of the United Nations*, (New York: Random House, 2006), 60.

4 Zacher, *Dag Hammarskjöld's United Nations*, (New York: Columbia University Press, 1970), 2. ; Heller, *The United Nations under Dag Hammarskjöld: 1953-1961*, (Lanham, MD: Scarecrow Press, 2001), 18.

5 Heller, *op.cit.*, 39.

6 *Ibid.*

7 *Ibid.*

8 *Ibid.*, 38.

9 Urquhart, *op.cit.*, 391.

- 10 Meredith, *The State of Africa: A History of Fifty Years of Independence*, (New York: Free, 2006), 103.
- 11 The United Nations, “Charter of the United Nations | Chapter XV: The Secretariat,” UN News Centre <http://www.un.org/en/documents/charter/chapter15.shtml>.
- 12 The United Nations, “United Nations Resolution 143,” UN News Centre, July 14, 1960. [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/143\(1960\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/143(1960)).
- 13 Heller, *op.cit.*, 120.
- 14 *Ibid*, 123.
- 15 Urquhart, *op.cit.*, 401.
- 16 Heller, *op.cit.*, 128.
- 17 Urquhart, *op.cit.*, 416.
- 18 Zacher, *op.cit.*, 154.
- 19 Heller, *op.cit.*, 39.
- 20 Urquhart, *op.cit.*, 403.
- 21 Heller, *op.cit.*, 125.
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- 23 White, *Keeping the Peace: The United Nations and the Maintenance of International Peace and Security*, (Manchester: Manchester University Press, 1997), 227.
- 24 Zacher, *op.cit.*, 3.
- 25 Heller, *op.cit.*, 133.
- 26 Gibbs, “The United Nations, International Peacekeeping and the Question of ‘impartiality’: Revisiting the Congo Operation of 1960,” *The Journal of Modern African Studies* 38, no. 3 (2000), 370.
- 27 O’Brien, *To Katanga and Back: A UN Case History*, (New York City: Simon and Schuster, 1962), 227.
- 28 Heller, *op.cit.*, 132.
- 29 *Ibid*, 129.
- 30 Boulden, *Peace Enforcement the United Nations Experience in Congo, Somalia, and Bosnia*, (Westport, Conn.: Praeger, 2001), 28.
- 31 Meredith, *op.cit.* 105.
- 32 Urquhart, *op.cit.*, 403.
- 33 Gibbs, *op.cit.*, 377.

34 Ramcharan, *Preventive Diplomacy at the UN*, (Bloomington, IN: University of Indiana Press, 2008), 83.

35 Ibid.

36 Sato, *Containing Conflict: Cases in Preventive Diplomacy*, (Tokyo: Japan Center for International Exchange, 2003), 11.

37 Cahill, *Preventive Diplomacy: Stopping Wars before They Start*, (New York: HarperCollins, 1996), 11.

38 Boutros-Ghali in Cahill, *op.cit.*, 17.

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42 Ibid, 3.

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45 Jenca, *op.cit.*, 185.

46 Moon, *op.cit.*, 5.

47 Meredith, *op.cit.*, 484.

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Seeds of Violence: The Origins of Boko Haram

Charles Pentland Editors' Choice

Dillon Wamsley

Boko Haram, an Islamic extremist group in Nigeria, has recently emerged as one of the most violent terrorist organizations in the world. The organization's brutal acts of violence are widely regarded as a religiously-motivated attack on the Nigerian people and a prelude to its larger objective of destroying the foundations of Western society. This paper evaluates the history of religious uprisings and ethnic conflict in Nigeria, with a particular focus on Islamic-Christian relations. Moreover, this paper analyzes the corruption within Nigerian politics and Western-Nigerian political relations, the abject poverty and widespread unemployment within the Nigerian economy, and the dubious role of the Nigerian state security forces during Boko Haram insurgencies, contending that each component is essential in elucidating the complex, and often unseen, origins of Boko Haram. It is argued that, despite its religious fundamentalism, Boko Haram's violent assaults are chiefly a response to the social, political, and economic decay within Nigerian society perpetrated both by the Nigerian state and Western intervention.

Aptly referred to as Africa's 'troubled giant,' Nigeria is one of the most conflict-ridden countries in the world—one that seems to embody the deeply impoverished, corrupt, and violent Africa that is often portrayed through many sources of Western media.¹ At the root of this long tradition of violence, Nigeria has a history of religious extremism and conflict, which is fundamentally connected to the Islamic-Christian cleavage amongst dominant ethno-religious groups within the country. Most recently, an Islamic terrorist organization, commonly referred to as Boko Haram, has emerged as a significant danger to northern Nigerian communities and to Nigeria as a whole. Viewed from the exterior, Boko Haram is typically regarded as an organization of religious extremism—one with regressive, backward ideologies that attempt to justify its despicable acts of violence. However, simply demonizing what is now a widespread organization without considering its origins disregards the history of Islamic uprisings in Nigeria, the ethno-religious divisions in Nigerian society, the current and past socioeconomic and political conditions, and the exceedingly incompetent and horrendous role of the Nigerian state police. These are all indispensable elements that help explicate the ideological and circumstantial origins of Boko Haram.

This paper briefly evaluates the history of religious extremism in Nigeria from the colonial

era to the present, and the legacy of ethno-religious divisions in Nigerian society. Moreover, this paper analyzes the current levels of poverty, inequality, and unemployment within various regions of Nigeria and, specifically, the Borno region in the northeast. Such undercurrents of Nigerian society contribute to the growing social disenchantment and disillusionment of Nigerian citizens who often become the prime candidates for membership in terrorist organizations. Additionally, this paper evaluates the politics of Nigeria, both domestic and foreign, which is marred by corruption and ethno-religious discrimination. Finally, the increasingly problematic and extralegal role of the Nigerian state police and security forces, which has contributed to pervasive insecurity in Nigerian communities, is considered as a principal source of Boko Haram's recent expansion.

By carefully considering the historical influences of Boko Haram, the current socioeconomic and political conditions of Nigeria, and the role of the Nigerian state security forces, it is clear that, although religion is the medium through which Boko Haram mobilizes its constituency, Boko Haram is, in part, a response to the social disillusion within the Nigerian population caused by the state. Moreover, a careful observation illustrates that the tension between ethno-religious groups within Nigeria are not exclusively a religious war, or a 'clash of civilizations' between Muslims and Christians, which demonstrates that groups such as Boko Haram are not only waging a war against non-believers and proponents of Western education, but also against the Nigerian state.²

I. Boko Haram in the Twenty-First Century

Boko Haram originated in the regions of Borno and Yobe in northeastern Nigeria and spread across the northern region.³ The group typically recruits individuals from the uneducated, unemployed youth in Nigeria, who come from low socioeconomic backgrounds and generally range from ages 15-35.⁴ Boko Haram has grown considerably during the last decade, now claiming to have upwards of 40,000 members, not only in Nigeria, but also neighbouring African countries.⁵ As Hussein Solomon notes, Boko Haram's original leader, Mohammed Yusuf, established the organization in 2002 in response to the "deteriorating living standards and state corruption" in northeastern Nigeria.⁶ Initially, Boko Haram was referred to as the Nigerian Taliban, and operated with the intentions of establishing an Islamist state by spreading Sharia law.⁷ An organization that is so expansive, however, requires considerable funding to operate. At first, Boko Haram is said to have acquired money through donations from wealthy group members and later from robbing banks. As it has grown in scale, Boko Haram derives considerable funding from other,

more established, terrorist organizations such as Al Qaeda.⁸ In recent years, one of the pinnacle moments of violence inflicted by Boko Haram occurred in July 2009, when conflicts between Boko Haram and the Nigerian state were responsible for more than 800 deaths in the states of Borno, Bauchi, Yobe, and Kano—states, for the most part, in the northeastern region of Nigeria.⁹ After bloody clashes with the Nigerian governmental forces, Boko Haram’s leader, Yusuf, was captured, interrogated, and killed by Nigerian security forces.¹⁰ Following the death of its leader, Boko Haram disappeared for a number of years. Re-surfacing in 2010 under the control of a new leader, Imam Abubakar Shekau, Boko Haram executed its first major bombing on Christmas Eve and New Year’s Eve in Abuja.¹¹ In 2011 and early 2012, Boko Haram carried out three devastating attacks. Since May 2013, the attacks on Nigeria’s state and its civilians prompted Nigeria’s President to declare a state of emergency in Borno, Yobe, and Adamawa, which is currently still in effect.¹² Since then, in 2014, Boko Haram made international headlines for capturing hundreds of female schoolchildren—many of whom have still not been released. Additionally, in January of 2015, the terrorist organization was responsible for killing upwards of 2,000 civilians in its most deadly massacre to date. Boko Haram has been, and continues to be, a significant national security threat in Nigeria.

II. The History of Islamic Insurgencies in Nigeria

Islam and Christianity are the two dominant religions in Nigeria. The religious demography in Nigeria today is divided fairly equally between Christians and Muslims, with Muslims constituting 50.5 percent of the population and Christians 48.2 percent.¹³ As religious extremism is at the forefront of the Boko Haram movement, it is important to consider its historical origins in Nigeria. Islam, in particular, has a long history dating back to the twelfth century.¹⁴ In the early nineteenth century, a preacher named Usman dan Fodio waged a holy war against what he perceived to be the inadequate rule of the current Islamic leaders and, as a result, he formed the Sokoto Caliphate across much of northern Nigeria.¹⁵ The Sokoto Caliphate was based on the “Muslimizing” of the population and the establishment of Sharia law.¹⁶ In the late nineteenth century, when British colonial forces moved into Nigeria and attempted to convert locals to Christianity, they were met with considerable resistance from the already long-established Islamic societies, particularly in the north.¹⁷ It is from this tradition that certain aspects of Western culture were perceived as a sin to Islamic populations—a tradition upon which Boko Haram draws significant inspiration. By

the beginning of the twentieth century, British colonial forces overthrew the Sokoto Caliphate, and many Nigerian areas in the south were converted to Christianity.¹⁸ However, many Islamic communities in the north retained their religion, and the notion of *dar al-Islam* —establishing an Islamic state— remained potent in the minds of many Muslims.¹⁹ It is important to note, as Last suggests, that many Islamic communities were shamed by colonialism “with all its non-Muslim trappings” and, thus, in addition to a strong opposition to many aspects of Western culture, a significant religious divide occurred between the north, which was largely an Islamic region, and the south, which was mainly converted to Christianity.²⁰ However, as Last contends, it is wrong to assume that a ‘clash of civilizations’ took place between the Muslim north and the Christian south; rather, he argues, there is considerable historical evidence to suggest that many Muslims and Christians have been able to live side-by-side in peace.²¹

Following Nigeria’s independence in 1960, decades of military coups and military dictatorships, rife with uprisings and insurgencies, plagued the Nigerian state.²² Most notably, in the 1980s, the Maitatsine, an Islamic extremist group, waged a bloody war against the Nigerian state in the north.²³ According to Human Rights Watch, “Eleven days of violent clashes between the Maitatsine and government security forces in December 1980 left more than 4,000 dead.”²⁴ The Maitatsine movement, based on the objective of purifying Islam within the Nigerian state, was quite similar to Boko Haram.²⁵ Such insurgencies against the Nigerian state continued into the 1990s but, in the 1999 election, when the military dictatorship was voted out and democracy allegedly returned to Nigeria, the government granted concessions to the Islamic community. In 1999, the politicians who were associated with Muhammad Yusuf incorporated components of Sharia law within particular northern states of Nigeria. Twelve northern states in Nigeria introduced Sharia law into the legal system, “setting the stage for the flourishing of pro-Islamic and anti-Western groups in the country,” and establishing legal foundations for certain fringe groups within the Islamic community such as Boko Haram.²⁶

III. Ethnicity and Religion in Present-day Nigeria

There are over 250 ethnic groups in Nigeria. In particular, the so-called “powerful trinity” comprised of the northern Hausi-Fulani, which constitutes the majority of the Boko Haram population, the western Yoruba, and the southeastern Ibo. These ethnic groups account for 29, 21, and 18 percent of the Nigerian population respectively.²⁷ Generally speaking, the north is a Muslim-

dominant region. Within the Muslim north, as Last asserts, there is a core group that distinguishes itself from the south and continually seeks to establish *dar al-Islam*.²⁸ As Higazi notes, in many regions, Muslims and Christians live in close proximity.²⁹ When viewing the religious tension from outside Nigeria, it is easy to assert that the conflict is that of a bloody and perpetual state of war between all Muslims and Christians. Last, however, maintains that this is not necessarily the case: although there is undoubtedly a long tradition of hostility between Muslims and Christians, violence typically occurs in localized areas and is often induced by motives other than religious discord.³⁰ With the pressure for more enforced and regulated Sharia law in northern Nigeria—which has alarmed many Western-supported Christian Nigerians—and the inter-communal violence between towns that are dominated by certain religious elites, religiously-based cleavages undoubtedly still exist.³¹ In addition to religious conflict, ethnic groups, which are dominated by the ‘powerful three,’ also have an important function in Nigerian society. Many elites who have political power represent one of the dominant three ethnic groups in Nigeria and, as a result, individuals often convert and “re-define his or her identity”; they alter their ethnicity because of the accompanying access to resources and social advancement.³² Consequently, religion and ethnicity are often intimately intertwined with other sources of power within society, suggesting that the ethno-religious divisions within Nigeria that arguably give rise to groups such as Boko Haram are not the only sources of conflict.

IV. Nigerian Economics

The economic stagnation, instability, and poverty within Nigerian society is particularly illuminating when examining the origins of groups such as Boko Haram and its recent ascendancy. Within Borno, the birthplace of Boko Haram, it is estimated that as many as 83 percent of young people are illiterate.³³ Approximately 71 percent of the Nigerian population lives in relative poverty—a number that has increased by 17 percent within the last six years.³⁴ Not surprisingly, the official unemployment rate of Nigeria is estimated to be 41 percent, which is one of the highest rates in the world.³⁵ Unemployment has become a serious issue in Nigerian society, particularly for the youth: there are currently more than 64 million adolescents unemployed in Nigeria.³⁶ Consequently, in a country that is characterized in many regions by extreme poverty and sordid living conditions, individuals often become disillusioned with the state, as it is widely recognized as the root cause of such problems. Moreover, amongst unemployed, impoverished citizens, and

particularly children, many of whom have not received an education, crime is often the only visible path to survival. What is more, organized terrorist groups that offer marginalized individuals a path to salvation become especially appealing. As Daniel Egiegba Agbiboa asserts in his article, *The Relative Deprivation Perspective*, “people living under poor socioeconomic conditions may draw guidance—rightly or wrongly—from their religious identity, particularly as religious actors are commonly accessible at the most grass-roots levels.”³⁷ It is no surprise, then, that the majority of members within Boko Haram are relatively young individuals who are unemployed and come from poor socioeconomic backgrounds.

With the advent of Western neoliberal trading policies, it is estimated that, between 1980 and 2010, when Nigeria’s oil became a hot commodity, the number of Nigerians living below the poverty line rose from an already substantial 17.1 million to over 112.5 million people, demonstrating the adverse effects that foreign-imposed economic policies had in Nigeria.³⁸ In addition to the unfathomable levels of poverty within Nigeria that have risen along with population growth and the exporting of oil, the levels of inequality are equally staggering. As Hakeem Yusuf notes, “it is estimated that Nigeria has made over 400 billion dollars from oil exports in six decades, but more than 80 percent of that figure has accrued to a mere 1 percent of the population.”³⁹ Oil has not led to economic development in Nigeria—in fact, quite the opposite—and it contributes to the growing economic inequality that exists today.

Furthermore, as Yusuf contends, it is easiest for external observers to ascribe the violence within Nigeria to “religious revivalism” rather than the underlying socioeconomic problems that exist.⁴⁰ As Last notes, in particular regions in Nigeria, there are certain hotspots wherein religious violence occurs.⁴¹ However, these areas are typically ones in which resources are scarce and, as a result, religious groups are often compelled to compete against one another. It is clear, then, that the antagonism that exists between religious groups in Nigeria is not exclusively over faith-based issues, but can be explained, in part, by economic scarcity. As such, according to the deprivation theory espoused by Agbiboa, it is not *religion*, but *deprivation*, in terms of resource scarcity, poverty, and inequality that can best explain what drives individuals to join groups such as Boko Haram.⁴² Socioeconomic destitution in Nigeria, coupled with a long tradition of religious division, gives rise to, and creates a fertile breeding ground for, opposition groups such as Boko Haram.

V. Domestic and Foreign Politics

The long tradition of corruption, patronage, and bribery in the Nigerian state prompts individuals to question the legitimacy of the state and condemn its role in perpetuating political violence. Ethnic associations, which are particularly significant within the current balances of power at the regional and federal levels, have transformed the structure of Nigerian politics. Interestingly, Boko Haram avows that false Muslims have corrupted politics in northern Nigeria and, therefore, it seeks to wage war against these politicians in particular, and the Nigerian state in general, to create an Islamic state ruled by Sharia law.⁴³ The 1999 federal election in Nigeria, and subsequent overthrow of military rule, was marred by violence that was perpetrated by certain Islamic groups who demanded that Sharia law be incorporated into the governmental system.⁴⁴ The rampant election-related violence that occurred during this time is not surprising considering the process by which candidates are selected in Nigerian elections and the extent to which elections are pre-determined. Rather than being selected based on political platforms and parties, candidates are chosen based on their ethnic associations. Ethnic associations are, to be sure, the basis of political representation in Nigeria. As Henry Ani Kifordu notes, “the historically skewed pattern of ethno-regional distribution of political power and interests represents a natural cause of social resentment and a main source of violent clashes.”⁴⁵ As a result of Nigeria’s political structure, which perpetuates the disproportional representation of ethnic groups, ethnic and religious factions are often forced to compete for political power. Under such organizationally weak political and governmental structures, certain faith-based movements inevitably come “to fill the vacuum created by their ineffectiveness.”⁴⁶

When considering the current arrangement of political elites within many regions of Nigeria, the legacy of the British colonial regime is still relevant. The old tradition of indirect rule, which was used by colonial administrators to establish control under the auspices of Nigerian elites, established a long line of political elites, often from one of the three dominant ethnic groups in Nigeria.⁴⁷ By securing political power for specific ethnic groups, the legacy of which still remains in certain parts of Nigeria today, the British colonial regime established concrete, ethnically-based power imbalances within the Nigerian political structure.⁴⁸ It is just as important, however, to consider the role of current Western countries that operate under the rationale of neoliberal economics and support the uneven balance of power in Nigeria. As Adekunle Amuwo notes,

post-1999 Nigeria, “like post-1994 South Africa, has become very safe for super-exploitation by capitalist globalisation, transnational capital and the ruling elite.”⁴⁹ By imposing certain conditions on Nigerian political parties—namely, requiring parties to advocate homogeneous ideologies that support neoliberal economic policies—with the promise of lending money to the Nigerian state, Western financial institutions have prompted political groups in Nigeria to appeal to their electorates based not on political principles, but ethnic associations.⁵⁰ Consequently, the political dynamics within Nigeria, compounded with the vast and continually expanding gap between the poor majority and the rich few, has concentrated resources and political power in the hands of Nigerian elites based on ethnic relations. The so-called Structural Adjustment Programs, introduced by Western-dominated financial institutions, have undoubtedly caused a “downward plunge in the economic well-being of the population” in Nigeria, not only exacerbating the poverty and inequality of the country, but also skewing the balance of power in the political sphere.⁵¹

With the presence of religious extremist groups such as Boko Haram, political elites often react to violence in a way that further aggravates the unequal balance of resources and political power. In times of crisis, many African leaders concentrate public power and resources to themselves, their families, and close kinship networks at the expense of the Nigerian citizens.⁵² The political disorganization and ethnically based patronage that characterizes much of Nigerian domestic politics leads, inevitably, to what Yusuf calls a “government gap.”⁵³ The government gap “refers to a gulf that has developed between citizens and the state as a result of the lack of credible leadership and the implementation of programmes that bear little or no positive impact on the social development” of the citizens who need them most.⁵⁴ Nigeria’s inequitable and elitist political institutions lead to the disenchantment of Nigerian citizens from the state. Furthermore, individuals who are, in addition to being tremendously poor, dissatisfied with the political institutions of their country, often partake in crime. Consequently, individuals in exceedingly vulnerable positions tend to consider joining religious extremist groups that wage wars against the state, the political elites, and the Western countries that support them. They are, to a large extent, left with no other alternative but to join violent radical groups such as Boko Haram.

VI. The Nigerian State’s Response

The Nigerian state’s reaction to Boko Haram’s violence sparked a vicious cycle of bloodshed: it began with extremist rebel insurgencies that were met by equally violent state suppression,

which then fuelled a stronger and more murderous response by Boko Haram. In addition to the unwarranted violence that the Nigerian state security forces have implemented, its response has been fragmentary and, for the most part, incompetent. To make matters worse, within the last few decades, as a result of massive population growth, northern Nigeria, and specifically Kano—which, in terms of its population growth, has increased tenfold in the last 45 years—has become congested and chaotic.⁵⁵ The teeming population of northern Nigeria, in addition to its augmenting crime rates, has perpetuated a pervasive sense of insecurity, which has necessitated a larger and more significant role from the Nigerian state security forces. Unfortunately, the Nigerian security forces, and specifically the police force, have earned a nefarious reputation as a result of the hundreds of extralegal murders for which they are responsible each year.⁵⁶ As Higazi asserts, when the Nigerian security forces violently suppressed a Boko Haram uprising in July 2009, they were responsible for more than 1000 deaths and were undoubtedly liable for having “fuelled a campaign of revenge” from Boko Haram.⁵⁷ The Nigerian state has opted to adopt a militant—and what has proven to be an extremely inhumane—approach to deal with the Boko Haram insurgency. From the international perspective, many individuals avow that such an uprising requires a combative counter-terrorist response from the Nigerian state. Individuals who are in closer proximity to the violence, however, contend that it is, in part, the product of a long history of abject poverty and social detachment within the Nigerian citizenry, and the state should deal with the internal problems of Nigeria as such.⁵⁸

In addition to imposing exceedingly harsh counter-insurgency tactics, the Nigerian security forces are incompetent and ineffective. Since the 1999 election, all security forces have been transferred to the jurisdiction of the federal state.⁵⁹ However, a quasi-police force called the *hisba*, which operates at the local level in Kano and promotes the Islamic Sharia law, poses several problems for the Nigerian state police.⁶⁰ Following the pressure to implement Islamic Sharia law in 1999 in the north, the Nigerian state has encountered an on-going dilemma by promoting the image of a secular country, while simultaneously giving concessions to the Islamic community at the local governmental level. The Nigerian federal police often encounter a number of issues with the *hisba*, who technically operate in contravention to federal law. However, the state police are reluctant to get too involved with the *hisba*'s activities because of pressure from Islamic communities.⁶¹ The Federal security forces in Nigeria are evidently fragmented and divided at various levels of government. The Nigerian state, by adopting an aggressive counter-terrorist approach, in which Boko Haram's acts of violence are regarded as the result of “overzealous religious fervour” has

facilitated the expansion of Boko Haram rather than curtailing it.⁶² What is more, the Nigerian state continually denies considering Boko Haram as a home-grown problem. Boko Haram has not only waged a war because of the repugnant living conditions of Nigeria, but also as a result of the violent and grossly incompetent Nigerian security forces.

VII. Concluding Remarks

From bombing public buildings to abducting young schoolchildren, Boko Haram has captured the attention of the international community and waged war against the foundations of the Nigerian state. Although Nigeria is steeped in a long tradition of ethnic and religious hostility, principally between the Muslim north and the Christian south, there are a number of deep-seated, structural issues within Nigerian society that reveal the more complex origins of Boko Haram. From the interior of Nigerian society, deeply entrenched, structural socioeconomic and political issues emerge that contextualize the depraved and horrific acts of violence conducted by Boko Haram, exposing them not only as religiously-motivated actions, but also a plea for reform. The striking disparity between the wealthy few and the poor majority, the growing army of unemployed youth, fraudulent politics, and the lack of social support from the exceedingly incompetent Nigerian state contribute to the rise of extremist fringe groups. Additionally, the long history of intervention by Western powers, from the colonial era to the current paradigm of neoliberal development, has created a fertile breeding ground for groups such as Boko Haram.⁶³ In order to address this state of calamity, individuals must be prepared to take steps towards reforming the underlying social and structural problems within Nigerian society that beget such fanatical groups. International leaders, local elites, and citizens alike must adopt an historical approach that confronts both the structural problems within Nigerian society and the policies within international institutions that sustain them.

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3 Higazi Adam, "The Origins and Transformation of the Boko Haram Insurgency in Northern

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4 Hansen, 290.

5 Iro Aghedo and Osumah Oarhe, “The Boko Haram Uprising: How Should Nigeria Respond?” *Third World Quarterly*, 33, no. 5 (2012): 858.

6 Hussein Solomon, “Contesting Ethnic, Religious and Regional Identities: The Case of Nigeria’s Boko Haram,” *Strategic Review for Southern Africa*, 34, no. 2 (2012): 432.

7 Higazi, 152.

8 Daniel Egiegba Agbiboa, “Why Boko Haram Exists: The Relative Deprivation Perspective,” *African Conflict and Peacebuilding Review* 1, no. 3 (2013): 152.

9 Human Rights Watch, “Spiraling Violence: Boko Haram Attacks and Security Force Abuses in Nigeria,” (2012): 32.

10 Ibid, 85.

11 Ibid, 29.

12 Ibid, 9.

13 Daniel Egiegba Agbiboa and Benjamin Maiangwa, “Boko Haram, Religious Violence, and the Crisis of National Identity in Nigeria: Towards a Non-killing Approach,” *Journal of Developing Societies* 29, no. 4 (2013): 381.

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15 Murray Last, “The Search for Security in Muslim Northern Nigeria.” *Africa: The Journal of the International African Institute* 78, no. 1 (2008): 46.

16 Last, Economy, 610.

17 Hansen, 288.

18 Last, Economy, 608.

19 Ibid, 610.

20 Ibid, 49.

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23 Ibid.

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- 26 Daniel and Benjamin, 387.
- 27 Henry Ani Kifordu, "Ethnic Politics, Political Elite, and Regime Change in Nigeria," *Studies in Ethnicity and Nationalism* 11, no. 3 (2011): 429.
- 28 Last, *The Search*, 63.
- 29 Higazi, 137.
- 30 Last, *The Search*, 55.
- 31 Ibid, 56.
- 32 Eghosa Osaghae, "Explaining the Changing Patterns of Ethnic Politics in Nigeria," *Nationalism and Ethnic Politics* 9, no. 3 (2013): 61.
- 33 Daniel, *Deprivation*, 151.
- 34 Paul Rogers, "Nigeria: The Generic Context of the Boko Haram Violence," *Oxford Research Group*, 2012, 3.
- 35 Iro and Osumah, 865.
- 36 Abayomi Anthony Adebayo, "Implications of 'Boko Haram' Terrorism on National Development in Nigeria: A Critical Review." *Mediterranean Journal of Social Sciences* 5, no. 16 (2014): 482.
- 37 Daniel, *Deprivation*, 148.
- 38 Nathaniel Umukoro, "Democracy and Inequality in Nigeria," *Journal of Developing Societies* 30, no. 1 (2014): 4.
- 39 Hakeem O. Yusuf, "Harvest of Violence: The Neglect of Basic Rights and the Boko Haram Insurgency in Nigeria," *Critical Studies on Terrorism* 6, no. 3 (2013), 385.
- 40 Ibid, 375.
- 41 Last, *A Economy*, 608.
- 42 Daniel, *Deprivation*, 145.
- 43 Ibid.
- 44 Solomon, 2.
- 45 Kifordu, 440.
- 46 Eghosa, 71.
- 47 Michael Watts, "Resource Curse? Governmentality, Oil and Power in the Niger Delta, Nigeria," *The Geopolitics of Resource Wars*, (2004): 62.
- 48 Adegunle Amuwo, "Between Elite Protectionism and Popular Resistance: The Political Economy of Nigeria's Fractured State since Juridical Independence," *Journal of Contemporary*

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49 Ibid, 437.

50 Bruce Berman, "Democratization," (Lecture, Queen's University, Kingston, Ontario, November 27th, 2014).

51 Alao, 130.

52 Iro, 856.

53 Yusuf, 374.

54 Ibid.

55 Last, *The Search*, 43.

56 Iro, 865.

57 Higazi, 137.

58 Yusuf, 372.

59 Ibid, 371.

60 Last, *The Search*, 51.

61 Ibid.

62 Yusuf, 378.

63 Daniel, *Deprivation*, 148.

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Commodification and Exclusion in China's Housing Market: An Application of Harvey's Theory of Neoliberalism

Stefan Pagura

China's economy continues to grow at rapid rates. With this growth comes increasing per capita income, but how that income is distributed is still up for examination. With an emerging consensus surrounding China's mix of state led and neoliberal activity, this paper aims to explore the Chinese housing market and its relation to wealth creation and allocation. By using housing in China as a case study, this piece will leverage Harvey's 'accumulation by dispossession' framework to analyze the housing market's neoliberal tendencies. Again, this piece seeks too add to the case studies that are presenting a growing consensus around China's unique blend of neoliberal and state-led activity. A distinctly Chinese form of capitalism is revealed through assessment of the ways in which commodity-housing expansion, in particular, shows neoliberal tendencies within the Chinese housing sector, while pointing to trends in the economy more broadly. To more fully elucidate the political economy surrounding commodity housing, the role of foreign investment, the hukou system, the labour market, and finance sector are examined in turn.

Heavy machinery loudly hammers away at the ground around a historic home in the Chinese capital of Beijing. All but this one home have been demolished in a neighbourhood near the historic 'Temple of Heaven'. The owner, Li Xiuyun, whose family moved to Beijing from the provinces decades' prior, now occupies one of China's growing number of 'nail houses'. These last holdout homes in areas set to be demolished are so aptly named because they stand out like single nails not yet hammered down. A property development company purchased Xiuyun's neighbourhood wholesale from the Beijing government to build a new housing development. In today's China, Li's case is not atypical; there are stories like hers abound in the ongoing history of the country's rapid urbanization.

As the government in Beijing pushes towards the world's first urban billion population, analyzing the implications and mechanisms of this rapid urbanization becomes more important.³ This piece will do so by examining the growing importance of the housing sector in China's economy. David Harvey's, *A Brief History of Neoliberalism* (2005), will be used as a starting point for the analysis contained in this paper. Harvey offers a modern revitalization of Marx's class theory, in light of the neoliberalization wave of the late 20th century. The 'accumulation by dispossession' framework presented in *A Brief History of Neoliberalism* will be used to analyze and assess the

process of commodification of housing in China. By systematically evaluating commodity housing growth in China through each mechanism Harvey outlines; privatization and commodification, financialization, the management and manipulation of crisis, and state redistribution, this paper will argue that the push for commodity housing in China can, in fact, be seen as a neoliberal project with unique Chinese characteristics.

By examining the process by which the real estate sector has grown to be a vital Chinese industry with a very pronounced linkage to the state, it will be argued that there are overt political and economic decisions evident in the commodification of housing in China's cities that reveal the type of neoliberal class creation that Harvey more fully explains in Western nations, like Britain and the United States. Harvey points out that this form of class creation is inextricably linked to, and propagated by, the state. This mix of both neoliberal and state-led capital has been well documented in the Chinese case, and this piece will add to the literature by examining the housing case study. Each of Harvey's mechanisms will be analyzed in turn with various aspects of the Chinese housing market, labour market, and financial system being brought into the discussion to better spell out the ways in which commodity-housing expansion can be understood in terms of Harvey's neoliberalism.

I. China's Political Economy – How We Got Here

To be able to examine the housing market in urban China through Harvey's framework, the broader political economy surrounding land and real estate must first be understood in terms of its domestic inner workings and further, how it relates to and is connected with the international political economy. The market does not exist within a free-market vacuum; the state sets the rules of the game in any modern economy. The Chinese case, however, has a level of intricacy and depth that must not be understated. To begin, the history of this process towards market inclusion and greater openness in the land and property market must be elucidated.

The history of modern China must be parsed in the interest of time and space, so the inquiry into the development of China's modern political economy surrounding real estate will begin with the end of the Maoist Era. With Mao's death in 1976, China began a new era, as Deng Xiaoping would begin to move China towards more openness, particularly, openness to foreign direct investment (FDI).⁴ In 1978, China selectively allowed cities to become hubs for FDI. These special economic zones[□] (SEZs), opened up slowly and selectively to world markets.⁵ It should

be noted that the first SEZs were all located on the southeast coast, where facilities for shipping goods in and out of China were more developed. The initial success of these cities led the central government to slowly open up FDI to other major cities, covering the coast and extending inland.⁶ During this period in global economic history, massive amounts of Western capital were looking for more effective areas to invest and produce: China fit the bill.⁷

The opening up of China's coastal cities to FDI made low-cost production of labour-intensive goods viable, as they could be easily shipped to world markets via seaports. A disproportionately large amount FDI, to this day, goes to manufacturing— more than other industries, such as services or resource extraction. Some 63% of registered \$1.5 trillion in FDI in the fiscal year 2005 was in the manufacturing sector, followed by the real estate sector at 11%.⁸ As we will see later, this move to open up coastal cities due to their geographic location has a huge role in the asymmetrical economic development in China, and subsequently migration patterns.

Greater openness to investment and trade was an important move for China's political economy in many ways. First and foremost, it marked the end of the command economy. The devolution of economic power and acceptance of FDI meant that regions, and more importantly, cities, began to have increasingly greater power, especially as market makers and actors. This trend continued, and by the 1990s, cities were able to make economic plans of their own, set local tax rates, lease urban land and grant land use.⁹ With an amendment made to the Constitution in 1998, cities were given the power to grant leasehold use.¹⁰ This entailed leaseholders the right to use, rent or mortgage 'urban' land with the permission of the government.

The distinction between urban and rural land has many interesting implications, particularly on individuals. Intertwined with land use rights is the identification system in China that designates individuals with either rural or urban status. The *hujia* (household registration) or *hukou* system, as it is popularly called, offers different government services and land rights according to a citizen's *hukou* status. The system was first implemented under Mao, partly as a way to control population flows, and is still in use today.¹¹ Urban residents have access to urban government housing, employment opportunities, schools, healthcare, social assistance, and other services. However, these citizens do not have full property rights to land, so municipal state officials can revoke residency rights and displace people (as long as they house them elsewhere) as they see fit.¹²

Rural *hukou* holders have the same access to healthcare, and education, but these are only provided so long as they stay in the areas where residence is registered. Because they are categorized as part of the agricultural population, they do not have the same rights to social housing and

social services, since agricultural production hypothetically generates enough income for all basic necessities. The advantage of rural hukou status is the fact that the rural citizens collectively own the land that they farm. They can do with this land what they please (including building on it with some restriction), although they are expected to be farming.¹³ The government can still revoke their ownership rights to land, but there are different legal and market mechanisms that must be followed, unlike the more simplistic relocation involved in the urban case. The last piece to the hukou system is its territoriality. Each citizen forfeits their particular hukou rights if they choose to leave their given area.¹⁴ The hukou system will be important as we discuss economic growth in cities and the social aspects of commodity housing development.

Connecting hukou status to housing and city based economic development, the cities that were designated as open to FDI saw a massive influx of migrants hoping to capture some of China's rapid growth. There is no firm number on how many 'rural migrants' there are in China, but estimates range from 100 to 200 million people.¹⁵ With what we know about hukou status, this poses a massive problem. Rural migrants simply do not have the same rights or social safety net in the city that urban hukou holders do. Coupled to this is the fact that rural migrants tend to work the most labour-intensive jobs in industries like construction and manufacturing.¹⁶ Due to their sheer numbers and little class solidarity, they are easily replaceable and fit the 'flexible labour' distinction Harvey uses in Neoliberalism.¹⁷ Rural migrants are paid significantly less, and often have to resort to the informal labour sector.¹⁸ This places a significant economic strain on their access to housing.¹⁹ The hukou system stands as an overtly political form of identification and control that has far-reaching implications within the Chinese economy, going far beyond simply acting as a migration inhibitor.²⁰ Rural migrants play a crucial role in understanding housing in China and will be analyzed further in concert with Harvey's framework.

To further complicate the issue, the land use allocation system in cities has two streams. These are state allocation, which goes to state units, social housing and hospitals and land conveyance, which is given to private firms on lease terms of up to 70 years.²¹ Herein lies another important distinction: social versus commodity housing. The government provides 'affordable' housing at subsidized, rent-controlled rates. However housing is no longer a free public good as it was under Mao.²² These social housing units are planned and built by the state, and the land is granted under state allocation. To live in these developments requires urban hukou.²³ Commodity housing is built on land purchased under conveyance. Subsequently the housing built on it is not rent-controlled and can be bought and speculated on. It has been documented that state units pay

below market price for land, whereas the private firms must pay market prices, mostly through public auction.²⁴ This market action and higher price allows private firms the right to use the land as collateral, as well as put it up on the secondary market.²⁵

It is clear that the state, and particularly the municipal governments, gained more autonomy through growth in their market influence. This shift from service provider to market maker is one that is very important to note. In this case, we can see China following the pattern of the ‘competition state’, that is, the state became more a commodifying agent as opposed to a decommodifying one.²⁶ By way of land lease agreements alone, the state became inextricably linked to the market and the firms that sought to operate within their municipal territory. This is amplified by the fact that revenues from leasing land to companies falls outside of the normal budgeting practices for city governments in China; there is no oversight from the central government as to what price is being set for the land use or how the money is being allocated.²⁷

This devolution of power is the start of a political economy network in China that is very multiscalar, with large national/international firms interacting with city/sub regional governments, alongside national level actors, like state owned banks. Devolution of land use rights adds another level of analysis to our understanding of how China interacts with the global economy, and how subnational units are key to its current capitalist form. Property allocation mediated through cities introduces new actors and incentives. With grounding in the political development of the property market in China, we can now turn to Harvey to test its development for neoliberal class development.

II. Applying Harvey’s Framework in the Chinese Housing Market

Harvey’s ‘accumulation by dispossession’ framework will be used as a litmus test as to whether or not there are clear moves towards neoliberal class and capital distinctions in the Chinese housing market. Before moving into that analysis, it is important to note what Harvey, and this paper, will use as the definition of neoliberalism. Neoliberalism as defined by Harvey is, “a political project to re-establish the conditions for capital accumulation and to restore the power of economic elites”.²⁸ This is done by way of the state either creating or enforcing a minimalist framework characterized by individual property rights, free markets, and free trade.²⁹ For this line of questioning to succeed, the privatization and commodification of property and housing must be a clear mechanism of economic exclusion that restores (or in the Chinese case in a way

creates)or creates power structures that favour economic elites. This is to be distinguished from an ‘embedded liberal’ state that allows for market-led activities—often state directed—so long as they are constrained by social policy and market regulation.³⁰ The first of Harvey’s ‘accumulation by dispossession’ mechanisms is ‘privatization and commodification’. Harvey describes it as, “the corporatization, commodification and privatization of hitherto public assets”.³¹ This mechanism is perhaps the most glaringly apparent in terms of China’s housing sector. In the transition to the leaseholder system, there is a semi-privatization and definite commodification of land and subsequently, housing. As property development companies became able, for the first time, not only to have exclusive private rights to land, but also to have the ability to speculate on it, rent it, and borrow against it, land in urban China clearly became a market commodity. This alone, however, does not give enough evidence to support a neoliberal turn.

As China’s economy continues to grow, the way it grows is important to note. The housing market’s share of GDP has risen to 10% in China, with 1% growth in housing investment returning 0.2% increases in national GDP.³² The housing share of GDP is unprecedented, and its impact can be enormous. This fact alone gives new incentives to government to expand the sector. In contrast, the Canadian housing market, which has analysts have warned takes up a worrisome share of GDP, is only 7%.³³ China does have a population that is many times larger than Canada’s, but the main point is that Canada is an open market economy with no formal barriers to housing and the potential for any individual to access the market. China is opening up its markets, but this paper will show that the market and its gains do not extend to all.

Privatization, even if it is quasi-private (based on land conveyance and not outright ownership), is very exclusionary in Chinese cities. Access to commodity housing is restricted to those who have urban hukou based on both formal and informal factors. Formally, the access to credit for the purposes of urban housing purchase is only extended to urban hukou holders.³⁴ Informally, there is a clear distinction regarding who can afford to purchase commodity housing, which is made clear the in the housing data. Let us examine each in turn.

Beginning with formal access to credit, state-owned commercial banks dominate the mortgage market in China. Upwards of 60% of mortgage loans in China are made through one of the four state-owned banks.³⁵ This would not be an exclusionary issue were it not written into law that these institutions must require mortgage applicants to produce documentation proving that they have local household registration.³⁶ Beyond that, applicants must be able to provide a down payment of at least 30% and provide monthly income statements from employers.³⁷ Rural

hukou holders who migrate to cities are simply cut out of the commodity housing market for the following reasons: their formal inability to purchase without local hukou, their inability to access formal credit, and the requirement that they have formal income statements accompanying a large down payment.

There is evidence for this exclusion from the market in research that has shown that only 6% of migrants were able to purchase commodity housing in one of China's large cities.³⁸ 80% of rural migrants end up renting, in many cases from their employer in the form of factory housing.³⁹ In contrast, 52% of urban hukou holders were able to purchase commodity housing, and only 5% of urban local hukou respondents were renting.⁴⁰ This number becomes more startling when linked to the average price to income ratio in China's urban real-estate market that sits at 20-1.⁴¹ Housing costs have been ever increasing in China, due to not only demand, but also the cost of land and development. Local governments have interests beyond price increases, as they can charge more for conveyance of new land and their expected revenue from those new homes via taxes that will increase as well.⁴² This incentive structure creates distorted prices, mainly in urban markets, which further excludes those who simply do not have the access to the credit required to cover costs. This means that, by and large, rural migrants and low-income urban hukou citizens will be kept out of the market.

The integration with local government becomes deeper as we investigate the ways in which individual local officials have a strong influence on the housing market. Development companies not only have to deal with conveyance payments, but also regulations and design requirements that are mediated by local state officials.⁴³ This dependence on the state leaves the real estate sector ripe for corruption, of which there is a great deal of evidence. Not only have the majority of government officials that have been charged with corruption owned multiple houses in large cities (sometimes dozens), but new research has shown that local officials get better prices for commodity housing.⁴⁴ The research also shows that the closer to the actual regulation and enforcement arms of the local government a state official gets, the better the price they receive.⁴⁵ The economic gains and preferential treatment made by state officials in the commodity housing market in China points to a creation of an economic class that is interlinked with the state, which is profiting from that connection.

We can clearly see that privatization and the capital gains from it are not being diffused throughout China's urban centres. With 10% of GDP coming from housing, while large majority of the population being formally and informally excluded from the market, those gains are simply not

accessible to large swaths of the population. Formalized political measures, like hukou, combined with privatization and commodification has created an economic class closely linked to the state, and one and that is able to make economic gains from commodification of housing. Those who enforce the law and privatize the land have a vested interest in the growth of the real estate sector, and that comes at the expense of the average citizen, who is kept from realizing the economic gains made through commodity housing.

Harvey defines financialization as the deregulation of financial markets. This allows the financial system to become a main centre of redistribution through speculation, predation, and fraud.⁴⁶ China simply does not have the wide, deep, and transparent capital markets that the West does. Stock markets in China, while growing, are still not very stable and are known to wildly fluctuate, driving companies to incorporate abroad or in Hong Kong.⁴⁷ Furthermore, individual use of the stock market for personal investment and asset retention is not widely practiced in China. In fact, citizens are much more likely to use real estate as a growth asset.⁴⁸ Financial deregulation with the purpose of creating a redistributive machine —like Harvey argues is the case in western capitalist economies— simply does not seem to have a place in China. Yet, the exclusionary aspects of the financial system that have been outlined, while not falling under the same style of manipulation Harvey describes in the West, still has a similar effect on the redistribution of wealth.

As real estate prices continue to grow, the share of that growth goes disproportionately to those with urban hukou. As price to income ratios are so high, many are excluded from the market. Beyond that, however, even those who can afford to be in the market must have at least 30% up front.⁴⁹ With the average nominal income in China being just \$6,800 USD, using the average price to income ratio, an average citizen could expect to pay \$136,000 with \$40,800 of that up front.⁵⁰ This system not only places a majority of the upfront risk on the individual, but also puts them in a difficult debt servicing position, as wages in China are still relatively low. This introduction into the credit system makes the real estate market in China a very effective redistributive tool. More importantly however, the lending barriers created make it so that only a select few can access credit and even fewer of those will have a chance to pay it off. This is important to note, especially in light of Harvey's arguments for the pacification of workers through expansion in credit systems.

The economic gains of China's housing market reach only citizens who are able to meet the rigorous lending criteria in China. This system is also potentially introducing a crippling debt cycle to the Chinese economy, due to low wages and high housing costs. This points to the interesting form of state capitalism currently manifesting itself in China. As the government is

now the ‘commodifier,’ it is incentivized to cooperate with those that seek to increase the value of the commodity it holds. The real estate sector is not the only actor interested; China’s financial institutions and the state are also drawn to the gains found in from the housing market. In this way, Harvey’s financialization is clear in the Chinese case.

The case of commodity housing in China the last two mechanisms, ‘management and manipulation of crises’ and ‘state redistribution’, can be examined together. China did not escape the global recession of 2008, and, in fact, because the Chinese economy had been so reliant upon exports, when foreign clients felt the downturn they started to chase cheaper labour in countries like Bangladesh.⁵¹ In response to the downturn, the central government urged banks to lend more to curb the downturn.⁵²

Mortgages play a significant role, accounting for one-third of all lending activity, but commercial lending to firms was also a major spur.⁵³ Chinese citizens are notoriously frugal spenders, opting to save much more of their income than other countries, and so consuming their way out of the crisis was not seen as a viable option, as it was in many western economies.⁵⁴ Real estate expansion was an attractive option because it would, on the one hand, reallocate labour from manufacturing to construction (two very labour-intensive jobs mostly done by migrants) and on the other hand, take advantage of the fact that real estate is one of the main investment assets in China, with demand staying fairly constant. In this way, the crisis, and the credit expansion that followed, was used to prop up an industry that has been shown to benefit a select few, particularly the municipal governments, state officials, and property development companies. As such, we can see the manipulation of the crisis for the economic benefit of a few.

As for state redistribution, China’s total debt to GDP ratio increased faster than any other large country during the crisis, and while they were able to push through the recession, the effects of that lending are starting to appear. Much of this credit expansion went to the real estate and construction sector, and the long term effects of this lending are starting to become visible as debt to common equity in these two industries has ballooned to an average of 160%.⁵⁵ This has resulted in a strain on the credit portfolio of the major banks in China, which has resulted in the need for the central bank to step in and ‘evergreen’ or pay down bad loans so that default is not possible.⁵⁶ This is a trend that we have seen the world over in response to the crisis, but it is interesting to note that the Chinese government chose to focus on expansion of the housing sector, despite the fact that it is clearly exclusionary in its practice and plays into the commodification of state goods. By moving up a scalar level — to national banks and central government — we can see that the program of

housing commodification can, in fact, be seen as a benefit to those beyond just local state officials.

Yet, by focusing on the housing market, the state chose to intervene in a sector that creates power through ‘free’ markets. This stands in contrast to typical understandings of state capitalism wherein reinvestment would go primarily to state-owned enterprises for various political reasons.⁵⁷ The investment went to a commoditized, market driven sector, which has been shown to create wealth via capital assets to a select few. The investment and extension of state-backed credit to the housing sector in the fallout of the crisis further shows that the market in China is very much like the neoliberal markets Harvey describes. State redistribution in the Chinese case is clearly evident, and it selectively benefits an industry closely linked to the state.

III. Implications for China’s Future

The connection between the Chinese state at various scalar levels and private firms is clearly of note. This has been shown to shape the interactions within the real estate sector, which makes analyzing it through Harvey’s framework all the more interesting. While the trend associated with neoliberal projects is the ‘retreat of the state’, the Chinese commodity housing case shows a clear connection between the state and, not only private firms, but also state-run financial institutions that leave a clear exclusionary market. The real estate market in China can be seen as not only exclusionary, but also as a mechanism of redistribution and class creation. This exploration into the housing in China should raise more questions about the form of state capitalism that is being propagated in China. With the clear formation of a market that establishes economic dominance of a few through political and economic mechanisms, the neoliberal aspects of the Chinese economy are evident.

This paper has shown that there are interesting correlations between the conventional notion of neoliberal projects and the Chinese housing market, but that these correlations take on uniquely Chinese characteristics. Yet the recent creation of limits on how many housing units one person can own perhaps indicates a growing shift towards a less elite driven housing market. However, with the level of embedded wealth within the CCP, just how thoroughly these new rules will be enforced remains to be seen. The incentive structures within the housing market must change for the outcomes to be different, and whether or not these purchasing limits will shift incentives enough is unclear. What is certain is that citizens like Li Xiuyun are demanding greater inclusion, transparency, and equality in the Chinese housing market. Their growing unrest will hopefully contribute to discussions about what China’s political economy will look like in the future.

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Rape as A Weapon of War: The UN, DRC, and Sexual Violence in Conflict

Claire Robbins

Following the Bosnian and Rwandan Genocides, there has been increased acknowledgement that sexual violence in conflict is a serious international security concern. International organizations are facing increased pressure to create legislation and take action to prevent rape in conflict, particularly in the case of the Democratic Republic of the Congo (DRC). This paper will explore the socio-cultural roots of sexual violence in conflict, its pervasiveness in the DRC, and the current international law pertaining to this issue.

I. Introduction

While rape and sexual violence have occurred in conflict situations for thousands of years, these issues have only recently emerged on the international agenda. Once thought of as “history’s great silence,”¹ there is an increasing acknowledgment that sexual violence is a serious international security concern. Further, the use of rape as a ‘weapon of war’ in conflict situations has been widely acknowledged as a pressing human rights issue. Following the Rwandan and Bosnian genocides, the world has grown increasingly aware of the pervasiveness of sexual violence during conflict, and subsequently turned its attention to the Democratic Republic of the Congo. Known as the “Rape Capital of the World,”² the conflict in the DRC has been characterized by extreme levels of sexual violence. Rape in the eastern provinces is so prevalent that officials have stated that it is not possible to estimate the extent to which it has occurred, though estimates range around 40,000 cases per year.³ This has motivated international NGOs and women’s rights activists to push the United Nations to take meaningful action to prevent, protect against, and punish sexual violence. Resolution 1820 on Sexual Violence Against Civilians in Conflict, signed in 2008, was the first UN Security Council Resolution to directly address this issue. Despite growing awareness and attention to the conflict in the DRC, there has been very little improvement for the security of Congolese women. This paper will first explore the hegemonic and socio-cultural roots of sexual violence in conflict, its role in the DRC, and a brief exploration of the current status of the conflict. The final section of this paper will

explore the judicial infrastructure of the DRC as it pertains to international law, the UNSC and the strategies being deployed to reduce sexual violence. This paper will argue that addressing sexual violence in the DRC must remain a priority of the UNSC, and should not be ignored due to claims of sexual violence in conflict as a naturally occurring phenomenon.

The emergence of sexual violence as an urgent human rights issue has been due in part to the efforts of feminists within international relations to have women's rights acknowledged within international law. There has been a largely western-based push towards the creation of a universal standard of women's rights, which has been embraced by the UN with the creation of the Convention to Eliminate All Forms of Discrimination Against Women in 1981. Yet there has been a lack of consensus about the extent to which this should challenge religious and cultural practices, or, as in the case of sexual violence, should not apply during certain wartime and conflict situations.⁴ The characterization of rape and sexual violence as a weapon of war has helped to further the legitimization of sexual violence as a threat to international security, yet this has been contested by many who view rape as a simple byproduct of war, not worthy of intervention, and not impactful enough to be characterized as a human rights violation. However, others categorize it as a classical method of warfare, which can and must be condemned to the fullest extent.⁵ In order to understand this divide, it is important to consider what motivates rape during conflict situations, and why it is seen as such an effective wartime tactic.

II. Gender Norms, Rape and War

Given that sexual violence against women is understood as an attempt to demoralize the "Other", one must assess the messages of masculinity, heteronormativity and patriarchy that come into play. According to sociologist Ronit Lentin, "The figure of a woman is often the chosen representative image of genocide and war... women as universal victims, motherhood as the epitome of suffering, and shattered female beauty as symbol of 'man's inhumanity to man'".⁶ Indeed, women often occupy a symbolic status of purity, something to be protected. In the context of wartime, rape instills terror and demoralizes the victim, and is seen as a 'symbolic revenge and reward to the participants'.⁷ As well, rape serves to "reassert hegemonic heteromascularity," a way for soldiers to reinforce their masculine identity in insecure conditions.⁸ Historian Ruth Seifert takes this reasoning further, theorizing that in a modern era, rape has become "part of the 'rules' of war" and demonstrates "an element of

male communication (testifying to the inability of the victims to protect “their” women); an extension of an ideal of masculinity associated with aggression; and can be aimed at destroying the opponent’s culture – the rape of the women in a community can be regarded as the symbolic rape of the body of this community”.⁹ ¹⁰ The essence and integrity of the women is thus seen as a representation of the nation. This contrasts conceptions of mass rape as a natural, biological reaction to circumstances of conflict and violence, which demonstrate a lack of understanding as to the social constructions at play. Instead, “sexual violence, in the Congo as in many other countries, does not stem from war and conflict but from prior social, economic and cultural discriminations that nurture sexual violence when conflict breaks out”.¹¹

Indeed, many scholars have argued that international intervention in the Congo needs to increase its focus on social and developmental solutions to gender inequality, rather than just legal and peacekeeping methods. This reflects the need to address conflict and sexual violence from a culturally specific lens, rather than a universal approach. While still playing a significant role in the foundation of sexual violence, some scholars believe that the idea of “universal unequal gender relations” overshadows the “intersection of gender with ethnicity”.¹² As rape is often seen as a symbolic act against the “Other” —a different socio-economic or cultural group— it must then be perceived through a framework that includes more factors than gender. International legislation and programming must also acknowledge that ethnic identities are “fluid, contested, and not always cohesive”, and thus definitions of honour, masculinity, and femininity are also dynamic, particularly in times of instability and conflict.¹³ The various armed groups in the Congo have been known to perpetrate sexual violence in a number of different ways that can be linked to cultural practice, sometimes as part of rituals or for perceived protection during battle.¹⁴ As well, there are escalating rates of civilian-perpetrated rape, indicating that sexual violence has become “normalized” in a culture where sexual violence has become a “constant threat”, and a “fact of life”.¹⁵ The pervasiveness of this problem has also affected an increasing number of males who have been sexually victimized in conflict, an aspect that has been largely ignored due to the characterization of sexual violence as only a woman’s issue.¹⁶ Recent legislation in the DRC has characterized sexual violence as an affront to Congolese human rights, yet these laws only protect women, and exclude men as victims of sexual assault. As well, victims of assault are often unable to testify due to intimidation and rejection from their communities. While international law requires that victims testify, this is often not an option for members of small communities.¹⁷ Clearly, barriers exist between the

creation of encompassing and universal legislation for sexual violence, and the gender and cultural complexities of what is currently occurring in conflict situations.

III. The Conflict in the DRC

Since the early 90's the Great Lakes Region of Africa has been a "theatre of numerous bloody conflicts".¹⁸ In particular, the DRC has been affected by what seems to be a never-ending circuit of warfare and instability, leading journalist to speculate that it may be the "deadliest conflict since WWII, and one of the world's most active crises".¹⁹ The conflict began in 1997, and has resulted in between 3.5 and 5.4 million deaths, in addition to an unknown number of cases of rape and sexual violence.²⁰ There are currently over 19,000 UN peacekeepers in the DRC, yet it seems that there is "no peace to be kept".²¹ The conflict has emerged through various factors, notably including the retreatment of Hutu militia into Eastern Congo, political instability following the fall of dictator Mobutu Sese Soku, and failed peace agreements that have resulted in the fracturing and multiplication of various rebel groups. Extreme poverty within the country has led many young men to join militia groups or the Congolese army out of desperation.²² The militia groups are disparate in terms of their ethnic grouping and nationalist ambitions, yet sexual violence has been linked to almost every militia. The national Congolese army has also been accused of mass rape and violence against civilians suspected of "siding with the enemy," yet these crimes are enormously difficult to prosecute.²³ A large majority of mass rapes occur in rural provinces of the eastern DRC, where there is little infrastructure for women to report crimes. The UN has been largely unsuccessful in curbing violence, as various peace talks have fallen through, and the scattered militias still dominate the rural jungle areas. Peacekeepers have resorted to escorting women and girls as they collect firewood and water, yet this is only a temporary solution.²⁴ Once a large recipient for international development aid, the DRC lacks the financial resources to restore judicial infrastructure: lawyers, adequate prisons, and accessible police offices. Further, there are very little medical or counseling resources available to women in these areas, despite the long-term physical and psychological ramifications of sexual violence.

IV. The UN and Sexual Violence

There are a number of development barriers that need to be addressed within those international resolutions that aim to prevent and protect civilians against sexual violence. Thus far, the UNSC has created two major resolutions related to the prevention of sexual violence. The Rome Statute, which implemented the International Criminal Court in 2002, was the first piece of legislation to define sexual violence as a punishable crime. However, UNSC Resolution 1820, passed in 2008, is the largest and most specific international legislation to address sexual violence. The Resolution states that, “rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide,” and pledged to consider imposing “targeted and graduated measures against warring factions who committed rape and other forms of violence against women and girls.” While this resolution was considered a success for the women’s rights movement, there is very little acknowledgment for male victims of sexual violence. In the Congo, the Resolution has had a negligible impact on the pervasiveness of sexual violence, though it has contributed to making sexual violence visible and “viewed seriously as more than a by-product of war, and as a political rather than ‘private’ and individual concern”.²⁵ It is also argued that the Resolution “frames women largely as victims of war (disregarding their role as agents of violence), requiring (male) protection, and as the sole victims of sexual violence” and continues the “problem of framing women as a universal group, neglecting different positioning and experience”.²⁶ As Lloyd recognizes, “human rights discourse... abstracts from the structural determinations that position diverse groups of women in fundamentally inegalitarian ways”.²⁷

V. International Law and the DRC

One of the major clauses of Resolution 1820 that directly affects the conflict in the DRC is the stated ambition to end impunity for the perpetrators of sexual violence. However, this commendable charge has “opened one of the largest structural cracks in the new sexual violence legislation”.²⁸ The ICC still relies on the Congolese Government to transfer criminals to their courts and have experienced resistance and barriers when these criminals have links to the Congolese government and police. NGO’s have identified a need for mechanisms within the

Congolese justice system that prosecute these crimes through the adoption of ICC legislation.²⁹ Some successes have occurred, notably with the successful prosecution of Congolese rebel leader Germain Katanga in March 2014.³⁰ However, both international and local women's rights activists argue that there needs to be further structural changes to address gender inequality by building on cultural practices and religious traditions to promote transformations of gender stereotypes and sexual relationships.³¹ Awareness about respect, human rights and healthy sexual relationships should be included within a broader initiative to promote education in the DRC, despite ongoing conflict. As well, the "culture of impunity" surrounding sexual violence by militias can be partially eliminated through international pressure and increased funding to peacekeeping and military efforts.³²

VI. Conclusion

Taken as a whole, the international community's response to sexual violence has reflected the emergence of political feminism and a broader movement towards enforcing universal human rights. In the case of the DRC, it is clear that large-scale and uncontrollable sexual violence occurs on a daily basis. Current debates regarding whether protection against sexual violence should be deemed a "universal human right" or a culturally based by-product of war continue to occur. However, when acknowledging the long-term negative repercussions of sexual violence for victims and their communities, it is clear that "cultural difference should be respected, within limit.... Yet they do not justify assaults on the bodily integrity of vulnerable people".³³ Sexual violence in the DRC is complex and dynamic, yet the knowledge of hegemonic masculinity and gender imbalances that form its root should be incorporated within any strategy to combat this phenomenon. In order to effectively address sexual violence in the DRC, regional and international bodies must cooperate to properly assess the needs of the population, and develop strategies on the best ways to eliminate impunity and punish perpetrators.

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What's Wrong With IR?

Isabel Zucchero

Senior undergraduate seminars in political studies aim to challenge and engage students in critical analysis and discussion of the field, its theories, and the events that shape them. The sub-field of international relations is faced with the persistent challenge of staying relevant and effective in an international system subject to constantly shifting dynamics and actors. As students of politics, one of the most challenging assignments one can be tasked to is to critically respond to a wide range of literature and theories in a cumulative short essay. There are several purposes to such an analysis: to consider the broad range of theoretical frameworks presented in the subfield; develop an understanding and critical analysis of the successes and shortcomings of these theories in practice; and ultimately, create a response that makes a unique contribution to the field of IR theory based on the formed analysis and understanding of contemporary events and theoretical approaches. The following opinion essay is one response to the broad and forever frustrating question “What’s wrong with IR?”

The field of international relations has undergone significant transformation over the course of its lifetime. Operating under the pressures of changing dynamics in the international system, transformation seems inevitable for political academia in response to the constantly shifting nature of the global order and the international political economy. As the nature of the international system itself is subject to change, this creates cause for academic fields to also change in order to adapt and remain relevant in its explanations and theories. Students of politics dedicate time and research to analyzing the various stages of the changing field of IR theory. Through this analysis, we can arrive at some general but important observations about this transformation. We can observe patterns of dominance and re-emergence: when certain theories appear to dominate the field during periods when world events are explainable by that theory’s assumptions; lose traction when events arise that they fail to explain; and in some cases re-emerge as “neo” theories, adaptations of their originals in attempts to fix shortcomings in the field. We can see this pattern occurring with realism, liberalism, and a variety of critical theories, as academics attempt to explain world events as they unfold. Two negative consequences of this pattern are a problematic lack of attention given to certain critical approaches and theoretical frameworks, and a very Western-centric worldview being constructed and reinforced through American dominance of the field of IR.

One of the most challenging tasks that IR theory attempts to take on is applying this wide range of frameworks and adaptations to situations of contemporary conflict. One region of particular interest to critical IR theory currently is the complex events unfolding in the Middle East. Unfortunately, this application often takes the trajectory of being effectively prescriptive, but hits a speed bump when it reaches the point of *implementation*. More specifically, the evolution of the field of IR has created a problematic gap between theory in policy and in practice. This leads us to question what, if anything, might work better than the methods that have tried and failed to bring about peaceful solutions in increasingly complex situations of conflict. In short, the question becomes “What’s wrong with IR?” In considering this question, it is easy to become simultaneously frustrated and cynical, but also inspired at the potential that this question opens. The reason behind some of the frustration—and the motivation—is this: if IR is a field that is constantly changing and adapting to shifts in the international system, why has it remained so stagnant that it fails to produce any sort of explanation or solutions for the contemporary conflicts that we see unfolding? Why are our foreign policies pertaining to Iraq, Afghanistan, and now Syria, rendering ineffective in practice over and over again?

When considering answers to this question, several possible explanations come to mind. An increasingly globalized world is creating whole new categories of actors of the non-state variety that defy explanation by traditional theory. The deeply integrated nature of relationships between states in the international system has the ability to influence policy based on the possible implications that decisions may have on relations. The dominance of IR by right-leaning, primarily Western views has deeply engrained a self-reinforcing sequence of a one-track trajectory in the field. This trajectory is somewhat hostile to incorporating new frameworks that may challenge this dominance. When questioning why current IR theory is unable to explain current events, some of these commonly visited explanations may make sense, but are not satisfying in the complete lack of *solution* that they provide. While there may be relevance in these various justifications, some explanations for events and policy decisions seem satisfied with saying “this is why we *cannot* go any further in solving these problems, the end”. It is this mentality that creates the biggest roadblock of all to innovation and new ideas in the field of IR.

When considering how to remedy the issue of lack of solutions from prescriptive IR theory pertaining to contemporary events, a significant problem lies in a certain level of disconnect between policy output and outcome. The translation of theory into action, has been skewed by pressures and dynamics within the international system so much that, regardless of if

leaders consider themselves “conservative” or “liberal”, or scholars “realist” or “idealist”, policy outcomes seem to produce very little variation in their proposed courses of action in response to conflict. Consider, for example, the very narrow scope of Canadian political discourse, and the lack of any truly “left” parties or elite opinion. This concentration of political option in the narrow area of the spectrum located “right-of-centre” has the ability to mirror itself in IR theory and, as a result, Canadian foreign policy. Simply stated, if you identify as a realist in theory and operate under the assumptions that realism considers true of the nature of the international system and its actors, your explanations for conflict, and foreign policy output pertaining to those conflicts, should reflect your realism. The same can be said for liberal theories. It is within the liberal paradigm that I see this disconnect as most prevalent. To explain this further, consider some of the broad liberal assessments and prescriptions for the wide range of conflicts ongoing in the Middle East. In theory, liberal interpretations on the Middle East seem to hold true to the original theory’s assumptions and main tenants.

We discuss liberalism as being of the belief that institution-building, social programs, increased attention to cultural understanding, cooperation, and the building of liberal democratic practices are the key to bringing peaceful solutions to the wars overseas. It is the methods implemented to go about using these theoretical solutions that do not seem to align with liberalism’s supposed commitment to non-violence and liberal-internationalist values in current context. Despite claiming commitment to these values, some policy-makers still draft and propose policies that seem inherently non-liberal in action. Increasing military presence in Iraq or Afghanistan or Syria in the name of combatting insurgency and protecting the civilians of the region, for example, does not seem to align with liberalism’s commitment to peaceful solutions when we consider the violence and civilian casualties occurring in these regions. Attempting to export the West-produced notion of “liberal democracy” to regions completely socially, historically, politically and culturally different than the West in the name of protecting human rights and freedoms has taken a dangerous path of forced assimilation and conformity to these liberal democratic practices. If liberalism claims peaceful and cooperative solutions to complex problems, why do its policy suggestions and trends so often take realist forms? The disguising of inherently conservative or realist-oriented policy under the constructed image of the West as “the good guys” in Middle Eastern conflicts in order to justify our continued involvement in the region is a problematic trend inhibiting the output of innovative policy solutions.

Stephen Walt’s article “Do No (More) Harm” was a refreshing and somewhat

controversial take on precisely this issue because the author made a bold statement not often received well by other IR scholars or politicians: the United States has failed miserably in achieving its goals in the Middle East, and should essentially “get out” of the region promptly (Walt, 2014). This at first seemed a peculiar argument coming from a realist scholar, until considering that the “retreat” mentality at this stage in US involvement in Middle-Eastern conflicts is perhaps the most realist idea yet. If realism is about exercising state power to achieve interests, leaving the Middle East seems the most logical solution considering the hard hit that American interests have taken over the course of the US’s involvement in the region. Perhaps the only policy that may have topped Walt’s suggestion in terms of its cohesiveness of realist output and outcome would have been a truly isolationist reaction by the US, and the choice to not get involved in the first place. While Walt’s proposal may seem far-fetched in practice, it makes interesting inferences about the “problem” of IR that puzzles scholars. Why is it so difficult for the field of IR to imagine *not* getting involved —militarily, politically, and ideationally— in conflict? Going back to the disparity between liberal output and outcome with regard to the Middle East, there may be something to be said for the potential value of a more *liberal* liberalism. Looking at some of the Middle-East policy outputs of both liberal and realist theories (out of both the United States and Canada), one can observe that while realism may lean more to the right, and liberalism to the left, Western IR, foreign policy, and politics in general lack any seriously left-winged theory or ideologies. Even the most leftist forms and interpretations of liberalism could be considered somewhat right on a global scale.

Going back to the initial question “What’s wrong with IR?” the answer quickly becomes daunting and complex when considering the field of international relations in its current state. If we can look past this cynical view of ineffectiveness, however, there is huge potential for innovation and progress forward in developing more effective methods for foreign policy application and conflict resolution. One route that may be worth exploring in attempts to remedy some of the problematic trends identified in foreign policy on the Middle East could be re-visiting and re-imagining some of the original tenets of liberalism. What if IR pursued a new form of “progressive liberalism”, one that aimed to align liberal theory with equally liberal practice and policy? More specifically, what if IR scholars were to take the core assumptions and goals of liberalism and adapt them to be more regionally specific and applicable to individual cases? If we were to dismantle the problematic elements of liberalism and ultimately develop a more socially and culturally conscious set of tools and practices, the field of IR could re-think

some of the most complicated dynamics unfolding in the Middle-East in innovative ways that would have the potential to actually *solve* some problems, rather than just identify them.

Though the implementation of contemporary interpretations of liberal values and practices may seem idealistic in theory, there are some practical tools that could render a shift in policy mentality very effective in practice. This might involve scrapping the entrenched idea that liberal democracy is the only “right way” to do things. To illustrate this to the academic field, progressive liberalism might employ experts on the specific dynamics at work in the regions we are attempting to “solve”, and have these experts study and give insight on the culturally and socially specific environments of those regions. Once IR theory had a better understanding of these dynamics, it might be possible to come up with solutions to these problems that do not take realist paths. Rather than taking outdated theories that have proven ineffective in the past, transplanting them onto current contexts and hoping for different results, we must forge new pathways to better solutions. A fear of failure in innovating policy solutions is what has prevented progress in this area so far.

Despite the negative discourse that the unfolding events of the Middle Eastern conflicts have taken in contemporary media and politics, there are still those of the firm belief that no situation of opposing interests should ever be cause or justification for violence, intolerance, or marginalization within society. The field of IR has been so narrow in scope and theoretical possibility that our common responses often seem inevitable ends to our pre-constructed views that difference or diversity are issues that we must combat. It is this mentality that creates a cyclical pattern of misunderstanding, which leads to intolerance, and eventually leads to conflict. If a progressive liberal theory were to take shape, one might imagine it would take a more contextual look at the specifics of each conflict, and identify more common interests and values between cultures and regions than most IR scholarship likes to admit actually exists. Simply put, a good starting point for solutions to conflicts is mutual *understanding* between actors. Admittedly, this is no simple task, but a critically important one at this stage in international politics. Increased understanding would ultimately lead to identifying more overarching common interests, which, at the end of the day, are more simple than the international system tends to recognize. On the most basic of levels, we, as global citizens, have a vested interest in promoting peace and prosperity. This simplistic idea is the area that IR has failed the most in identifying and achieving, and where we, as the next generation of IR scholars, must work diligently to contribute positively to in the future.

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