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The Challenges of Illicit Economies

WILL JONES, RACHAEL CROOK, AND NINA HALL

Made more than a decade ago, Susan Strange's statement that organized crime represents "perhaps *the* major threat to the world system," indicates the gravity with which policy makers and academics approach the discussion of illicit economic practices.¹ Whether in the form of piracy, prostitution, people trafficking, the sale of counterfeit goods, or the trade of illegal drugs, illicit economic processes are emerging not as small ephemera only of interest to niche specialists, but as an interdisciplinary field of activity shaping individual lives and societies across the world. However, such accounts have often focused on the vast scale and violence of the illicit, with what Peter Andreas has termed "a sky is falling" mentality.² However, since pioneering works such as Janet MacGaffey's *The Real Economy of Zaire*,³ the contribution of the illicit and informal to social life has been recognized in, amongst other fields, sociology, economics, and political science.⁴ The purpose of this edition of *STAIR*, then, is to showcase work which takes the insights of this literature to new territories and in new directions. In particular our authors further conceptual understandings of illicit economic activity and move beyond a mere prosecutorial/policing focus by providing theoretically rich analyses of different forms and contexts of illicit economies, and of their complex relationship to the states in which they operate. These are nuanced discussions of the place, function, and effect of diverse forms of illicit activity, many of which are informed by discussion with local people and policymakers in the states in which they live. Our authors examine five very different contexts—the mines of eastern Congo, the streets of Johannesburg, the burgeoning Nigerian film industry, the transitional democracies of Bulgaria and Latvia, and the Colombian-Ecuadorian borderlands—to enrich our understanding of the illicit in three key ways.

Will Jones, Rachael Crook, and Nina Hall, "Editorial Introduction: The Challenges of Illicit Economies," *St Antony's International Review* 7, no. 2 (2012):

3-7.

Firstly, these authors give us a fuller understanding of the discursive and conceptual boundaries of illicit activity in local, national, regional, and international contexts. The pitfalls of the uncritical condemnation of the illicit and the simplistic activist narratives they can inspire are perhaps most forcefully brought out in Carol Gallo's piece, "The Informal Economy and Resource Exploitation in the Democratic Republic of Congo." Following the work of Janet MacGaffey and others, Gallo's historical account shows how the emergence of the illicit economy in the DRC must be understood not just as malaise, but also as a coping mechanism for the exigencies of conflict, economic collapse, and the criminalization of political order. In an account which makes clear the links between artisanal coltan miners in the Kivus and iPhone owners in the West, Gallo also points to the intermingling of the licit and illicit, and problematizes any attempt at keeping them separate.

How that separation is discursively achieved is the key focus of Peer Schouten's article, "The Art of Separating Out: Zones of Qualification and the Production of Illicit Economies in Johannesburg's City Improvement Districts." In showing how the illicit is constituted in public space through practice, Schouten points to how conventional understandings of the borders between formal and informal, legal and criminal, and so on, are discourses of power and exclusion as much as they are transparent descriptions of concrete realities. What is "separated out" is not always the unequivocally good from the undeniably bad, but the powerful from the rest. In reminding us of how such categories are discursively constituted, and with what consequences, Schouten points us towards how a more sophisticated, theoretically self-conscious understanding of the illicit could be achieved.

Secondly, these articles offer both new comparisons of well-known case studies of illicit economies, and cases that have received insufficient treatment in the literature and the understandings of which remain under developed. Perhaps most obviously, Cole Paulson's "Marketers and Pirates, Businessmen and Villains" puts the world of Nollywood under a theoretical gaze in the tradition of thinkers such as Kate Meagher. Again, this is an account which will cut against many conventional understandings of the illicit: Paulson exposes how the Nigerian film industry's informalized status includes democratic and participatory aspects. Paulson's case study offers two salutary reminders: firstly, that the licit should not be uncritically valorized, for it is also the sphere of state scrutiny, regulation, and control, and—secondly—that the illicit is not a lawless sphere, but often operates in a tightly rule-bound institutionalized manner. In so doing, Paulson offers a contrast with the tightly-regulated, high-profit sectors of Hollywood and Bollywood, which is not always in their favour.

Thirdly, these are all articles which, in many ways, make the study of the informal economy central to study of the state in transition: its structure, the occupants of the governing apparatus, who it reaches, and how. Daniela Ivanova, in “Transitions to Democracy or Transitions to Organized Crime” demonstrates how inseparable any account of the fall of the Soviet Union—and what emerged after—must be from a narrative about the informal networks which emerged during the dying days of communist rule. Her comparison of Bulgaria and Latvia brings back in the serious study of the elites which hold power during such transitions, and how the processes of opening up such states may also be processes which implicate the state in the mafia economy.

Similarly, in “Arrangements of Convenience” Annette Idler documents how the activities of violent non-state actors in the Colombian-Ecuadorian borderlands—supported by illicit coca production—affect citizen security in multiple diverse ways, not all of which are physical, or anticipated by the policy literature. She also details how such organizations relate to each other and “ordinary people” in complex, cross-cutting, multivalent ways. In so doing, she recovers the agency of such actors without resorting to the crudities of rational-choice assumptions, and draws out the complexities of the symbiosis between such violent organizations and individuals which prevents the state from exercising its normal functions.

These are all pieces which attack simple narratives of victims and villains, uncomplicated accounts of intervention, and naïve condemnations of the illicit in social and political life. They take seriously Castells and Portes claim that the “informal economy ... simultaneously encompasses flexibility and exploitation, productivity and abuse, aggressive entrepreneurs and defenseless workers, libertarianism, and greediness.”⁵ However, none of them uncritically valorise the illicit, or offer utopian interpretations in which the presence of the illicit is unproblematic. All these works forcefully show how the illicit economy answers needs, provides goods, and serves functions for some, but also demonstrate the costs this comes with, most obviously the insidious effect on political order. This is because all five articles take seriously that the state and the illicit economy are related spheres, which interact with each other in diverse and complicated ways inadequately understood in simple policy analysis.

STAIR's commitment to compelling scholarship is continued in the general section. The three articles examine three critical issues of the past decade: the Arab Spring, the Iraq War, and China-Taiwan relations. They share an interest in the role of domestic factors on international political change: from regime change, to the outbreak of war, to the unification of two states. The three articles also illustrate *STAIR*'s position

as a cutting-edge publication where established academics and emerging scholars advance important contributions to their specific sub-fields and captivate a more general audience interested in understanding international events as they unfold.

Monica Marks combines a nuanced analysis with a gripping first-hand account of Tunisia post-revolution. She challenges secularist and feminist fears that the rise of populist Islamist parties will undermine women's rights. She argues that Ennahda, the Tunisian Islamist party, is not a regressive movement, but an avenue for Islamist women to gain power and promote social change. Her article is particularly compelling given her extensive fieldwork in Tunisia and interviews with over forty-six Ennahda women—a party which she reminds us was outlawed and existed underground from 1989 to 2011. In October 2011 the Ennahda party won a majority and contributed over 85 per cent of women representatives elected to the Constitutional Assembly. Although these women wear the hijab and do not self-identify as feminists, they support feminist legislation. Marks' nuanced reading of Islamism and women's rights is refreshing in a far too often polarized debate and her contribution is significant given the scant scholarship on this issue in post-revolution Tunisia. This is a must read for all interested in whether the Arab Spring can deliver profound and progressive change for women in the region and in particular scholars and students of Middle Eastern politics, feminism, Islam and democratic transitions.

In the next article, Patrick James challenges the way we conceptualize and portray arguments in international relations (IR). He argues for the integration of systemism to complex deterrence theory. Systemism is an approach, borrowed from the philosophy of social science, in which the process of change is analyzed at both the micro (state) and macro (international) levels and the linkages between them are then portrayed in diagrammatic form. James applies systemism to his area of expertise: "complex deterrence theory". James then examines the lead-up to the Iraq war through a series of figures identifying micro and macro events and the linkages between them. Through these figures James identifies the importance of domestic sources of security policy and finds that the one example of deterrence failure also had the longest chain of events. This study is a foray into a new area and the findings are not generalizable. However, the article has implications beyond deterrence theory: systemism could be a useful tool in other fields of IR and political science to examine, for instance, the sequence of the Arab Spring from the impact of a democratic protest in Tunisia (micro) leading to regime change in Egypt and Libya (macro). Thus James' article may be of interest to a broad range of scholars and policy analysts beyond security studies.

Hoo Tiang Boon also endorses a multi-level analysis of the inter-connected domestic and international factors to explain the Taiwan-China rapprochement. He argues that the Kuomintang's responsiveness to system-level factors, namely rising Chinese economic and political clout and changing geostrategic politics, has played a pivotal role. He finds that Beijing has also sought to "court" its former opponent. However, Hoo issues an important corrective to the scholarship on Taiwan-China relations by arguing that the rapprochement is unlikely to lead to unification because China and Taiwan's long-term objectives remain fundamentally opposed. While China sees rapprochement as a means to unification Taiwan views the rapprochement as an ends in itself. Hoo's skepticism about the future of cross-strait relations has implications for wider geopolitics, particularly given the announcement in January 2011 of increasing US military presence in the Asia-Pacific region to counter China. The article will be of interest to foreign policy, security studies and East Asia experts. All in all, this issue's illicit economy and general section offers a nuanced expert reading of events which are still playing out on the international stage. We hope you enjoy them as much as we have. ■

Notes

¹ Susan Strange, *The Retreat of the State: The Diffusion of Power in the World Economy* (New York: Cambridge University Press, 1996), 121.

² Peter Andreas, "Illicit Globalization: Myths, Misconceptions, and Historical Lessons," *Political Science Quarterly* 126, No 3 (2011): 3.

³ Janet MacGaffey, *The Real Economy of Zaire: The Contribution of Smuggling and Other Unofficial Activities to National Wealth* (Philadelphia, PA: University of Pennsylvania Press, 1991).

⁴ Recent examples might include Janet MacGaffey and Rémy Bazenguissa-Ganga, *Congo-Paris: Transnational Traders on the Margins of the Law* (Oxford: James Currey, 2000), Kate Meagher, *Identity Economics: Social Networks and the Informal Economy in Nigeria* (Oxford: James Currey, 2010), and Diego Gambetta, *Codes of the Underworld: How Criminals Communicate* (Princeton, NJ: Princeton University Press, 2011).

⁵ Manuel Castells and Alejandro Portes, "World Underneath: The Origins, Dynamics, and Effects of the Informal Economy," in *The Informal Economy: Studies in Advanced and Less Developed Countries*, ed. Alejandro Portes (Baltimore: Johns Hopkins University Press, 1989), 11.

The Informal Economy and Resource Exploitation in the Democratic Republic of Congo

CAROL JEAN GALLO

ABSTRACT

The role of mineral exploitation in fueling the conflict in the Democratic Republic of Congo (DRC) has led to international efforts to combat the “illicit” trade in minerals, including the passing of legislation such as Section 1502 of the United States’ Dodd-Frank Act. Yet the assumption that control over resources is a root cause of conflict, and a primary motivation of armed groups, is problematic. Since Dodd-Frank was passed, a debate over whether it has done more harm than good has emerged. A meta-debate that is being skirted around in the Dodd-Frank discussion, however, is the question of what are the boundaries of the “illicit” and “informal” economies. The article begins with a brief theoretical framework, followed by contextual background which will demonstrate that social, political, and military struggles in the DRC have evolved over time and have shaped the shifting boundaries of the informal economy, which are dynamic rather than static. It will then explain that to understand illicit mineral exploitation in the DRC a model is required that recognizes that the official and informal sectors intersect with each other rather than existing in isolation; and that the relationship between the informal economy and the state in the DRC has changed over time, influenced by changing social and political struggles and defined by changing legal frameworks.

Introduction: American Activism and the Demand for Corporate Transparency

The questionable legality of sections of the economy of the Democratic Republic of Congo (DRC) has garnered increasing international attention

Carol Jean Gallo, “The Informal Economy and Resource Exploitation in the Democratic Republic of Congo,” *St Antony’s International Review* 7, no. 1 (2011): 8-31.

in recent years. Of particular concern is the relationship between the continued conflict and the “illicit” trade in minerals such as coltan, needed in the production of electronic commodities, including cell phones.

In 2001, the International Rescue Committee released the results of a mortality survey which concluded that as many as 2.5 million people had died as a result of conflict in the DRC between August 1998¹ and March 2001.² By 2004 that number had risen to 3.8 million,³ and by 2007 the IRC estimated the conflict had caused 5.4 million “excess deaths.”⁴ This widely publicized figure became a source of outrage for many students, scholars, and professionals in the United States—particularly when gruesome details of the atrocities committed by parties to the conflict began to trickle into mainstream media publications like *The New York Times*⁵ and *The Nation*.⁶

The role of mineral exploitation in fueling the conflict became a focus for many American activist groups. They demanded that companies selling products containing the minerals in question do their part to ensure they are not directly or indirectly supporting armed groups controlling mines in the DRC. Understandably, activists’ focus have been on holding American companies accountable and putting pressure on the US government to ensure corporate transparency.

Activists claim that the violence in Congo may be stymied by compelling transnational corporations to take account of their supply chains and ensure that the minerals they purchase, and the products that contain them, do not originate from a mine controlled by an armed group in DRC. Additionally, most of these activist groups recognize the need for broader reforms and concede that corporate transparency alone will not be sufficient to end the conflict and bring peace to the Congo.⁷

Generally speaking, however, competition over resources and the “lack of security perpetuated by the illicit mineral trade” are seen as “major root cause[s] of the hardship of artisanal miners and others in communities around the mining sites.”⁸ This has led to the claim that control over mining sites is the primary motivation of armed groups who commit grave crimes against a largely apolitical Congolese civilian population. The implication is that Westerners are helping to fund these crimes by buying electronics which contain Congolese minerals.⁹ Practical solutions within this framework tend to rely on a simplistic narrative of Congolese politics which assumes that only legal economic activity is acceptable. In such a model, guided by the focus on corporate transparency, legislation is seen as a crucial way to mitigate violence. In part as a result of activist pressure, a section on conflict minerals and corporate transparency was included in the Dodd-Frank Wall Street Reform and Consumer Protection Act (“The Dodd-Frank Act”) passed by the US Congress in 2010.¹⁰

Section 1502 of the Dodd-Frank Act stipulates that the Security and Exchange Commission (SEC) shall require American companies to disclose whether their products contain “conflict minerals,”¹¹ and whether or not they originated in the DRC or an adjoining country. If they do, the company must submit a report to the SEC describing the measures taken

to exercise due diligence on the source and chain of custody of such minerals ... and a description of the products ... that are not DRC conflict free¹² ... the facilities used to process the conflict minerals, the country of origin of the conflict minerals, and the efforts to determine the mine or location of origin with the greatest possible specificity.¹³

Since the legislation was passed, an extensive debate over whether it has done more harm than good has erupted in activist and academic circles. The debate hinges on the importance of the Dodd-Frank Act and its implementation, particularly in the absence of significant progress in conflict resolution and security sector reform in the DRC.

Yet the boundaries of the “illicit” and “informal” economies within this debate are unclear. What are the intentions of activist groups, such as Global Witness, or the United Nations (UN) in using these terms? What other models have been put forward, and which combination of them is the most useful for analyzing the illicit trade in minerals in the DRC? And to what extent does the historical and political context of the DRC fit and/or influence these models?

While the link between armed groups that commit serious crimes against civilians and the exploitation of minerals for profit outside the purview of the state is well documented, the claim that the struggle for the control over mines is a root cause of the conflict is dubious. The social, political and military struggles in the DRC have evolved over time and have shaped the shifting boundaries of the informal economy. A brief theoretical framework followed by contextual background will demonstrate that to understand illicit mineral exploitation in the DRC a more nuanced model is required. Such a model recognizes that the informal economy is dynamic rather than static, and that the official and informal sectors intersect with each other rather than existing in isolation.

Perspectives on Illicit and Informal Economies

There are several frameworks in the literature which attempt to model illicit economic activity, and some that try to deal specifically with the DRC and its peculiarities. Most distinguish criminal from non-criminal illicit activity. Some do not include crime in the informal economy at all, and some assert that there is a distinction between illicit and

harmful economic activity. What follows is a preliminary and by no means exhaustive review.

Many terms and definitions are used for what is essentially the same thing: economic activity outside the purview of the state. These terms have included “underground”, “hidden”, “parallel”, “informal”, and “unrecorded.” MacGaffey rejects these terms, particularly “parallel”, because of the degree to which the second economy interacts with, and operates in conjunction to, the official economy.¹⁴

MacGaffey prefers the term “second economy,” of which the defining characteristic is its *illegality*.¹⁵ Her definition is narrower than this, however, in that it excludes *criminal* activity and includes mainly economic activities that are “legal in themselves but illegal in that they evade taxes or otherwise deprive the state of revenue.”¹⁶ She posits that there are beneficial as well as detrimental effects of the second economy. Among the benefits of the second economy in the DRC is that during the Mobutu era it functioned more efficiently than the official economy, providing services and livelihood opportunities for many Congolese. For example, unlicensed trade allowed married women to supplement their husbands’ income, and illicit gold mining brought additional capital to otherwise impoverished villagers.¹⁷ More recently, the formal and informal sectors fused in the activities of the Union Nationale des Travailleurs du Congo, a national organization that, amongst their other activities, supports informal sector workers through the creation of a mutual healthcare fund.¹⁸

In the 1980s and early 1990s, the illicit channeling of resources from state-owned enterprises to the informal economy allowed for distribution in the absence of opportunities provided by the state; in Katanga, fuel stolen from Gécamines¹⁹ ensured that the fishing industry and transportation network of agricultural goods survived, thereby ensuring the food supply to a number of towns.²⁰ Finally, the informal economy may be able to provide its own financing: “In developing countries, where 80 or 90 per cent of the population has no access to formal financial markets, informal ones provide the sole source of credit and the means for most savings and deposits.”²¹ MacGaffey refers to the combined impact of both the official and second economies as the “real economy.”²²

Marysse, like most other authors, however, continues to use the term “informal economy” rather than “second economy.” Like MacGaffey, he asserts that “not all informal economic activity is detrimental to the DRC” and some informal petty production may even be beneficial.²³ He takes issue with the UN definition of illegality as described in the *Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo*, and prefers to replace it with the “less problematic economic concept of plunder,”²⁴ which he defines as

follows: "There is plunder if an economic resource, after deduction of the value added that is spent in the country, leaves the country without compensation through the importation of goods or money."²⁵

The UN, in its report, defines illegality as having four main dimensions: 1. "Violation of sovereignty"; 2. Carrying out of activity "in violation of an existing body of [otherwise respected] regulations"; 3. "discrepanc[ies] between widely accepted practices in trade and business[,] and the way business is conducted in the Democratic Republic of Congo"; and 4. "violation[s] of international law including 'soft' law."²⁶ It defines violations of sovereignty as "activities taking place in the Democratic Republic of Congo without the consent of the legitimate government."²⁷

Marysse draws upon Bayart's concept of the criminalization of the state to illustrate the problem with a focus on illegality.²⁸ The cycle of extortion that emerged under Mobutu essentially affected every sector of society. Military commanders kept the salaries that should have gone to their soldiers and sold supplies into the second economy, and the soldiers themselves, in turn, supported themselves through extortion of civilians.²⁹ Hospital staff sold the resources available to them from their access to the hospitals,³⁰ and teachers were compelled to require side payments.³¹ The entire official system became reliant on extortion and bribery,³² at the same time as the second economy consisted of the provision of goods and services not provided by the state.³³ With dismally low or even absent wages, public sector jobs became desirable primarily for the opportunities they provided to take advantage of the informal economy.³⁴

Marysse demonstrates how the state's predatory behavior under Mobutu meant the public sector all but vanished, and the formal economy with it, leading to the development of an informal economy in an attempt to compensate.³⁵ In addition to this, the criminalization of the state allowed state representatives to exploit official channels to transfer the proceeds of mineral exploitation in the informal economy, and without a violation of sovereignty as defined in the UN report.³⁶ Thus, for Marysse, plunder is a more important concept than illegality as it can take place in the informal or formal sectors, through licit or illicit channels. Niemann agrees, pointing out that although the Zimbabwean presence and access to mining resources was mandated by the state, their activities were "no different from those engaged in by Rwandan and Ugandan interests in the areas under their respective military control."³⁷

Andreas argues that contrary to the notion that illicit economies operate in complete isolation from the state (indeed, flouting state controls), states may "shape and even exploit the illicit global economy." The global informal economy's "relationship to the state is not only antagonistic but symbiotic."³⁸ Castells and Portes agree, saying that "Informalization is

not a social process always developing outside the purview of the state; it is instead the expression of a new form of control.”³⁹

Furthermore, Andreas argues, the state monopolizes the power to decide what is illicit to begin with,⁴⁰ and the incentive to smuggle can sometimes be eliminated by measures such as liberalizing trade.⁴¹ Similarly, Castells and Portes note that what is counted as informal or unregulated is dependent not just on the absence of state intervention, but also on social and historical context. In other words, what is designated as illegal will vary from country to country and from one historical era to another.⁴²

Andreas includes in his definition of the illicit global economy both trade in prohibited commodities and the smuggling of licit commodities, as well as the black market in stolen commodities,⁴³ but does not make a strong conceptual distinction between them. He goes on to define illicit economic activity as being “unauthorized by the sending and/or receiving country” and moving “across borders via mechanisms designed to evade detection and apprehension.”⁴⁴ This is broadly in line with the first dimension of the UN understanding of illegality in the case of the DRC.

While Andreas includes both trade in prohibited goods and the smuggling of otherwise legal commodities in the illicit economy, he falls into the trap of conflating informal activity and all illicit activity, and at one point conflates the global illicit economy with transnational organized crime.⁴⁵ This is problematic because it omits the useful distinction between illicit activity of a criminal nature and innocuous, otherwise licit, economic activity that is simply unregulated.

Castells and Portes’ work on illicit economies after the economic crises of the 1970s acknowledges both the beneficial and detrimental aspects of the informal economy. They argue that it “simultaneously encompasses flexibility and exploitation, productivity and abuse, aggressive entrepreneurs and defenseless workers, libertarianism, and greediness.”⁴⁶ Castells and Portes also emphasize the heterogeneity of the informal sector, and caution against too strongly associating the phenomenon with poverty and marginalization.⁴⁷ The informal economy includes many self-employed workers,⁴⁸ very small establishments (with ten employees or less),⁴⁹ informal entrepreneurs that may earn high levels of income,⁵⁰ and even many wage workers who may be mistakenly categorized as part of the formal economy.⁵¹ They note that “informal economic processes cut across the whole social structure,” intersecting and interacting with formal economic processes.⁵²

Castells and Portes define informal economic activities as having one characteristic in common: they are “unregulated by the institutions of society, in a legal and social environment in which similar activities are regulated.”⁵³ Thus, like MacGaffey and Marysse, Castells and Portes

note the non-criminal nature of the informal economy; that informal activities are “the unregulated production of otherwise licit goods and services.”⁵⁴ Licit commodities, at the end of their supply chain, may have passed through regulated or unregulated production processes;⁵⁵ or perhaps both, if the supply chain is long enough. Castells and Portes thus reject the notion that there is a clear division between formal and informal, saying instead that there are a “series of complex interactions between the economy and the state.”⁵⁶

Global Witness, in its campaign against conflict-related resource exploitation, took an entirely different approach in their 2004 report *Same Old Story*. For the purposes of the report, “illegal” referred to activities that were against the law in the DRC; “illicit” referred to activities that were legal in themselves but illegal in the sense that they were unregulated; “official” referred to activities that had the approval of the government; and “informal” referred to activities “not accurately recorded in government figures and accounting.”⁵⁷ Thus in this framework the informal economy encompasses both criminal and non-criminal activity. This is a very different way of defining the illicit and informal economies as compared to most of the other literature, in which the illicit economy refers to both criminal and non-criminal unregulated activity, and in which the informal economy consists of non-criminal unregulated activity.

Legality, Plunder, and the Informal Economy in the Democratic Republic of Congo

The relationship between the informal economy and the state in the DRC has changed over time, influenced by changing social and political struggles and defined by changing legal frameworks. The territory was awarded to King Leopold II of Belgium as personal property by the 1885 Congress of Berlin.⁵⁸ Leopold described his mission as “developing” the Congo through free trade.⁵⁹ The structure that emerged, however, was designed so that profits primarily flowed up and out, through official channels, with little investment in the country. Furthermore, the King erected multiple barriers to trade—to the chagrin of other colonial powers—and oversaw the brutal enslavement of the population in the extraction of natural resources.⁶⁰

Leopold, like most Imperialists, was concerned with the legality of his operation. He hired a British legal scholar to validate his use of private firms to obtain treaties and contracts from chiefs in the Congo. These contracts usually stipulated that the land and the resources on it—including the people—became the property of the party annexing the land.⁶¹ The king thereby granted concessions to companies through such

contracts in exchange for giving the state—effectively, Leopold himself⁶²—a cut of the profits.⁶³ Thus, more than a century ago we can point to an example of plunder via official channels as described by Marysse.

In 1906, Sir Edward Grey voiced concern in the British House of Commons that there were no public accounts of the revenues made in the Congo.⁶⁴ Grey stated that as long as this was so and the labour tax “is levied by companies working for private individuals, the Congo State must remain open to the reproach that it is imposing not taxes but forced labour for the purposes of private profit.”⁶⁵ While Grey’s speech might be thought to criticize the practice of forced labour, the key issue was Leopold’s failure to disclose the accounts of the Congo Free State. The objection was to the use of forced labour for private profit, as opposed to as a “legal” tax on the Congolese.

By the time the territory became a Belgian colony in 1908, the Congo state was bankrupt.⁶⁶ The transfer of the Congo to Belgian colonial rule was not accompanied by significant changes in what activist E. D. Morel referred to as the “System.”⁶⁷ According to Global Witness “little changed on the ground: large parastatal and private concession companies continued to exercise trading monopolies over wide geographical areas.”⁶⁸ Furthermore, the state was in debt. Leopold had borrowed over thirty million francs from the Belgian government over the years, all of which was unaccounted for.⁶⁹

Leopold’s brutality had caused severe population depletion, leading to major labour shortages in much of the country. To deal with this problem, the Belgian administration and a number of private agencies facilitated what amounted to forced migration of slave labourers to mineral-rich areas like Katanga to work in the mines.⁷⁰ In the 1930s Union Minière du Haut Katanga, Gécamines’ predecessor, organized marriages for workers in their mining camps so that they would have a self-reproducing source of labour and wouldn’t have to recruit from other areas.⁷¹ At the dawn of World War II, “the legal maximum for forced labour in the Congo was increased to 120 days per man per year.”⁷²

After nation-wide unrest and rebellion in 1959, the Congolese achieved their independence in 1960. The Belgian administration was compelled to withdraw immediately, leaving the country with an undereducated workforce lacking management skills,⁷³ and an economy structured around the exportation of primary commodities and little else.⁷⁴ The first five years of independence were characterized by patrimonialism and the almost immediate inability of the government to control the economy.⁷⁵ Much like the “civil” and “customary” dualism that colonial administrations fostered in other sectors in many African societies,⁷⁶ with decolonization

the old African sector became the 'informal' sector, the old European sector the 'formal' one...At independence, new governments were faced with the familiar problems of this financial dualism, notably lack of cheap credit from the formal sector for informal enterprises.⁷⁷

Mobutu's recentralization of political power in 1965—after a coup supported by the United States and Belgium⁷⁸—stabilized the situation. However, Kasfir points out that the Mobutuist state largely adopted the previous colonial structure and used it for narrow sectional advantage and to “manage” ethnic, linguistic, and other social cleavages.⁷⁹ Like other military-bureaucratic regimes of postcolonial Africa, Mobutu's was similar in many respects to the colonial regime that came before him.⁸⁰ For example, Kasfir highlights the “political aristocracy” in Zaire under Mobutu, not solely based on ethnic or kinship ties but also on political patronage. Mobutu proved adept at playing off ethnic and political animosities and shifting allegiances.⁸¹ The key for patrons, then, was loyalty: political allegiance rather than membership in a particular identity group.

Under Mobutu, the “line between private and state property [was] almost non-existent.”⁸² With financial and military help from the Western anti-Communist bloc, Mobutu employed the use of force to suppress political opposition.⁸³ The first years of Mobutu's regime were characterized by growth and investment due to the high price of copper,⁸⁴ and high levels of investment due to international private competition over exploitation rights.⁸⁵

“Zairianization” in 1973 was a disaster for the economy and a primary cause for the economic hardships in the following years.⁸⁶ The process required that foreign-owned firms either be nationalized or be handed over to nationals, and functioned as a means for Mobutu to dole out personal favors. The patrons and loyalists who obtained ownership of these firms were largely inexperienced, unskilled, and engaged in speculation or ran the firms into the ground.⁸⁷ The possibilities for clientelism and patronage networks exploded with Zairianization.⁸⁸ With the sudden existence of thousands of state-owned businesses and parastatals, there were many more government jobs to dole out as favors. Obtaining a government job or a formerly foreign-owned business was primarily desirable for its access to resources and to the informal economy.⁸⁹

Zairianization was also legally problematic. Mobutu himself had signed Zaire onto the World Bank's investment arbitration mechanism, the International Center for the Settlement of Investment Disputes (ICSID), in 1970.⁹⁰ The terms of ICSID allow private individuals or business entities to bring a government to arbitration for, among other things, nationalization of their firms without compensation.⁹¹ Zairianization was not, however, accompanied by any such compensation, and international law was appar-

ently unable to remedy this.⁹² While Marysse might argue that this is an example of misuse of state resources through official channels, and thus a focus on illegality is not useful, his frame of reference—the UN definition in the panel report—considers violations of international law to be “illegal.” Depending on which interpretation is taken, Zairianization may be said to have taken place in the formal or informal economy.

In any case, Mobutu continued to receive substantial foreign aid. This included not just bilateral and International Financial Institutions’ (IFIs’) financial aid, but also military aid when necessary.⁹⁴ Niemann argues that Zaire under Mobutu, even after 1974, was not a failed state as many scholars tend to classify it, but functioned well, if only for Mobutu and the ruling class.⁹⁵ MacGaffey concurs, stating that although the Zairian state did not function in the way it was supposed to in terms of carrying out justice or providing services, it still functioned very effectively for the purposes of Mobutu and his clientelistic network, which was enforced with a militarized system of intelligence and coercion.⁹⁶

Zairianization and the subsequent expansion of the second economy meant that the state was losing significant amounts of revenue to smuggling and counterfeited exports throughout the 1970s. In 1979, the state lost approximately \$59 million in potential revenue from diamond smuggling alone.⁹⁷ Thanks to continued financial and military support from the West, this was of little concern to the ruling class. A former foreign minister under Mobutu testified in the United States in 1981 that Mobutu had stolen \$150 million in foreign currency from the state between 1977 and 1979. Foreign aid and mining revenues were siphoned into Mobutu’s private bank accounts overseas; by the 1980s Mobutu was worth some \$5 billion.⁹⁸ This was the “formal” economy. In the meantime, many Zairianized businesses collapsed due to the inability or unwillingness of the new owners to efficiently run them. Mobutu was compelled to reverse the policy of Zairianization in 1976, but it was too late. Few foreign investors were willing to return.⁹⁹

Globally the price of copper fell from \$1.40 per pound in 1974 to 53 cents the next year.¹⁰⁰ Gécamines—the state-owned, Zairianized Union Minière—initially increased production, but failure to reinvest in and maintain facilities meant that by the 1990s copper production was down to 30,000 tons from 500,000 in 1974.¹⁰¹ The OPEC crisis then tripled the price of petroleum and the closure of the Benguela railroad due to the Angolan civil war caused problems for the exportation of minerals.¹⁰² The criminalization of the state—which according to Marysse enabled the plunder of natural wealth through official channels—exacerbated the effects of these changes.

The whole system, as Niemann points out, was propped up by a steady stream of aid coming in from Western powers through the Bretton Woods institutions. This is an important factor in the Congo's political economy during the Cold War that is sometimes overlooked.¹⁰³ Mobutu's regime played a sort of debt-repayment game with the IFIs, navigating the shifting alliances of Western powers and their interests in order to ensure a continuous flow of aid.¹⁰⁴ He had been successful in making himself an indispensable ally of the West,¹⁰⁵ and in return received the financial and military support so critical to the survival of his regime.¹⁰⁶ In this way, Mobutu was able to resist pressure to reform.¹⁰⁷ The international lending institutions were also providing a valuable liquid resource in the form of foreign currency, ideal as a source of rents.¹⁰⁸ Thus it should be remembered that while the neopatrimonial state used foreign aid to stabilize its rule, the country itself was accumulating high levels of foreign debt.¹⁰⁹

The degree to which all of this was critical for the survival of Mobutu's regime is evidenced by the fact that most domestic opposition to Mobutu focused its attention on calling on the West to stop supporting him rather than dedicating energy to direct political opposition to Mobutu.¹¹⁰ Western powers and the IFIs felt compelled to support Mobutu and prevent the collapse of his regime,¹¹¹ and it was largely this undying support that compensated for Mobutu's lack of domestic legitimacy.¹¹²

By the late 1980s and early 1990s, the official economy had completely collapsed, and the informal sector took up the economic activities necessary for the functioning of society.¹¹³ MacGaffey points out that the real economy was not nearly as much of a disaster as the official figures made it look; she estimated in 1991 that it was likely that the real economy of Zaire was as high as three times the size of the official GDP.¹¹⁴ On the other hand, the dearth of wages in the public sector meant desertion from work of teachers, students, plantation workers, and other such needed members of the workforce, as they pursued more lucrative ventures such as gold and diamond digging.¹¹⁵

A Series of Unfortunate Events

Three sequential events interacted with each other in the 1990s, influencing mineral exploitation in the DRC: the end of the Cold War; the spillover of the Rwandan civil war and genocide into eastern Congo with the attendant involvement of Uganda, Rwanda, Burundi, Zimbabwe, Angola, and several others; and the coltan price spike in 2000. By the time the Cold War ended, foreign aid to Mobutu had reached an "excessive and embarrassing" level.¹¹⁶ The post-Cold War politics of the West included ending its support for Mobutu, and the end of access to foreign currency in

exchange for political patronage meant Mobutu no longer had any way of paying the army to protect himself or Congo's borders.¹¹⁷ The ideological reorientation of the West around the Washington Consensus not only led to the elimination of financial support through the IFIs, but also the end of military intervention on Mobutu's behalf.¹¹⁸ Thus the end of the Cold War left Mobutu's regime in a precarious and vulnerable position.¹¹⁹

After the Rwandan Patriotic Front, led by Paul Kagame, took Kigali in 1994, ending the Rwandan genocide and civil war, well over a million Hutu fled to the Kivu provinces of eastern Zaire. It is estimated that along with these refugees, approximately 40,000 members of the *Interahamwe* also fled to the Kivus.¹²⁰ In 1996, the newly minted Rwandan Patriotic Army (RPA) marched west into Zaire in pursuit of Hutu militia to force their return. They attacked refugee camps and allegedly massacred as many as 200,000 civilians. Along the way, the RPA looted and confiscated mines in eastern Congo by military force.¹²¹ Meanwhile, Western powers rallied around those African leaders they felt were more "enlightened," such as President Yoweri Museveni of Uganda and Kagame of Rwanda.¹²²

For Mobutu, the influx of armed elements from Rwanda represented an opportunity to remain in power by regaining the political and military support of key groups. By 1997 the eastern region of Zaire was home to a number of paramilitary organizations poised to attack either the government of Rwanda or the government of Uganda.¹²³ Mobutu allowed the former government of Rwanda to develop its own semi-autonomous state in North Kivu. They set up their own administration, and their own military headquarters near Goma.¹²⁴ Mobutu used the presence of refugees to fuel ethnic hostilities toward the Banyamulenge.¹²⁵

Essentially, the people that call themselves Banyamulenge are the descendents of Banyarwanda Tutsi that had lived in eastern Congo since at least the late nineteenth century.¹²⁶ Although the people that call themselves Banyamulenge—Congolese Tutsi Banyarwanda—have roots in the eastern provinces of the Congo dating back to the late nineteenth century and earlier, they felt a need to differentiate themselves from the Rwandan Tutsi refugees of the late 1950s that provoked so much ire in Eastern Zaire at the time.¹²⁷ They called themselves Banyamulenge to differentiate themselves from the Rwandan Tutsi refugees, and also to associate themselves with the place in eastern Congo where they lived, so that their Congolese citizenship would be uncontested. The term "Banyamulenge" suggests a long-term ancestry as it is based on the name of the area where they lived for about a century: "those coming from Mulenge."¹²⁸

The definition of Congolese citizenship by the Belgian colonial administration based on ancestry rather than birth—under which Ban-

yarwanda, both Hutu and Tutsi, were considered to be migrants rather than Congolese¹²⁹ and seen as foreigners by many “*indigènes*”¹³⁰—was continued by the post-independence government. The refugee flows in the early 1960s led to tensions between the Tutsi refugees from Rwanda and Congolese Tutsi Banyarwanda who began attempting to differentiate themselves from them.¹³¹ The historically precarious identity of the Banyamulenge along with the presence of Rwandan refugees in the east enabled Mobutu to rally military opposition against the Banyamulenge in the sudden absence of support from the West.¹³²

In September 1996 the RPA joined forces with anti-Mobutu rebel groups, including a group led by Laurent Kabila, and various members of Banyamulenge communities. With Rwandan support, Kabila launched an overwhelmingly successful attack on Mobutu, who fled in May 1997.¹³³ Because of the Rwandan role in bringing him to power, Kabila retained both Congolese and Rwandan Tutsis, including Banyamulenge, in high government posts. To much of the rest of the country, however, it appeared that foreign occupiers were now running the government, and the resulting pressure on Kabila compelled him to close the perceived legitimacy gap by purging his cabinet of Tutsi. The objects of his marginalization were not just foreign-born Rwandan military personnel, but also Congolese Tutsi and Banyamulenge.¹³⁴ Kabila thus made enemies of his former allies, and made targets once again of the Banyamulenge. Citing national security concerns, Rwandan and Ugandan troops invaded Zaire in August 1998. The militaries of Zimbabwe and Angola came to Kabila's defense when the RPA attempted to take Kinshasa.¹³⁵

What emerged was a political and military battle over political power and economic resources. Kabila was able to retain power through the support of his allies—which soon included Namibia, Chad, and Sudan—while his adversaries prolonged their military presence in the Congo largely for access to its mineral wealth, even after national security was no longer a persuasive argument for being there.¹³⁶ Kabila established a monopoly on diamond trading¹³⁷ and gave Zimbabwean government, military, and commercial interests special access to resource exploitation by including them in an elite network of traders, shareholders, and deal-brokers.¹³⁸

Subsequent to the end of the Cold War, the cutting off of financial flows to Mobutu and the beginning of support for Kagame and Museveni, and the influx of refugees and *Interahamwe* from Rwanda, was a spike in international demand for coltan. Coltan is an ore of columbium-tantalite, used to manufacture electronic capacitors used in computers and cell phones. In 2000, the demand for coltan on the international market skyrocketed¹³⁹ due to the success of a new generation of smart phones and the impending release of the Playstation II.¹⁴⁰

This intensified the fight for control over mineral resources. The company Rwanda Metals, controlled by the Rwandan Army, made profits of up to \$250 million in an eighteen month period during the coltan boom of 1999–2000. This accounted for 146 per cent of the Rwandan military budget during the same period.¹⁴¹ The rearrangement of Western support to the Rwandan and Ugandan governments, funneled through financial aid given out by the IFIs during the 1990s, enabled the financing of Rwandan and Ugandan occupation of Eastern Congo.¹⁴² Marysse argues that without the “crumbling of Congo’s armed forces, the spill-over of the Rwandan civil war into Zaire would never have triggered a conflict on this scale.”¹⁴³ Although there was some change of direction, the war continued after Kabila was assassinated and replaced by his son Joseph.¹⁴⁴

Understanding the Congo’s Mineral Economy and the Dodd-Frank Act in Context

As Castells and Portes point out, “the basic distinction between formal and informal activities does not hinge on the character of the final product, but on the manner in which it is produced and exchanged.”¹⁴⁵ These categories intersect in unique ways in the DRC. Marysse and Niemann take issue with the UN focus on “illegality” for similar reasons. Niemann argues that legal, state-mandated plunder was, in effect, no different than exploitation by the occupying Rwandan and Ugandan forces in the 1990s.¹⁴⁶ Marysse agrees, and further questions the legality of the Congolese state itself, at least prior to the 2006 elections.¹⁴⁷

A synthesis of the models described by the authors reviewed in this paper would include two tiers of interacting economic activity: illicit and official. The illicit economy may be divided into criminal and non-criminal activities, and the official economy may include the criminalized state. The non-criminal sphere of the illicit economy would be referred to as the informal economy. In the case of the DRC, it is easy to see how Marysse’s concept of plunder—which could take place in any of those spheres—is more useful than the concept of illegality.

The focus on corporate due diligence is useful in that it attempts to divert investment away from resources controlled by armed groups. What legislation such as Section 1502 of the Dodd-Frank Act does not do, however, is take into account the foreseeable effects of its strategy. Just after the war and occupation of 1998–2003, Marysse concluded, “coltan production is completely informalised and a myriad of intermediaries [are] earning a living in this commodity chain. An international boycott of supposedly

'illegal' coltan exports, given the harm that would be inflicted upon these informal diggers and intermediaries, is clearly problematic."¹⁴⁸

For companies, the long supply chains that weave in and out of the informal economy make determining the mine of origin of a batch of coltan an expensive and difficult business. Towards the end of the war and occupation, coltan would typically go through approximately six intermediaries before reaching the processing plants that convert the coltan into tantalum, where it would then be purchased by technology companies like IBM or Dell.¹⁴⁹ The Dodd-Frank Act was passed in 2010, and the regulations of Section 1502 have not yet gone into effect.¹⁵⁰ The legislation does not outlaw the use of "conflict minerals," but requires that companies report what measures they have taken to practice due diligence in attaining them.¹⁵¹ Yet the reaction of the Congolese government, at least initially, was to institute a ban on mining across the board in an effort to comply with the transparency initiatives required of it. Eric Kajemba, a civil society leader based in Bukavu, said that "the government was thinking it had to do something in reaction to the US legislation, so it suspended exports of minerals from the eastern Congo."¹⁵² Industry reacted as well, with a decision by the Electronics Industry Citizenship Coalition to "stop buying minerals from the Congo that have not been tagged or traced."¹⁵³ There was a 90 per cent decrease in legal mineral exports shortly after Dodd-Frank was passed and the Congolese ban enacted.¹⁵⁴

This is not to say that Section 1502 is wholly detrimental legislation. The UN Group of Experts' most recent report outlined positive and negative effects of the provision. Positive ramifications include the

shift in mineral production from conflict to non-conflict sites, bringing about "a reduction in the level of conflict financing provided by these minerals." In particular, sites in northern Katanga and Rwanda that have begun complying with due diligence guidelines have seen an increase in production (although the Group also warns that some minerals appear to be smuggled into Rwanda and then passed off as "clean.")¹⁵⁵

Not all industry has been frightened away from the Congo either. In 2011, "Apple and Intel continued to purchase Congo minerals, having both released detailed mineral supply chain reports ... [and] Motorola recently invested in some mines in Katanga."¹⁵⁶ The major points of debate centre on Section 1502's implementation and its unintended consequences,¹⁵⁷ and the complication of locally-led due diligence efforts already underway.¹⁵⁸

Rwandan and Ugandan troops officially withdrew from the DRC in September and October 2002.¹⁵⁹ This was partly in response to Western



pressure on Kigali and Kampala through the IFIs, in part as a result of the findings of the UN Panel in its report.¹⁶⁰ Castells and Portes note that

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the informal economy evolves along the borders of social struggles, incorporating those too weak to defend themselves, rejecting those who become too conflictive, and propelling those with stamina and resources into surrogate entrepreneurship ... Governments tolerate or even stimulate informal economic activities as a way to resolve potential social conflicts or to promote political patronage.¹⁶¹

Thus we need to understand the informal economy as being influenced by “moving social boundaries,” and “understand it as a process, rather than as an object.”¹⁶²

This is important for the DRC because many changes have taken place since Western activist groups raised awareness that the purchase of minerals in cell phones helped to fund war in the Congo. In addition to the official end of Rwandan and Ugandan occupation, militia activity that wreaked havoc in the east between 2003 and 2009 has decreased significantly. This is in part due to the demobilization of most groups through various peace agreements¹⁶³ and the integration of about 165,000 of their personnel into the national army.¹⁶⁴ One Dodd-Frank skeptic notes that the militias who are still active in eastern DRC “get their money from kidnapping and extortion, not from controlling mining sites or transport routes.”¹⁶⁵ Elements of the militias who, ten years ago, would have been the primary targets of legislation like Dodd-Frank, now have access to official channels of exploitation.

Conclusion

The historical context of the DRC, the criminalization of the state, and the changing structure of its informal economy demonstrate the problem with relying on rigid notions of illicit, formal, and informal economies without examining the social and political struggles that shape their boundaries. Perhaps the main weakness with Marysse’s argument lies in the fact that the UN Panel of Experts’ reports document and deal with the exploitation of minerals by the Congolese army and government officials, not just foreign troops and local militias. This particular criticism of legality in the context of the Congo today is further weakened in light of the DRC accession to the UN Convention Against Corruption in September 2010,¹⁶⁶ in which signatory states undertake to criminalize a wide array of activities that may fall under the heading of plunder through official channels.¹⁶⁷ As the Panel of Experts’ reports include the



violation of international law in their definition of “illegal,” Marysse’s concerns should be satisfied. This is, however, an example of how historical context contributes to the definition of what is illicit, and what is not. Castells and Portes suggested that “horizontal networks, not vertical bureaucracies, seem to be the new models of efficient organizations”.¹⁶⁸ The social networks so integral to informal economies are ideally suited to this kind of structure. Where Marysse’s criticism of the focus on legality is most useful is in its recognition that illicit activity is not always harmful.

Ultimately, though, Marysse’s focus on plunder remains a more useful way of assessing mineral exploitation in the DRC, even while the boundaries of the official and informal economies shift with time and changing social and political struggles. Marysse argues that one of Congo’s biggest challenges since Zairianization has been attracting serious investment: “While it is certainly true that many junior companies that were looking for a quick profit showed an interest in the DRC after the power transition in Kinshasa, most of these firms have since withdrawn without having invested in a country where ‘transaction costs’ for foreign companies are very substantial”.¹⁶⁹ Changing social and political struggles will alter the nature of resource exploitation within and between the illicit and official economies in the DRC. This can be seen by the extent to which mineral exploitation is closely intertwined with other social and political processes. The illicit economy of Eastern Congo, then, as an unstable and unreliable place to do business, represents a flexible response to the exigencies of life in the region, marked by conflict, economic collapse and a criminal state.■

Notes

¹ Fighting broke out between Rwandan and Ugandan troops and Congolese forces in 1998, though a Rwandan and Ugandan-backed revolt began in 1996.

² International Rescue Committee, “Mortality in Eastern Democratic Republic of Congo: Results From Eleven Mortality Surveys,” May 2001, 3.

³ Between August 1998 and April 2004. International Rescue Committee, “Mortality in the Democratic Republic of Congo: Results From a Nationwide Survey,” July 2004, iii.

⁴ Between August 1998 and April 2007. International Rescue Committee, “Mortality in the Democratic Republic of Congo: An Ongoing Crisis,” January 2008, ii.

⁵ See, for example, Somini Sengupta, “Congo’s Warring Factions Leave a Trail of Rape,” *The New York Times*, June 9, 2003.

⁶ See, for example, Jan Goodwin, “Silence = Rape,” *The Nation*, March 8, 2004.

⁷ See, for example, Aaron Hall and Bahati Jacques, "US Conflict Mineral Law Opens the Door to Peace in DRC," *Enough Said* (blog), August 24, 2011, <http://enoughproject.org/blogs/us-conflict-mineral-law-opens-door-peace-drc>.o (accessed January 12, 2012).

⁸ Ibid.

⁹ Gordon Rayner, "Is your mobile phone helping fund war in Congo?" *The Telegraph*, September 27, 2011, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/democraticrepublicofcongo/8792068/Is-your-mobile-phone-helping-fund-war-in-Congo.html> (accessed January 12, 2012).

¹⁰ The Dodd-Frank Wall Street Reform and Consumer Protection Act, H. R. 4173 (2010).

¹¹ According to the Act, "conflict minerals" refers to the *kinds* of minerals—coltan, for example—whether or not they came from DRC and whether or not their profits have funded an armed group.

¹² "DRC conflict-free" are products that do not contain minerals that directly or indirectly finance or benefit armed groups in the Democratic Republic of the Congo or an adjoining country.

¹³ The Dodd-Frank Wall Street Reform and Consumer Protection Act, H. R. 4173 (2010).

¹⁴ Janet MacGaffey, ed., *The Real Economy of Zaire: The Contribution of Smuggling & Other Unofficial Activities to National Wealth* (Philadelphia: University of Pennsylvania Press, 1991), 8.

¹⁵ Ibid., 8.

¹⁶ Ibid., 12.

¹⁷ Ibid., 152–153.

¹⁸ Action for Southern Africa, "Democratic Republic of Congo: Country Profile," <http://tinyurl.com/7295qbo> (accessed January 17, 2012).

¹⁹ La Générale des Carrières et des Mines, the national copper company.

²⁰ MacGaffey, *The Real Economy of Zaire*, 152.

²¹ Ibid., 154.

²² Ibid., 1.

²³ Stefaan Marysse, "Regress and War: The Case of the DR Congo," *European Journal of Development Research* 15, no. 1 (June 2003): 83.

²⁴ Ibid., 74–75.

²⁵ Ibid., 86.

²⁶ United Nations, *Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo*, April 12, 2001, UN Doc. S/2001/357, 5.

²⁷ Ibid., paragraph 15(a).

²⁸ Marysse, "Regress and War," 77, 80–81.

²⁹ Martin Meredith, *The Fate of Africa: From the Hopes of Freedom to the Heart of Despair: A History of 50 Years of Independence* (New York: Public Affairs, 2005), 301.

³⁰ Meredith, *The Fate of Africa*, 301.

³¹ Ilunga Kabongo, "Myths and Realities of the Zairian Crisis," in *The Crisis in Zaire: Myths and Realities*, ed. Georges Nzongala-Ntalaja (Trenton: Africa World Press, 1986), 33.

³² Ibid.

³³ MacGaffey, *The Real Economy of Zaire*, 152–153.

³⁴ Ibid., 17, 37, 154.

³⁵ Marysse, "Regress and War," 81.

³⁶ Ibid., 87–88.

³⁷ Michael Niemann, "War Making and State Making in Central Africa," *Africa Today* 53, no. 3 (Spring 2007): 27.

³⁸ Peter Andreas, "Illicit Globalization: Myths, Misconceptions, and Historical Lessons," *Political Science Quarterly* 126, no. 3 (2011): 3.

³⁹ Manuel Castells and Alejandro Portes, "World Underneath: The Origins, Dynamics, and Effects of the Informal Economy," in *The Informal Economy: Studies in Advanced and Less Developed Countries*, ed. Alejandro Portes (Baltimore: Johns Hopkins University Press, 1989), 27.

⁴⁰ Andreas, "Illicit Globalization," 7.

⁴¹ Ibid., 11.

⁴² Castells and Portes, "World Underneath," 32.

⁴³ He also includes "the clandestine movement of people (migrants, sex workers)," which one might infer is a reference to both undocumented migration and human trafficking, "the trafficking of endangered species and animal parts (such as ivory), and the laundering of money." Andreas, "Illicit Globalization," 4.

⁴⁴ Ibid.

⁴⁵ Ibid., 6.

⁴⁶ Castells and Portes, "World Underneath," 11.

⁴⁷ Ibid., 12.

⁴⁸ Ibid., 16.

⁴⁹ Ibid., 20.

⁵⁰ Ibid., 18.

⁵¹ Ibid.

⁵² Ibid., 12.

⁵³ Ibid.

⁵⁴ Ibid., 15.

⁵⁵ Ibid.

⁵⁶ Ibid., 31.

⁵⁷ Global Witness, *Same Old Story: A Background Study on Natural Resources in the Democratic Republic of Congo*, June 2004, 5.

⁵⁸ Yale University Genocide Studies Program, "Colonial Genocides: Belgian Congo," <http://www.yale.edu/gsp/colonial/belgian—congo/index.html> (accessed January 12, 2012).

⁵⁹ Edmund D. Morel, *Red Rubber: The Story of the Rubber Slave Trade Flourishing on the Congo on the Year of Grace 1906* (Honolulu: University Press of the Pacific, 2005; reprinted from the 1906 edition), 16–17.

⁶⁰ Adam Hochschild, *King Leopold's Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa* (New York: Houghton Mifflin, 1999), 71, 101–114.

⁶¹ Ibid., 70–71.

⁶² Ibid., 87, 117.

⁶³ Global Witness, *Same Old Story*, 6.

⁶⁴ Morel, *Red Rubber*, 131.

⁶⁵ Ibid.

⁶⁶ Marysse, "Regress and War," 78.

⁶⁷ Hochschild, *King Leopold's Ghost*, 278.

⁶⁸ Global Witness, *Same Old Story*, 7.

⁶⁹ Hochschild, *King Leopold's Ghost*, 258–259.

⁷⁰ David N. Gibbs, *The Political Economy of Third World Intervention: Mines, Money, and US Policy in the Congo Crisis* (Chicago: University of Chicago Press, 1991), 52.

⁷¹ Bruce Fetter, "The Union Minière and Its Hinterland: A Demographic Reconstruction," *African Economic History* 12, (1983): 67–81, 72.

⁷² Hochschild, *King Leopold's Ghost*, 279.

⁷³ Global Witness, *Same Old Story*, 7.

⁷⁴ MacGaffey, *The Real Economy of Zaire*, 17; Global Witness, *Same Old Story*, 7–8.

⁷⁵ MacGaffey, *The Real Economy of Zaire*, 27.

⁷⁶ See, for example, Peter P. Ekeh, "Colonialism and the Two Publics in Africa: A Theoretical Statement," *Comparative Studies in Society and History* 17, no.1 (1975): 91–112.

⁷⁷ Gareth Austin, "African Economic Development and Colonial Legacies," *Revue internationale de politique de développement* no. 1 (2010), <http://poldev.revues.org/78#quotation> (accessed January 16, 2012), para. 36.

⁷⁸ Global Witness, *Same Old Story*, 8.

⁷⁹ Nelson Kasfir, *State and Class in Africa* (New York: Routledge, 1984), 66.

⁸⁰ Immanuel Wallerstein, "Review of Power in Africa by Ruth First", *The American Political Science Review* 67, no. 2 (June 1973): 658.

⁸¹ Niemann, "War Making and State Making," 33.

⁸² Kasfir, *State and Class*, 69.

⁸³ *Ibid.*, 66.

⁸⁴ *Ibid.*, 73.

⁸⁵ Marysse, "Regress and War," 79.

⁸⁶ Meredith, *The Fate of Africa*, 297–300.

⁸⁷ MacGaffey, *The Real Economy of Zaire*, 28.

⁸⁸ Ola Olsson and Heather Congdon Fors, "Congo: the Prize of Predation," *Journal of Peace Research* 41, no. 3 (May 2004): 321–336, 323.

⁸⁹ MacGaffey, *The Real Economy of Zaire*, 17.

⁹⁰ The World Bank, "ICSID Members," <http://web.worldbank.org/WBSITE/EXTERNAL/EXTABOUTUS/ORGANIZATION/BODEXT/0,,contentMDK:20122597fflmenuPK:64020034fflpagePK:64020054fflpiPK:64020408ffltheSitePK:278036,00.html> (accessed January 12, 2012).

⁹¹ The ICSID Convention, the legal instrument that governs the dispute settlement mechanism, can be accessed at <http://icsid.worldbank.org/ICSID/StaticFiles/basic-doc/main-eng.htm> (accessed January 11, 2012).

⁹² The only obvious exception is the nationalization of Union Minière in 1967 to form the state owned enterprise Gécamines. In 1969 a settlement was reached in which Gécamines would own the copper industry, a Union Minière affiliate would provide "management services," and substantial compensation would be paid to Union Minière from Gécamines profits. See Gibbs, *The Political Economy of Third World Intervention*, 182–183.

⁹³ The World Bank and International Monetary Fund (IMF).

⁹⁴ Olsson and Fors, "Congo," 323.

⁹⁵ Niemann, "War Making and State Making," 22.

⁹⁶ MacGaffey, *The Real Economy of Zaire*, 17.

⁹⁷ *Ibid.*, 17–19.

⁹⁸ Meredith, *The Fate of Africa*, 298–299.

⁹⁹ *Ibid.*, 300.

¹⁰⁰ *Ibid.*

¹⁰¹ Marysse, "Regress and War," 79.

¹⁰² MacGaffey, *The Real Economy of Zaire*, 28.

- ¹⁰³ Niemann, "War Making and State Making," 23.
- ¹⁰⁴ Kasfir, *State and Class*, 73.
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The Art of Separating Out: Zones of Qualification and the Production of Illicit Economies in Johannesburg's City Improvement Districts

PEER SCHOUTEN¹

ABSTRACT

While the illicit economy is generally conceived of as either a pre-existing outside reality or the product of governmental discourse, this article proposes to shift attention away from "the illicit economy" towards the practices that constitute it. Building on actor-network theory, it studies the practices through which the illicit economy is produced in zones of qualification, that is, intensely governed and vital economic spaces. Highlighting the case of Johannesburg's City Improvement Districts, it shows how the illicit economy emerges as a tangible "outside" through practices aimed at constituting and regulating an "inside." Through in-depth analysis of both social and material practices, this article contributes to a symmetrical theoretical understanding of the way in which the illicit economy is constructed by practice.

Introduction

The South African illicit economy is frequently hailed as a core threat to "national security." The seriousness of this threat was emphasized in June 2011, when Siyabonga Cwele, the Minister of State Security, asserted that the "illicit economy" could constitute 10 per cent of South Africa's GDP, quantified at a stunning annual ZAR 178 billion, or nearly US\$22 billion.² Yet a closer look at this phenomenon reveals a confusing and incoherent blend of statistics, anecdotes, maps, and public statements that is, nonetheless, central to how many South Africans perceive their country.

The term "illicit" hardly circulates outside public statements by South African politicians and corporate leaders, and is singularly constructed

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as a threat to business and tax revenues alike. According to various government statements, the illicit economy consists of illegal mining, intellectual property piracy, textiles, and illegally imported tobacco. The illicit economy is often illustrated with such examples as hawkers and street vendors of copied CDs and DVDs. In this way, the illicit economy is conflated with the informal economy, which constitutes a threat by the very fact of escaping—and thus undermining—state control.³ The phenomenon is never clearly defined and the respective empirical evidence remains meagre. Rob Davies, Minister of Trade and Industry, indeed admits that “being illicit, they don’t report to Stats South Africa, they don’t submit VAT returns, so to measure the size of it is a little bit difficult.”⁴ The main question this article aims to answer is how does this illicit economy—vague, yet allegedly threatening—come about?

The article proceeds as follows. The first section discusses how the illicit economy is understood within the literature. “The illicit economy” usually refers to an external reality, approximated by, and understood largely in virtue of, the statistical knowledge generated about it by crime experts. In popular accounts, illicit economic activity is understood as “transnational organized crime,” composed of underground criminal networks that span the globe.⁵ Yet such accounts focus too narrowly on only the most spectacular and mafia-like aspects of the illicit economy, and take the definition of what is illicit for granted, failing to reflect how the illicit economy is also a by-product of governmental strategies. In an effort to redress this imbalance, critical approaches to criminology attempt to understand why certain practices become criminalized, and explain crime and the illicit economy as part of liberal governmental discourses of risk management. This approach focuses on the production of crime through statistics and accounting methods in powerful “centres of calculation.” As critical criminology considers notions of crime as expressions of all-encompassing governmental discourses, it is not able to account for the incongruent and confused nature of the illicit economy in South Africa.

In the second section, this article broadens the discussion of how the illicit economy comes about with insights from actor-network theory (ANT) and economic anthropology. Foregrounding practice over discourse, these theories allow me to argue that rather than a product of governmental centres of calculation, South Africa’s illicit economy is defined by practices aimed at excluding it. The illicit economy is not the product of a hegemonic discourse but instead comes about through diffuse practices aimed at separating out licit economic spaces and behaviour from illicit ones. The object of study then becomes the zones of qualification where concrete assemblages of actors work to define and exclude the illicit economy.

The third section discusses the advantages of focusing on zones of qualification as sites where the illicit economy is enacted. Zones of qualification are economic zones, the productivity of which depends on the constant efforts of a multiplicity of technologies and actors, such as airports and export-processing zones. A focus on urban zones of qualification allows the teasing out of the multiple ways in which networks of state and non-state actors produce order by adopting expert notions of crime, combining them with other data and practices, and translating them into crime and security measures.

The fourth section highlights the case of City Improvement Districts (CIDs) in Johannesburg. Based on ethnographic fieldwork conducted during 2010, and examination of reports and relevant literature, it focuses on how the illicit economy is produced as a governable object in Johannesburg's CIDs. It shows how the muddled conceptualization of South Africa's illicit economy emerges where expert notions of crime get translated into (security) measures in zones of qualification. In the process, the illicit economy is significantly altered to suit the interests of these other actors. In this way, rather than discourse, the concrete practices of a whole array of actors—both social actors such as private security companies and material actors such as closed-circuit video surveillance and geographical information systems—become central to the production of the illicit economy.

Criminology and the Production of Illicit Economies

Within contemporary criminology, categories such as “criminals” and “the illicit economy” are not considered as pregiven external realities that can be apprehended through such tools as crime statistics. Rather, criminologists are becoming increasingly reflexive, studying the way in which knowledge of crime and the illicit economy are products of criminology. Crime and illicit activity are not pregiven but constructed, and reflect larger discourses dominant in society.⁶ It is now, for instance, accepted that “crime control strategies and criminological ideas are not adopted because they are known to solve problems but rather because they characterize problems and identify solutions in ways that fit with the dominant culture and the power structure on which it rests.”⁷ The task for criminologists is then to show how understandings of crime are, to a large extent, the product of shifting political concerns and institutional struggles. Changes in the size of the illicit economy reflect not only increasingly refined statistical tools, but also shifting definitions of

what illicitness means. Criminological research, in short, has tended to focus on the discursive, cultural, or social construction of crime:⁸ criminology is “what the state says about crime”⁹—which is mostly unpacked in terms of Foucauldian mentalities or rationalities of government.¹⁰

Within this approach, crime statistics are singled out as a practice central to new modes of crime and risk management, reflecting the preoccupations of advanced liberal societies, in which crime is “governed by risk.”¹¹ The focus is on a totalizing discourse that conditions practices, and little agency is left in those practices—they can but confirm the (neoliberal) risk management discourse. Yet if practices are structured by discourse, how can it be that the South African illicit economy is such a confused and muddled array of anecdotes, statistics, maps, and public utterances? While consistent crime statistics can and have been explained using a Foucauldian approach, South Africa’s illicit economy and the struggles to define it can only be ascribed to the realm of uncomfortable anomalies.

Crime Beyond Discourse

In order to understand South Africa’s illicit economy, practices need to be placed at the centre of inquiry.¹² Some inroads have already been made in criminology by building on actor-network theory (ANT). ANT, in short, takes as its starting point that “the social” is unstable and heterogeneous, and focuses empirically on the ways in which actors try and make the “social” into stable and homogeneous “black boxes” by assembling human and non-human and social and material “actants.”¹³ ANT was initially largely applied to the production of scientific facts and engineering innovations, showing how stable scientific facts and artefacts emerge out of controversies that involve at the same time social, material, scientific, and commercial aspects. ANT has also been applied to the production of the formal or licit economy, emphasizing that the economy does not merely exist “out there” but is contingent on the models of economists.¹⁴

Criminologists such as Haggerty and Comaroff and Comaroff have adopted insights from ANT to focus on the social construction of crime by uncovering the context of production; that is, the way in which criminological statistics—which are generally assumed to represent a pregiven outside reality—are the result of social, political, and material struggles and controversies.¹⁵ Recognizing that criminological knowledge is the product of practice (rather than discourse), the “social life of criminal facts” is thus extended to the way in which contested issues are turned into objective facts representing a concrete external reality: crime. The assumption is that criminological statistics are the outcome of assembling

efforts and do not merely describe but *enact* their object of governance, just as economists perform the economy. However, while these scholars acknowledge the socially and materially constructed nature of crime, their work remains focused on the role of “centres of calculation” (crime experts) in crime construction, taking their performativity in the outside world for granted. In doing so, they fail to address the contingent and incoherent nature of South Africa’s illicit economy.

The Social Life of Crime Statistics

ANT emphasizes that scientific facts, inventions, and economic models do not work outside of the laboratory or government office unless they are spread and disseminated beyond those spheres. Similarly, in order for universal notions of crime contained in crime statistics to hold true in concrete settings, they must be re-embedded in the outside world, establishing links to the practices of other actors in disparate sites of activity.¹⁶ Peter Andreas gives the example of how the “guesstimate” of the size of the global drug trade at US\$500 billion was adapted in United Nations reports to subsequently circulate as a fact in media reports.¹⁷ While criminologists working on crime statistics emphasize the link between the illicit economy and the outside world in the *production* of expert knowledge, the illicit economy depends just as much on the subsequent *divulgence* and embedding of these notions in the outside world if they are to have any significance. That means that outside centres of calculation the illicit economy needs to be upheld, contrasted with, and spatially separated out from licit or formal economies.

Economic anthropologists describe the practical process by which formal economies are performed and separated out from whatever is deemed unfit in terms of processes of subjectification—teaching or forcing agents to behave *like* economic subjects—and objectification—acting upon behaviour, entities, and spaces to constitute them *as* economic or *as* a marketplace.¹⁸ In order to establish a given order and stabilize networks, ANT most notably recognizes the strategy of localizing phenomena in space and contrasting them with practices and objects that do not conform to the models concerned.¹⁹ In the case of the illicit economy, this highly normative process involves separating out economic from political or illicit practices—whether or not agreement exists on what these terms mean²⁰—and thus effectively entails the coproduction of the formal economy that should be governed by economic rules, and the illicit economy that should be governed by policing.²¹

Just as the success of a building depends not only on architectural design but also on building efforts and human usage, an invention or

economic model crucially depends on what other actors do to it next—how they embed it in their own practices. Criminology, by the same principle, should concern itself not only with the crafting of notions of crime by crime experts, but also what happens to them when they leave centres of calculation. Contrary to Foucauldian approaches, notions of crime are difficult to control as they involve many more actors that have to be enrolled and controlled.²²

Zones of Qualification

In order to study the efforts at establishing illicit economies in practice, this article proposes to look at the “zones of qualification” where the illicit economy is made real and separated out from the licit or formal economy. The term “zones of qualification” was coined by Andrew Barry to denote governance efforts aimed at establishing spaces where metrological regimes and economic models crafted in centres of calculation hold true.²³ These zones can be characterized as “global assemblages”—highly specialized and localized technological zones where consumers, producers, and regulatory bodies are densely concentrated, yet with ties that can stretch across the globe. Such zones constitute the critical infrastructure of globalization, where flows of goods, capital, and people are combined and made mobile.²⁴

Typical examples of such global assemblages are shopping malls and airports. Such zones need to be spatially delimited and firmly depend on the duality between an “inside” where models hold true, and an “outside” that does not confirm to the specific models and regimes. In order to constitute a zone of qualification, practices have to be directed not only at conjuring up the image of an “inside”—always imperfect, permeable and incomplete—but also at classifying, constructing, and keeping out the “outside.” These boundaries do not simply exist but need to be *performed*—that is, they require constant effort to keep all parameters in line, and heavily depend on practices enforcing common standards governing what objects and behaviours may exist within that particular domain.²⁵ The focus of study is the ensemble of practices of subjectification and objectification involved in enacting zones of qualification. The ways in which such zones are enacted are hardly ever purely “social,” but also involve technologies.

In zones of qualification, despite possible divergent interests and approaches, a multiplicity of actors align practices to establish a relatively stable environment often geared at facilitating formal economic activity.²⁶ The properties of objects and processes or prices of products inside zones

of qualification do not derive from their intrinsic qualities but rather depend on their relations with other entities and their embeddedness in the specific regulatory setting of the zone.²⁷ Zones of qualifications are, in sum, the inherently political sites of contestation where different competing models of social, economic, and/or technological order are enacted and combined.

As such, the notion of zones of qualification opens up a way of understanding the practices that translate abstract models and universals into localized assemblages. Examples of the concrete practices that can be studied in this way vary from critical infrastructure protection²⁸ and natural resource extraction enclaves²⁹ to security assemblages³⁰ and the framing of climate change.³¹

The next section explores how in zones of qualification, crime statistics and the desire to perfect the measurement of crime and illicit economies intersect with security technologies and the private markets of branding and security.³² The case of CIDs in Johannesburg illustrates how the illicit economy is locally performed: statistics of the illicit economy are continually being translated into projects to eliminate it from specific zones and segregate it spatially from the formal economy. This happens through a disparate array of practices including geographic information systems (GIS), closed circuit television (CCTV), private security, cleaning services, and even free tourist maps.

Johannesburg's City Improvement Districts

According to crime statistics, Johannesburg is among the most dangerous urban areas in the world, a result of post-Apartheid capital flight towards the suburbs combined with the influx of immigrants and unregistered populations. In an attempt to regain the city, the government and the City of Johannesburg engaged in partnerships aimed at creating delimited spaces that are competitive, understandable, and predictable—in short, where the high crime rates of statistics would be replaced by positive metrics showing economic growth and safety.³³ Central to these efforts to revitalise Johannesburg are so-called CIDs. According to the website of the Central Improvement District:

Legislation allows for CIDs to raise an additional levy to be charged on all property within the defined geographical area. Income from this levy is directed back to the defined area to finance a wide range of activities. Supplementary services might include safety and security patrol officers, pavement cleaning, litter collection, maintenance of public space, removal of illegal posters, etc.³⁴

There are over 1,500 CIDs worldwide,³⁵ and the concept was adopted in South Africa in an effort to disconnect the targeted urban spaces from the criminal tendencies that South African Police Service (SAPS) statistics describe. There are currently eleven legislated CIDs and six voluntary improvement districts in downtown Johannesburg, next to a number of related projects.³⁶ CIDs are archetypical zones of qualification where a multiplicity of actors and technologies are assembled in order to push out crime and illicit economic activities and to promote economic growth. According to one of the managing corporations, Urban Genesis, CIDs are “special places”;³⁷ geographically circumscribed areas within which all property owners pay an additional tax that is managed by a special corporate entity. With the revenues from this tax, the managing corporations supply the entire area primarily with dedicated security and cleaning services, but also “visioning and branding.” To conjure up hospitality and compensate for all the visible security measures in place, each CID has its own recognisable banners—seduction and “place-marketing” are central to the qualification of CIDs as safe economic zones.

Enacting the Illicit Economy Through Security Practices

Zones of qualification involve high concentrations of security actors that depend on abstract, universal, and deterritorialized crime statistics to frame the need for their services. Crime statistics, when scrutinized well, show a highly enclaved pattern for the incidence of the worst crimes. Most crimes are confined to poor townships and do not menace the whole of the South African territory alike. As the Comaroffs note, this is generally not picked up in the subsequent circulation of crime statistics, which are only crudely assembled to argue that “South Africa is the ‘crime capital’ of the world.”³⁸ This translation of crime (statistics) as revealing and objectifying a de-territorialized threat allows private security providers to engage in their own enclaving, promising safe “insides” where the general patterns of crime do not hold. As a manager of one of the CIDs explains:

If you take our boys away you see what happens to the building in no time. You see the few hijacked buildings we have around our areas where we have seven people in a flat and those are buildings where crime is and drugs are done as well.³⁹

In this way, private security companies (PSCs) enact the illicit economy, actively sustaining the threat of crime and illicit economic activities as a concern, and localizing it at the fringes of zones of qualification, perpetuating the need for their services.

The extent of PSCs' impact on the constitution of the zones of qualification stretches much further, however, and is very material in nature. Each Johannesburg CID is adorned with at least one (possibly armed) PSC security guard at every corner, complemented by conspicuously parked PSC vehicles, manned PSC stands, or refurbished caravans, all covered in large texts referring to private security services. PSCs have deployed in the commercial heart of the city, Sandton. In a colourful mimicking of the army, they use exactly the same guard towers that circumscribe South Africa's military bases painted in different, vivid colours. Yet PSCs do much more to qualify CIDs as appropriate spaces of economic activity, with schemes ranging from picking up litter to giving directions. Such practices heavily regulate and qualify CIDs to provide people "with a broader, richly layered sense of that place and what connects them to it."⁴⁰

PSCs are part of an assemblage that also involves the police and technological means. The SAPS translates crime statistics into patrol routes for bicycle agents wearing uniforms sponsored by a private security company.⁴¹ Additionally, CCTV—the result of a partnership between different levels of South African government, SAPS, and a corporation called Business Against Crime⁴²—adds to the ensemble of regulatory practices constituting the CIDs. The philosophy, as put by a CCTV company manager, is that "unmanaged space can be chaotic so crime flourishes."⁴³ The CCTV control room, jointly managed by the former mercenary outfit Omega Risk and the SAPS,⁴⁴ controls two dedicated police cars it dispatches to suspected crime scenes. The function of the control room extends to the PSC guards on the street, who act as additional "eyes" by means of two-way radio communication with the control room.⁴⁵ In this way, the assemblage of qualifying practices extends from the control room to CCTV cameras and the SAPS and PSCs. By constantly making passers-by aware of the expected behaviour within the CIDs, surveillance cameras, armed PSC guards, vehicles, and watchtowers discourage deviance and "produce 'calculating individuals' within 'calculable spaces' and incorporated within 'calculative regimes.'"⁴⁶

These practices enact CIDs as spaces where, in principle, licensed buyers and sellers are the only actors legitimately present; only comportment befitting a veritable *homo economicus* is permitted—that is, conformity to the rules of the free market: no stealing, no loitering, no informal economy; and only transactions regulated and approved by state law allowed. Informal traders feel disfranchised by CIDs that favour "big business."⁴⁷ Only because of this strict regime of control in zones of qualification can surrounding neighbourhoods be described as a "Wild West"



where everything seems permissible;⁴⁸ the continued success of CIDs, in turn, hinges crucially on the enacted contrast between the internal order and its surroundings.

In sum, PSCs and CCTV qualify and thus co-constitute CIDs as highly regulated and safe zones of qualification where much of Johannesburg's official gross geographic product, representing 16.4 per cent of national GDP, is generated.⁴⁹ Secondly, in doing so, they also contribute to qualifying the outside, both by conjuring up an image of the threats from which they protect CIDs and through material practices—the CCTV, the colourful mimicking of army uniforms, and the brightly painted military watchtowers—that enact the new visibility of crime and the illicit economy.⁵⁰ In the process, crime statistics are crudely translated and localized outside the zones of qualification they guard.

Visualizing Zones of Qualification

The areas where PSCs are deployed are translated into official maps that the Johannesburg Municipality circulates freely among tourists and the public. On these maps, CIDs are represented as pleasantly coloured islands (the darkest areas of Image 1). The borders on the map refer to the boundaries of zones of qualification, within which only formal and state-endorsed economic activity takes place; areas where decisions are predominantly “driven by cost-benefit calculations.”⁵¹ PSC deployment thus delineates CIDs as advised areas of circulation from “grey” areas where visiting is not advisable.

The grey sea on the map is often portrayed as informal, illicit, criminal, insecure, and dirty.⁵² It forms the stage for the daily hustle and bustle of ordinary South Africans. Operating on a survivalist basis that precludes profits,⁵³ they are often not registered as formal sellers or cannot afford the prices of formal, state-regulated services and products. Barred from CIDs by PSCs, they move through spaces which are to a lesser extent or not at all regulated by the state, insecure and uninsured. The same products found inside zones of qualification can be bought on the informal market for a lower price, but detached from regimes of formality, accounting, guarantees, and insurance.

The borders of CIDs on the map sharply delineate, on the one hand, zones of qualification where the formal or “free” market thrives, and on the other hand, the informal or “black” economy. Increasingly, the former are policed by PSCs, whereas the latter remains relatively ungoverned.⁵⁴ The borders on the map refer not to pre-given realities but to the result of the ongoing qualification efforts of PSCs, cleaning services, CCTV, and other agencies and technologies.

Image 1: Official Map of Downtown Johannesburg



Source and Courtesy: Urban Genesis

Where the tourist map above qualifies safe zones, another set of maps is reserved to qualify where *not* to go. The SAPS attempts to objectify crime by translating crime statistics using GIS technology. This translates crime statistics into visuals displaying the density of aggregate categories of crimes within exact geographical zones.⁵⁵ Depending on the sort of crime, different precincts of the Johannesburg urban area light up red to indicate the high recurrence of reported incidents, delineating “where order ends, where disorder prevails.”⁵⁶ Comaroff and Comaroff rightly point out that by mapping insecurity in space, GIS allows for the linkage of information from criminological centres of calculation with the subjective experience—and risk—of repeated victimization. Political actors and businesses deploy crime statistics and GIS visuals in combination with anecdotal data on economic losses to assemble “the” illicit economy as a knowable object. As such, GIS helps to separate safe zones such as CIDs from those where crime and the illicit economy prevail.

Mandela once argued that “figures are meaningless in the context of people’s concrete experiences,”⁵⁷ and indeed most South Africans don’t believe crime statistics, especially if they indicate declining crime lev-

els.⁵⁸ On the streets, crime statistics get translated into more tangible “quantifacts” such as GIS data and tourist maps. Illustrating crime visually, GIS “immerses people in their reality.”⁵⁹ Newspapers further circulate police maps, combining them with graphics of guns, prone bodies, and handcuffed hands, creating suggestive and conceivable “total crime facts” that circulate through public and private domains.⁶⁰

The ensemble of practices that sustain zones of qualification reinforce the reterritorialization of informal and illicit activities through a principle called “crime displacement.”⁶¹ Companies willing to buy and upgrade “haemorrhaging” inner urban areas get all their investments refunded by government.⁶² Rather than using subsequent gains made in CIDs to upgrade previously disadvantaged areas, the efforts at spatially segregating illicit activities translates into different tax regimes for different parts of the city,⁶³ increasing the gap between the haves and the have-nots. SAPS statistics for 2011 show that for members of associations similar to CIDs—generally larger business groupings—business robberies are on the decrease. “The smaller, single-owned and emerging black businesses in the old CBD [city business districts, or red] areas,” however, remain vulnerable to this sort of crime—mostly small and unregistered businesses are targeted.⁶⁴ Rather than eliminating the illicit economy, the very practices aimed at producing safe CIDs exclude, localize, qualify, and co-produce new patterns of the illicit economy.

Conclusion

Criminology is only slowly coming to terms with the importance of practices in the construction of crime as an object of governance. Instead, criminologists focus on the discursive politics involved in the production of crime statistics and how these subsequently limit and direct public understandings of crime.⁶⁵ By foregrounding the importance of centres of calculation, they leave out of the picture how statistics and expert notions of the illicit economy are subsequently adopted, contested, and made to matter. As such, criminology is removed from the streets: the sites of contestation where the illicit economy is practised.

Empirically, this paper aimed to take the study of crime back to the streets by studying Johannesburg’s CIDs as zones of qualification where the South African illicit economy is made tangible. The illicit economy is not only produced through crime statistics but also on the streets by PSCs and through tourist maps. The case of Johannesburg’s CIDs shows how the ensemble of maps, technologies, guarding, and watchtowers constitute zones of qualification. Yet besides enacting a stable inside,

these practices also localize, concretize, and enact an “outside” that is invariably constituted by a conflation of the informal and the illicit. CIDs are—by virtue of the practices discussed—disembedded from deviant dynamics (such as the informal economy, theft, and loitering) to constitute spaces where the formal economy can thrive as an autonomous field,⁶⁶ a process that correlates with the production and localization of the informal and illicit economy outside of CIDs. In the particular historical trajectory of South Africa, this is a disturbing development, as this stark geographical distinction between formal and informal has far-reaching consequences for who benefits from security, and how. PSCs exclude informal trading from CIDs, while 90 per cent of those working in the informal economy are black South Africans.⁶⁷ As Kempa and Singh put it: “being young, male, underdressed and walking in a group signifies lack of membership in the “proper” capitalist relationships of the fortified enclave and thereby leads to private security attention.”⁶⁸

Finally, the contingency of the illicit economy on practices challenges the weight placed upon statistics by Foucauldian studies of risk. When taken outside the centres of calculation, the black boxes of crime statistics quickly become controversies again—despite the continuous generation of statistical knowledge of crime, the definition of crime remains radically contested in South Africa.⁶⁹ The case of Johannesburg’s CIDs has shown that when expert notions of crime start to circulate, only the more crude generalities remain and are translated into common stereotypes. These stereotypes are combined with commercial interests to devise new agendas and technologies. While in reality the illicit economy is not so clearly defined and is shrouded in a confusing muddle of stereotypical anecdotes of overlapping informal and illicit practices, these practices render the illicit economy more tangible and concrete. It is only by de-universalizing crime statistics, making them more tangible and susceptible to popular feelings (subjectification), and by linking them to a specific segment of the population which occupies clearly geographically marked locations (objectification), that the illicit economy surfaces as an object that can be governed.■

Notes

¹ The author would like to thank Nhlanganiso Sithole for his help during fieldwork, Maximilian Mayer, Clifford Shearing, the Centre of Criminology of the University of Cape Town, and *STAIR*’s reviewers for comments on previous versions of this article.

² Sowetan Live, “Illicit Economy Hurts SA,” June 3, 2011.

³ The informal sector “is an integral part of Johannesburg’s economy. However, without control over it, the City is unable to manage and promote it. With control, Johannesburg is more able to maintain standards of hygiene and waste removal, and deal with crime.” The City of Johannesburg, “City enforces hawking policy,” August 10, 2007, http://www.joburg.org.za/index.php?option=com_content&task=view&id=1468&Itemid=212 (accessed January 5, 2012). See also International Labour Organization (ILO), *Women and Men in the Informal Sector: A Statistical Picture* (Geneva: International Labor Organization, 2002), 40; and James C. Scott, *Seeing Like A State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998).

⁴ Quoted in *Mail & Guardian*, “‘Illicit Economy’ Poses Bigger Threat than Thought,” February 24, 2011.

⁵ See for example Moises Naim, *Illicit: How Smugglers, Traffickers and Copycats are Hijacking the Global Economy* (New York: Doubleday, 2005). For discussion, see Peter Andreas, “Illicit International Political Economy: The Clandestine Side of Globalization,” *Review of International Political Economy* 11, no. 3 (2004): 643.

⁶ Gail Super, “The Spectacle of Crime in the ‘New’ South Africa,” *British Journal of Criminology* 50, no. 2 (2010): 165.

⁷ David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (Chicago: University of Chicago Press, 2001), 26.

⁸ See for instance Nicola Lacey and Lucia Zedner, “Discourses of Community in Criminal Justice,” *Journal of Law and Society* 22, no. 3 (1995): 301-325; Philip Smith, *Punishment and Culture* (Chicago: University of Chicago Press, 2008).

⁹ Gail Super, “Punishment and the Body in the ‘Old’ and ‘New’ South Africa: A Story of Punitive Humanism,” *Theoretical Criminology* 15, no. 4 (2011): 427-443, 428.

¹⁰ See for instance Pasquale Pasquino, “Criminology: The Birth of a Special Knowledge,” in *The Foucault Effect: Studies in Governmentality, with Two Lectures by and an Interview with Michel Foucault*, eds. Graham Burchell, Colin Gordon, and Peter Miller (Chicago: University of Chicago Press, 1991), 235-250; Richard Ericson, “Governing through Risk and Uncertainty,” *Economy and Society* 34, no. 4 (2005): 659-672.

¹¹ Patrick O’Malley, *Crime and Risk* (Thousand Oaks: Sage publications, 2010), 2.

¹² Foucauldian approaches in criminology build heavily on the later work of Michel Foucault (for instance Burchell et al., *The Foucault Effect*) yet reduce it to discourse, while practices were central to Foucault’s own work on power and crime. In this way, these mis-readings of Foucault reify a very similar “cold monster” to the one Foucault declared dead. See Jan-Hendrik Passoth and Nicholas J. Rowland, “Actor-Network State: Integrating Actor-Network Theory and State Theory,” *International Sociology* 25, no. 6 (2010): 825. For Foucault, practices and their material properties are not a mere vehicle for intransmutable discourse, but rather form the point of departure for constructing narratives of historical change in discourses of crime and punishment.

¹³ See for instance Bruno Latour, *Science in Action: How to Follow Scientists and Engi-*

neers through Society (Cambridge: Harvard University Press, 1987); Bruno Latour, *Reassembling the Social: An Introduction to Actor-Network-Theory* (Oxford and New York: Oxford University Press, 2005); John Law, ed., *A Sociology of Monsters: Essays on Power, Technology and Domination* (London and New York: Routledge, 1991).

¹⁴ Koray Çalışkan and Michel Callon, "Economization, part 1: shifting attention from the economy towards processes of economization," *Economy and Society* 38, no. 3 (2009): 369-398; Donald A. MacKenzie, *An Engine, Not a Camera: How Financial Models Shape Markets* (Cambridge: MIT Press, 2006); Timothy Mitchell, "The Work of Economics: How a Discipline Makes its World," *European Journal of Sociology* 45, no. 2 (2005): 297-320.

¹⁵ Jean Comaroff and John L. Comaroff, "Figuring Crime: Quantifacts and the Production of the Un/Real," *Public Culture* 18, no. 1 (2006): 209-246; Kevin D. Haggerty, *Making crime count* (Toronto: University of Toronto Press, 2001); Super, "The Spectacle of Crime".

¹⁶ See Michel Callon and Fabian Muniesa, "Les Marchés Économiques comme Dispositifs Collectifs de Calcul," *Réseaux* 6, no. 122 (2003): 189-233; Bruno Latour, *Science in Action: How to Follow Scientists and Engineers through Society* (Cambridge: Harvard University Press, 1987); Fabian Muniesa, Yuval Millo, and Michel Callon, "An Introduction to Market Devices," *Sociological Review* 55, no. 2 (2007): 1-12.

¹⁷ Peter Andreas, "Illicit International Political Economy: The Clandestine Side of Globalization," *Review of International Political Economy* 11, no. 3, 641-652 (2011): 646.

¹⁸ Koray Çalışkan and Michel Callon, "Economization, Part 1: Shifting Attention from the Economy Towards Processes of Economization," *Economy and Society* 38, no. 3 (2009): 369-398; Koray Çalışkan and Michel Callon, "Economization, Part 2: A Research Programme for the Study of Markets," *Economy and Society* 39, no. 1 (2010): 1-32. Economic anthropologists such as Çalışkan and Callon part from the observation that an economy is not a stable, pre-existing state of affairs, and—building on actor-network theory—propose to study how formal "economic" spheres of activities are constituted in practice. The key assumption here is that a formal market does not exist in a void, but by virtue of the many attachments it has to different authorities, and the many disciplinary efforts prompting people to accept the associated ways of doing as normal.

¹⁹ Bruno Latour, *Reassembling the Social: An Introduction to Actor-Network Theory* (Oxford and New York: Oxford University Press, 2005), 32.

²⁰ Michel Callon, "Performativity, Misfires and Politics," *Journal of Cultural Economy* 3, no. 2 (2010): 163-169; Çalışkan and Callon, "Economization, Part 1," 369-398.

²¹ Labelling one sphere of activities as "formal", state-endorsed, or "economic"—and those activities not monolithically regulated and mediated by state authority as "informal", "parallel", or "black"—has direct political consequences: it allows for practices securing the former, whereas the latter by contrast pertain to the realm of the "illicit" and contrary to rational-legal development. See Janet L. Roitman, "The Politics of Informal Markets in Sub-Saharan Africa," *The Journal of Modern African Studies* 28, no. 4 (1990): 671-696.

²² Famous science, technology, and society (STS) studies which demonstrate the failure of scientists and engineers to enroll and align other actors behind inventions, illustrate this principle; in such cases, carefully crafted models failed to perform adequately by the outside world, resulting in dead-born innovations. See Bruno Latour, *Aramis, or, The Love of Technology* (Cambridge: Harvard University Press, 1996).

²³ Andrew Barry, "Technological Zones," *European Journal of Social Theory* 9, no. 2 (2006): 239-253.

²⁴ Saskia Sassen, *Territory, Authority, Rights: From Medieval to Global Assemblages* (Princeton: Princeton University Press, 2006); Aihwa Ong and Stephen J. Collier, eds., *Global Assemblages: Technology, Politics, and Ethics as Anthropological Problems* (Malden: Blackwell Publishing, 2005).

²⁵ Barry, "Technological Zones," 240; Zygmunt Bauman, "Modernity and Ambivalence," *Theory, Culture & Society* 7, no. 2 (1990): 143. This principle of reifying dichotomies to constitute political communities is also central to international relations and political theory since Hobbes. See R. B. J. Walker, *Inside/Outside: International Relations as Political Theory* (Cambridge: Cambridge University Press, 1993).

²⁶ In parallel, recent work in criminology and such fields as critical geography and international political sociology has pointed out that the governance of crime, the economy, and protection is not confined to the corresponding institutional settings of criminology, economics and policing, but rather overlap. See Rita Abrahamsen and Michael C. Williams, "Security Beyond the State: Global Security Assemblages in International Politics," *International Political Sociology* 3, no. 1 (2009): 1-17; Aihwa Ong and Stephen J. Collier, *Global Assemblages: Technology, Politics, and Ethics as Anthropological Problems* (Malden: Blackwell Publishing Ltd, 2005); Jennifer Wood and Clifford D. Shearing, *Imagining Security* (Cullompton: Willan, 2007).

²⁷ Barry, "Technological Zones," 242.

²⁸ Stephen, J. Collier and Andrew Lakoff, "On Vital Systems Security," (working paper, International Affairs, Graduate Program in International Affairs, The New School, New York, 2009-01, 2009).

²⁹ Timothy Mitchell, "Carbon Democracy," *Economy and Society*, 38, no. 3 (2009): 399-432; Michael Watts, "Crude Politics: Life and Death on the Nigerian Oil Fields," (working paper, Department of Geography, University of California, Berkeley, no. 25, 2009).

³⁰ Rita Abrahamsen and Michael C. Williams, *Security Beyond the State: Private Security in International Politics* (Cambridge: Cambridge University Press, 2011); Peer Schouten, "Political Topographies of Private Security in Sub-Saharan Africa," in *African Engagements: Africa Negotiating an Emerging Multipolar World*, eds. Ton Dietz, Kjell Havnevik, and Mayke Kaag (Leiden: Brill, 2011), 56-83.

³¹ Maximilian Mayer and Peer Schouten, "Energy Security and Climate Security under Conditions of the Anthropocene," in *Energy Security in the Era of Climate Change*, eds. Luca Anceschi and Jonathan Symons (Basingstoke and New York, Palgrave Macmillan, 2011), 13-35.

³² Comaroff and Comaroff, "Figuring Crime: Quantifacts," 206.

³³ City of Johannesburg, "Johannesburg Inner City Regeneration Strategy Business Plan 2004-2007," (Johannesburg, 2004); Elisabeth Peyroux, "City Improvement Districts (CIDs) and the Production of Urban Space in Johannesburg: Urban Regeneration, Changing Forms of Governance and New Meaning of Places," 2007, 12.

³⁴ Johannesburg Inner City Business Coalition, "About City Improvement Districts," <http://www.joburgcentral.co.za/aboutcids.php> (accessed January 27, 2012).

³⁵ Ingrid Palmay, *Social Crime Prevention in South Africa's Major Cities* (Johannesburg: Centre for the Study of Violence and Reconciliation, 2001), 12.

³⁶ Johannesburg Inner City Business Coalition, "Inner City CIDs," <http://www.joburgcentral.co.za/cids.php> (accessed January 27, 2012).

³⁷ Urban Genesis, "Place Marketing," <http://www.urbangenesis.co.za/marketing> (accessed 15, December 2011).

³⁸ Comaroff and Comaroff, "Figuring Crime: Quantifacts," 220.

³⁹ Interview with a manager of the Central Improvement District, July 2010.

⁴⁰ Urban Genesis, "Place Marketing."

⁴¹ Randburg Management District, "Randburg SAPS Take Police Patrols To A New Level", 2006, <http://www.randburg.org.za/show—article.php?articleid=481> (accessed September 15, 2011).

⁴² Anthony Minnaar, "The Implementation and Impact of Crime Prevention / Crime Control Open Street Closed-Circuit Television Surveillance in South African Central Business Districts," *Surveillance & Society* 4, no. 3 (2007): 174-207, 176, 185.

⁴³ Balancing Act, "Cueincident Uses CDMA for Crime Protection Surveillance," *Balancing Act News*, March 13, 2005, no. 248.

⁴⁴ Anonymous in discussion with the author, August 2010; DefenceWeb, "Johannesburg Adjudges CCTV Project a Success," 11 December 2009, <http://www.defenceweb.co.za/index.php?option=com—content&task=view&id=5835&Itemid=106> (accessed 3 May, 2011).

⁴⁵ Minnaar, "Implementation and Impact," 188.

⁴⁶ Erik Swyngedouw, "Governance Innovation and the Citizen: The Janus Face of Governance-Beyond-the-State," *Urban Studies* 42, no. 11 (2005): 1991-2006, 1998.

⁴⁷ Keith Cattell and others, "The Impact of City Improvement Districts on the Informal Trading Sector," (paper presented at the Conference in Facilities Management, Heriot Watt University, Edinburgh, 2008), 549.

⁴⁸ Ted Leggett, "Conclusion: Implications for Crime Prevention and Law Enforcement," in *Rainbow Tenement - Crime and Policing in Inner Johannesburg*, ed. Ted Leggett (Pretoria: Institute for Security Studies, 2003), 95-108, 95.

⁴⁹ Source: <http://www.joburg.org.za/index.php?option=com—content&task=view&id=404&Itemid=52> (accessed January 20, 2012).

⁵⁰ Maria Lo, "Post-Communist Fear of Crime and the Commercialization of Security," *Theoretical Criminology* 6, no. 2 (2002): 165-188, 168. Additionally, PSCs, like

banking fraternities (for ATM bombings) and business associations such as Business Against Crime, feed their own crime records into the statistics of the SAPS. See SAPS, *Crime Report 2010/2011* (Pretoria: South African Police Service, 2011), 16. As such, the statistics gathered by the Crime Information Analysis Centre of the SAPS are themselves hybrid assemblages, composed not exclusively of police data but also of private data.

⁵¹ Elizabeth Peyroux, "City Improvement Districts in Johannesburg: An Examination of the Local Variations of the BID model," in *Business Improvement Districts*, ed. Robert Pütz (Passau: Geographische Handelsforschung, 2008), 10.

⁵² André Standing for instance emphasizes in great length the linkages between poverty, informality, and criminality, arguing that "[in townships, crime] is no longer a fringe activity perpetrated by outsiders who can be easily separated from a normal legal society containing good citizens. [...] It's boundaries blur with other economic and social activities and it involves thousands of people. It is *therefore a core dimension of the community*." André Standing, "The Social Contradictions of Organised Crime on the Cape Flats," (occasional paper, Institute for Security Studies, 74, Pretoria, June 2003), emphasis added. See also Lars Buur, "Domesticating Sovereigns: The Changing Nature of Vigilante Groups in South Africa," in *Domesticating Vigilantism in Africa*, eds. Tilo Grätz and Thomas G. Kirsch (London: James Currey, 2010), 26-50, 27. This conflation of the informal and the illicit is however explicitly contested by informal traders themselves. See Paul Thulare, "Trading Democracy? Johannesburg Informal Traders and Citizenship," *Policy: Issues & Actors* 17, no.1 (2004): 1-19, 6.

⁵³ Cattell and others, "The Impact of City Improvement Districts," 546.

⁵⁴ Leggett, "Conclusion: Implications for Crime Prevention"; Anthony Minnaar and Duxita Mistry, "Outsourcing and the South African Police Service," in *Private Muscle: Outsourcing the Provision of Criminal Justice Services*, ed. Martin Schönteich, (Pretoria: Institute of Security Studies, 2004), 38. The informal economy is however governed by so-called by-laws and townships have their own rules and transgressions which, in the absence of effective state policing, are policed and criminalized by vigilantes or community policing efforts. See Lars Buur, "Domesticating Sovereigns," 26-50; Jean Comaroff and John L. Comaroff, "Policing Culture, Cultural Policing: Law and Social Order in Postcolonial South Africa," *Law and Social Inquiry* 29, no. 3 (2004): 513-46; Laurent Fourchard, "Partisan Politics, Vigilantism and Security in South Africa" (working paper, Oxford Sciences-Po Research Group, November 2011).

⁵⁵ South African Police Services, "Crime Statistics Per Station: 2010-2011 Financial Year Percentile Groupings (20%): Murder," <http://www.saps.gov.za/statistics/reports/crimestats/2011/maps/index.html> (accessed December 1, 2011).

⁵⁶ Comaroff and Comaroff, "Figuring Crime: Quantifacts," 230.

⁵⁷ cited in *Ibid.*, 209.

⁵⁸ Gail Super, "Punishment and the Body in the 'Old' and 'New' South Africa: A Story of Punitive Humanism," *Theoretical Criminology* 15, no. 4 (2011): 427-443, 436.

⁵⁹ Emily van Rijswijk, "GIS maps can help to beat crime," *Joburg News Update*, May 10, 2010, <http://www.joburgnews.co.za/2007/may/may10-gisweek.stm> (accessed January 7, 2012).

⁶⁰ Comaroff and Comaroff, "Figuring Crime: Quantifacts," 231.

⁶¹ "Crime displacement" is a phenomenon related to the rise of nodal security governance in general and the rise in private security companies in particular and occurs when a given geographical area becomes highly protected, forcing criminals out, supposedly leading to higher crime incidence on the fringes of the more intensely secured area. See Claire Béné-Gbaffou, Sophia Didier, and Marianne Morange, "Communities, the Private Sector, and the State: Contested Forms of Security Governance in Cape Town and Johannesburg," *Urban Affairs Review* 43, no. 5 (2008): 691-717.

⁶² Emily Visser, "R5bn Investment for Joburg CBD," <http://www.southafrica.info/business/investing/incentives/jhbudz-170708.htm> (accessed January 15, 2012).

⁶³ Béné-Gbaffou, Didier, and Morange, "Communities, the Private Sector, and the State," 703-704; Elisabeth Peyroux, "City Improvement Districts (CIDs) and the Production of Urban Space in Johannesburg," 2007, 12, 156.

⁶⁴ SAPS, *Crime Report*, pp. 16 & 19

⁶⁵ See Kevin D. Haggerty, *Making Crime Count* (Toronto: University of Toronto Press, 2001); Super, "The Spectacle of Crime," 178-180.

⁶⁶ The reference here is to Pierre Bourdieu, "Le Champ Économique," *Actes de la Recherche en Sciences Sociales* 119, no. 119 (1997): 48-66. More broadly, in Johannesburg, laissez-faire liberalism or a self-regulating market is a stark utopia, that in fact depends on the many interventions that qualify CIDs as zones where the free market can thrive. Cf. Chris Hann and Keith Hart, ed., *Market and Society: The Great Transformation Today* (Cambridge: Cambridge University Press, 2009), 9.

⁶⁷ Collette Muller, "Measuring South Africa's Informal Sector: An Analysis of National Household Surveys," *University of Natal Development Policy Research Unit* 3, no. 71 (2003).

⁶⁸ Michael Kempa and Anne-Marie Singh, "Private Security, Political Economy and the Policing of Race: Probing Global Hypotheses through the Case of South Africa," *Theoretical Criminology* 12, no. 3 (2008): 333-354, 346.

⁶⁹ Laurent Fourchard, "Partisan Politics, Vigilantism and Security in South Africa," (working paper, Oxford Sciences-Po Research Group, November 2011).

Marketers and Pirates, Businessmen and Villains: The Blurred Lines of Nollywood Distribution Networks

COLE PAULSON

ABSTRACT

Popularly known as Nollywood, Nigeria's booming video industry has emerged as a regional hegemonic cultural force, consumed throughout Africa. It is also an economic powerhouse: by some estimates it is the second biggest employer in Nigeria, and generates revenues of \$300 million. Most remarkable about Nollywood's success is its informal structure, built across communal networks and held together by unwritten codes of conduct rather than regulatory mechanisms. After nearly two decades of video production and repeated attempts by the state to structuralize the industry and decrease piracy, Nollywood has only become a more complex and diversified system.

Nevertheless, the same informal networks that have allowed Nollywood to thrive in a regulatory vacuum have become the industry's Achilles' heel. Piracy poses the greatest challenge to Nollywood's growth, since each new video hits a revenue ceiling when pirated copies flood markets, often within days of a film's official release. But how do piracy networks make such a devastating impact, stifling the development of an entire industry? Ethnographic research demonstrates that networks of piracy and illicit trade are in fact deeply enmeshed within the video industry itself. Marketers' associations exploit less powerful sellers, and the disconnect between production and distribution networks limits accountability and sows fraud. Marketer-funded task forces protect video marketplaces from antipiracy raids by police, leading to outbursts of violence that have ended in deaths.

The regulatory gaps within Nollywood have allowed thousands of Nigerians to participate in media production, but they have also allowed for corruption to infiltrate every stage of the filmmaking process. The industry has hence expanded outward but not upward, unable to raise film profits and budgets. The greatest threat to Nollywood's continued growth, it seems, comes not from an outside force but from the industry itself. This paper draws from informal economy theory and anthropological discussions of the "culture of corruption" in Nigeria to trace the limitations of video production networks and assess their internal patterns of illegitimacy. As the industry considers a transition toward formalization, it must weigh potential benefits against the risks of disrupting an established system—one that has allowed Nollywood to become an international phenomenon.

Cole Paulson, "Marketers and Pirates, Businessmen and Villains: The Blurred Lines of Nollywood Distribution Networks," *St Antony's International Review* 7, no. 2 (2012): 51-68.

Media piracy has had a persistent, ubiquitous presence within Nigeria's bustling marketplaces, on its street corners, and at its roadside kiosks for decades. But today video peddlers are finding far fewer buyers for the Hollywood or Bollywood fare that has traditionally dominated the entertainment landscape. Instead, Nigerians are avidly consuming videos from the new, thriving industry that has earned the moniker "Nollywood." Emerging with the advent of digital technology in the early 1990s, Nigeria's locally-grown movie industry currently produces as many as 900 films per year, making it the second most prolific industry in the world—narrowly behind India, but far surpassing Hollywood.¹

Despite this rate of production, Nigeria's filmmakers scarcely appear able to meet the demand for African storytelling across the continent. Sales of pirated media have opened new channels for Nigerian video distribution throughout Africa, while television stations in South Africa, Ghana, Kenya, and other countries air Nollywood films around the clock. In the space of two decades, Nollywood has become a cultural hegemon for much of the continent. At the same time, these films have found broad popularity overseas, appearing in African shops in Europe and the United States and circulating among African diasporas. Through these channels, Nollywood is inverting the globalization doctrine, disseminating culture from the Global South, and turning the traditional paradigm of Western-sourced production on its head.

The economic might of the industry has caught international attention. Video production, marketing, and distribution have grown to employ an estimated one million Nigerians, making Nollywood the second largest employer in the country behind cash-crop agriculture.² Estimates of revenues earned by producers, marketers, and vendors have been as high as \$300 million.³ Former President Olusegun Obasanjo, Nigeria's first elected head of state after two decades of autocracy, famously acknowledged in 2006 that Nollywood has significantly affected Nigeria's GDP, and vowed to dedicate government resources to support it.⁴ The World Bank has repeatedly explored methods to grant loans to filmmakers.⁵

Christening the industry "Nollywood" in the fashion of India's better-known "Bollywood," itself an imitation of the Hollywood monolith, may appear at first glance to reinforce assumptions of Western cultural leadership and African mimesis. In the words of Sallie Marston, Keith Woodward, and John Paul Jones, "Because of its very name, Nollywood becomes unavoidably recognized by film professionals as well as non-African audiences as derivative of Hollywood... Nollywood appears anchored in place, while Hollywood is transcendent, the trace that standardizes and normativizes."⁶ Indeed, a Western journalist may have given the industry its name in a *New York Times* piece titled "Step Aside, L.A.

and Bombay, for Nollywood.”⁷ Yet in truth the history and structure of Nigeria’s video industry is radically different from either of its name-sakes—a contrast that has contributed to much of its success.

Nollywood did not begin with studio investments, high budgets, and red carpet premieres. It grew from the grassroots efforts of filmmakers using cheap home video cameras and selling movies on cassette in the marketplace, bypassing the cinema entirely. In such a way, their films reached millions of Nigerians after decades of economic decline and insecurity had shuttered nearly every cinema house in the country. Since then, shoestring budgets and breakneck shooting schedules of only nine or ten days have helped filmmakers mitigate the damage from piracy, allowing distributors to make a profit before pirates overwhelm the market. Meanwhile, the informal structure of the industry, loosely connected through communal networks and held together by unenforced codes of conduct between actors, producers, and distributors, has allowed Nollywood to prosper, despite an absence of any regulatory or structural support from the government. As a result, Nigerian video production offers a rare instance in which a locally sourced, informal industry has boasted steady growth over the past two decades, affirming hopes among Nigerians for alternatives to reliance on natural resources.

Nollywood speaks to the success of informal business networks in a regulatory vacuum of state dysfunction. By articulating both the intended and accidental modes for success in unstructured sectors, this paper sheds light on the processes of informal industrial growth in the absence of state guidance, and also what sorts of new challenges such a dynamic creates. In particular, the lack of regulation has emboldened a new generation of media pirates, who share a symbiotic relationship with filmmakers in the absence of a legitimate distribution infrastructure. Yet as the links between unregulated production and illicit distribution become more intertwined, the same informal networks that have allowed Nollywood to thrive threaten to become the industry’s Achilles’ heel.

The Rise of Informal Economies

Even as informal economies emerge as the dominant framework for trade and production throughout Africa, economists and anthropologists debate to what extent such systems promote growth, and whether that growth comes at the cost of stability or rule of law. World Bank analysts estimate that Nigeria’s informal economy makes up as much as 58% of its GNP, the third highest proportion on the continent.⁸ But because of Nigeria’s size, its informal sector is also five times larger than

any other. Generally defined as income-generating activities not regulated or taxed by the state, economists often connect informalization with limited state capacity.⁹ Though such unofficial, community-based economies have long been considered fetters on development, obstructing reform and sowing social disorder, recent reassessments have acknowledged their potential for economic restructuring from below. Kate Meagher argues that African economies are growing more reliant on non-state forms of economic organization, even as these systems create new vulnerabilities: “An environment of rapid liberalization, institutional decay and political opportunism can lead to complex and vibrant social networks,” though the long-term consequences of an overreliance on such systems remain contentious.¹⁰

Though informality is often interpreted as competition from below against an under-performing state, Meagher points out that informalization took hold during the global economic restructuring of the 1980s, making it just as much a product of globalization and liberalization from above.¹¹ Amid processes of political decay and state collapse, the intelligibility of developing economies has eroded further, making both the state and the informal economy somewhat murky constructs. Keith Hart, a pioneer of the concept of the informal sector, even suggests that state collapse in many developing countries has caused whole economies to become unregulated, blurring the supposed “formal-informal dialectic.”¹² To move beyond the dualistic nature of informality, Meagher focuses on social networks and “the organizational role of social ties that shape economic behaviour outside the state through embedded relations of solidarity and trust.”¹³ The study of such networks reveals a significant level of infrastructure with well-established hierarchies. Several authors endorse social networks as superior modes of commerce within dysfunctional states, since the more adaptable and malleable personal connections “can lead to entrepreneurial activity, opportunity, and learning.”¹⁴ Others qualify them as small-scale, second-best solutions.¹⁵ Joseph Stiglitz affirms that when markets “are thin and incomplete, a thick network of interpersonal relations functions to resolve the allocative and distributive questions,” even as it may create new tensions.¹⁶ The state lacks the ability to tax informal networks, damaging social policy and the legitimacy of already ill-equipped states. Additionally, Janet Roitman cautions that unregulated environments can have corrosive effects on society or even lead to violence, since many participants in informal spaces may disrupt patterns of redistribution to stake claims to wealth.¹⁷

Nigeria’s economic stagnation through the 1980s and the Structural Adjustment Programme launched in 1986 caused formal employment to plummet, creating a “lost generation” of young, educated Nigerians that

turned into an “army of frustrated youth.”¹⁸ The country’s political volatility and lack of reliable financial institutions have generally discouraged investment or entrepreneurship.¹⁹ With a string of successive coups, no regime has stabilized the financial system or instilled confidence in large-scale ventures. Instead, intricate networks of smaller, informal production have emerged. The video industry, a tenuous network of independent producers, marketers, and vendors, constitutes an example of one such system that has had to develop its own code of conduct in place of government protection. Unlike Hollywood and Bollywood, in which thousands of stockholders hold shares in companies that allow for high-budget film productions, Nigerian filmmakers must independently finance each of their films, pigeon-holing them into micro-budgets of no more than \$30,000.²⁰ Instead of contracting companies to distribute films or selling the rights for a video to a branded disc producer, each filmmaker collaborates with an individual marketer, printer, and advertiser to release a project, developing and navigating trusted social networks to accomplish informally what the studio system manages in the American entertainment industry.

As the body of literature on social network economics grows, the lingering question is whether networks merely constitute provisional arrangements in times of crisis, or whether they offer superior organizational solutions. The Nigerian video industry faces the same uncertainty about its own longevity, having burst into the scene without planning for its long-term durability. The marketing system presents the greatest crack in the foundation of this informal system.

Distribution Fault Lines

Nollywood’s feeble distribution framework, which is heavily centralized and relies on physical transit networks, has hindered the industry’s efforts to expand into regional markets and achieve scalable growth. Throughout all of Nigeria, only four outdoor markets serve as distribution hubs for the hundreds of videos that Nollywood churns out each year, along with the CDs of Nigeria’s thriving music industry: Aba and Onitsha, both in the southeast of the country, and the Idumota and Alaba International markets in Lagos. From these locations distributors release videos to vendors, who then sell them directly to customers across the country.

Idumota is a lively open-air market centrally located on Lagos Island at the foot of a highway bridge to the mainland where video sellers share crowded stalls alongside textile producers, fruit and nut vendors, and wheelbarrows full of perfumes and other wares. Unlike expansive

traditional markets, Idumota erupted unplanned between the island's skyscrapers, and its shops spill up along the ramps to the expressway, capitalizing on frequent traffic jams that create captive customers.²¹

Alaba International, on the other hand, is a massive and imposing sprawl on the outskirts of the city. Shops rise up in thick blocks obscured by walls of concrete, suggesting mysterious and impregnable fortresses. Beyond the walls, narrow corridors of wooden planks connect hundreds of tiny stalls, all stacked high with discs. Alaba is the central pirate's den of Nigeria. According to insiders, deep within its walls manufacturers illegally copy discs and print packaging not only for every Nollywood release, but also for every film and television show from the United States, India, and China. Alaba International earns its name from its sale of imported electronics, but foreign distributors also purchase videos at Alaba for export to other African countries, where pirated reproduction continues. Pirates operate in Alaba with impunity; during an attempted raid in 2009, a policeman was shot and killed.²²

Brian Larkin argues that the current distribution system in Nollywood owes a great deal to piracy networks, which existed long before the video industry for the purpose of selling imported media throughout the country. Nollywood's modes of reproduction and distribution use "the capital, equipment, personnel, and distribution networks" of piracy, so that the legitimate media sales in Nigeria today "could not exist without the infrastructure created by its illegitimate double, pirate media."²³ As a result, distinguishing the legitimate marketing system from the illegal copying business can be a difficult, if not impossible, task. Working within an unregulated system, outside a legal apparatus, Nollywood's distribution process also calls into question the simple binary of licit and illicit activity.

The Marketers' Club

A typical marketing campaign for a Nollywood release employs a number of unconventional tactics. Marketers may hire touts to stand in crowded marketplaces and loudly talk up a film to friends in hopes of being overheard.²⁴ They will also invariably divide the film into two parts, doubling its revenue potential. But for a film to stand any chance in the marketplace, filmmakers must ultimately cede virtually all control of their films' distribution to an exclusive "marketers' club"—a tightly protected, ethnically delineated union that oversees all video sales.

Because marketing is the profit-generating division of informal industries, which lack substantial structure and hence have weak avenues for

revenue dispersal back down the line, competition for careers in marketing is fierce. For years, marketers have protected their positions through membership in a Marketers Association (almost exclusively made up of the Igbo ethnic group) that discourages independent distribution, demonstrating the exclusivity that festers in informal economies when networks fracture.²⁵ Sam Opara, a marketer in both the music and video industries, describes a “task force” that punishes independent marketers who work outside the association’s jurisdiction.²⁶ “You could call them security working for the association,” he says. “Before you can release discs to the market, you have to pay 10,000 Naira [\$65] to the task force. If you don’t belong to the association, you pay double.”²⁷ Association membership can ostensibly be earned after training as an apprentice, though apprenticeships last as long as seven or eight years, and they generally stay within a family. As a result of the restrictive policies of the association, independent marketers have gradually disappeared.²⁸ In their absence, the Marketers Association has consolidated remarkable power for an industry that prides itself on freedom from any institutional control.

The continued domination of marketers ripples across all other sectors of Nollywood. The most publicized case of their supremacy occurred in 2006, when the association suspended several actors from working in the industry. When a group of top-tier actors demanded higher fees and refused to cooperate with producers, the association banned them from the industry for six months, brazenly reasserting their control over celebrity performers who represented the only credible challenge to their authority.²⁹ Meanwhile, marketers maintain the upper hand over filmmakers by taking advantage of the informality in the industry and keeping minimal records of sales. Tunde Obalana, a Nollywood business analyst, is particularly critical of marketers. Explaining the historical dynamic between marketers and filmmakers, he says, “They would not encourage recordkeeping, they would not even request recordkeeping from you, so that you also don’t request recordkeeping from them.”³⁰ Producers who received loans from marketers enjoyed the freedom to spend funds how they wished, only for marketers in turn to mask sales of the film in the marketplace. “So if your film sells 100,000 copies, they want to be able to declare 50,000. How are you going to find out?”³¹ Although marketers have developed a complex institutional structure to regulate themselves and the industry as a whole, they continue to rely on informality to maintain their individual advantage. This sort of self-preserving behaviour “limits the tendency for gains to percolate down to weaker producers, and for weaker producers to ‘graduate’ to more successful networks,” and it is common in other incrementally produced informal economies, such as textiles.³²

Piracy and the Legitimacy of Corruption

Mistrust between filmmakers and marketers has encouraged accusations of self-piracy during distribution. In terms of intellectual property, any unreported sale by marketers constitutes the theft of a filmmaker's work. Producer Emem Isong says of marketers, "They will print their own, a lot of them are pirates anyway. They tell you, okay, your film didn't sell, but they're still selling it."³³ Marketers themselves do not make a great effort to dispute such allegations. When asked if the Marketers Association "task force" cracked down on piracy, Opara shrugged: "Basically [the association] says that if you pay the appropriate fees, you can do what you want. It's not easy to go and stop pirates."³⁴ A make-up artist, Temisa Adu, offers simple arithmetic: "Nigeria is over 140 million people. If out of that you can even sell 30 or 40,000 copies, for 130 Naira [eighty cents] you will make the hell out of your money, but you can't even keep a count of how many films you've sold, because a lot of marketers aren't faithful."³⁵ A top-tier Nollywood video is considered a success if it sells 100,000 units, a strikingly low figure in a populous country where Nollywood is a ubiquitous presence.

Accounts from marketers and artists also reveal the considerable power of organized piracy rings. More troublingly, they suggest that the official Marketing Association is deeply entrenched within the rings' activities. Opara relates how representatives of piracy networks often approach a music marketer prior to the release of a highly anticipated album, offering to delay piracy of the album for a set period of time in exchange for a lump sum paid upfront.³⁶ Opara has paid 200,000 Naira [\$1,300] to stave off pirates for eight months, even though his album was still widely pirated outside of Lagos.³⁷ In a similar deal, Nigerian musical duo P-Square reportedly paid one million Naira [\$6,500] to avert piracy of their new album for one year.³⁸ For this arrangement to be effective would imply that a collective higher authority regulates pirates' activity, and Opara contends it is the same organization to which authorized marketers are also held accountable.

Instances of sellers reporting piracy to police offer even stronger evidence of collusion. If a marketer at Alaba reports the piracy of his content, the Marketers Association task force will often deal swift punishment to the accuser, rather than the accused. The musician Vocal Slender explains, "If a pirate pirates your song and you report it to the police, then the Marketers Association will come and lock your shop for contacting the police without asking them. If the police come and fine the pirate 20,000 Naira [\$130], then you have to pay that much to reopen

your shop. If he is arrested, any day he spends in his cell your shop will be closed.”³⁹ When a large shipment of pirated international media was reported to the police in 2009, the organizers of the Alaba market paid the task force to repel a police raid. According to reports, the task force burned down the police van, killing one officer.⁴⁰

If Nollywood insiders condemn piracy as the industry’s greatest enemy, then the widespread fraud at all levels within the industry can seem self-destructive. After all, filmmakers often employ similar strategies of cutting corners and distorting financial records when shooting a video. Anthropologist Dan Smith argues that the deceitful business practices in the industry are part of a broader epidemic in Nigerian culture.⁴¹ Discussing “the paradox that ordinary Nigerians are at once active participants, vocal critics, and the principal victims when it comes to corruption,” Smith argues that the country’s volatile political and economic context leaves Nigerians with little choice but to participate in corruption to protect their own interests.⁴² In fact, anger directed at corruption at the highest levels—not only within the federal government, but also by international corporations siphoning oil profits—can motivate citizens to rebel against hypocritical authority, or revere criminal activity for correcting injustices.

Summarizing Nigerian political culture, Otwin Marenin lists as key elements, “a feeling of powerlessness and alienation from the state and society in general; the view that competition, manipulation, and self-interest are the essence of politics,” and “a high degree of cynicism and distrust about the intentions of other[s.]”⁴³ He offers the case of an infamously ruthless crime boss, Anini, to demonstrate the public’s celebration of anti-establishment behaviour. Nicknamed “the Law,” Anini declared himself “a crusader” and a “black Robin Hood” fighting to resist state corruption.⁴⁴ Anini became a media darling, “elevated to the status of a folk hero” when he went on a murderous offensive against policemen.⁴⁵ The case of Anini demonstrated that when the state is considered an enemy of the people, rebels who transgress the law may be venerated instead of vilified.

The most visible forms of fraud in daily life are “419 scams,” named for the section of the Nigerian criminal code that covers confidence tricks. Such scams are so widespread that people warn against being “419ed.” Legitimate businesses make a point of declaring their authenticity, and houses often have signs out front stating “This House is Not For Sale” to prevent conmen from attempting to sell them to gullible buyers. Yet despite propagating suspicion and high risk throughout business transactions across the country, successful con artists who have gained wealth through trickery earn the admiration of their peers. Basile Ndjio suggests these fraudsters “embody the figures of self-made

men" who find extravagant success "without the aid or approval of the post-colonial state."⁴⁶

Paradoxically, measures by the state to regulate and formalize the economy have been co-opted as tools of deceit by scammers. Andrew Apter shows that during the oil boom of the 1960s and 1970s, optimistic Nigerians put faith in formal banking systems to move large quantities of international funds.⁴⁷ Today, long after it became clear that massive oil revenues would not filter down through Nigerian society, "the letters of credit, bank drafts, official signatures, and corporate logos that previously legitimized and authorized the international instruments of purchase and sale... circulate like 'floating signifiers,' devoid of any real monetary or institutional referent."⁴⁸ Distributors of pirated media use the same tools, whether to feign contractual agreements with producers or to stamp pirated material with a false seal of authenticity. Such behaviour is expected in Nigeria, and often outright encouraged.

With the line between legitimate distribution and piracy so blurred, the symbiotic relationship becomes apparent between the video industry and its illegal shadow. By some estimates, piracy may generate up to three times as much revenue as those generated legally, selling significantly more media than it did before the rise of Nollywood sparked an entertainment revolution.⁴⁹ Nollywood videos, in turn, find much wider audiences than could be reached through the industry's frail official distribution networks, penetrating not only rural Nigeria but also proliferating throughout Africa and around the world. Larkin calls media piracy part of the "organizational architecture" of globalization, creating informal distribution networks where legal networks have hit insurmountable barriers.⁵⁰ Nevertheless, piracy lacks the generative power of Nollywood productions; that is, while filmmakers can earn the ability to produce more and more expensive films as the industry expands, piracy's dependency on material it does not produce forestalls any means of growth. Piracy may be unavoidable, given the Nigerian state's inability to enforce copyright laws, but such a porous distribution system destroys any foundation for Nollywood to have scalable growth.

Reflecting individualistic attitudes within the industry and widespread scepticism toward the efficacy of institutions, several of the most promising strategies to strengthen distribution have been initiated by producers acting on their own. Wealthy filmmaker Kunle Afolayan eschewed the existing distribution system and placed marketing agents throughout Nigeria for a mass release of his hit film *The Figurine*. Meanwhile, the distributor and banker Charles Igwe is painstakingly laying the groundwork for a complete overhaul of Nollywood's distribution system by designing a branding system to label stores that commit to

only selling first-hand copies. His hope is to attract buyers willing to pay a few extra Naira for high-quality copies. The problem, he argues, is that the current market denies buyers the ability to discern between high and low quality.⁵¹

Economist George Akerlof demonstrates the harm of uncertainty in markets through the parable of the fishmonger who sells fresh and rotten fish.⁵² The quality of the fish is indiscernible to the naked eye, so consumers have no means of distinguishing fresh from rotten. When consumers pay the full price for fish and discover it to be rotten, their trust in the market evaporates, and they refuse to pay the full market price again. Uncertainty drives the price down to that of rotten fish, corrupting the entire marketplace. Media pirates, similarly, have corrupted Nigeria's video market, so that legitimate content cannot even sell at a low price once pirated versions have already infiltrated a local market. Igwe's branding project attempts to remove any uncertainty from the market and maintain the market price. Yet both Afolayan's and Igwe's systems, which will initially distribute films from only top-tier producers, pose the risk of creating an advantaged class of films set apart from the rest. Signalling what some anthropologists have labelled "exclusion and network fragmentation," the class-based splintering of producers within an informal economy often has the negative tendency to disrupt and weaken the industry as a whole.⁵³

Conclusions: Predicting the Longevity of Illicit Economies

Faced with intense competition over the high revenue potential for videos, Nollywood's marketers rely on two strategies to protect their interests. By forming an exclusive union, marketers have fallen back on shared ethnic ties and barred other ethnic groups from entering the profession. At the same time, marketers continue to take advantage of their position at the end of the production process to manipulate sales and to short-change filmmakers. Furthermore, practitioners not only anticipate dishonesty in business transactions, but many also accept it as a viable means of self-preservation in an industry with vast sums of money at stake but frustratingly limited means to wealth. The mentality creates a vicious cycle that has held back the entire industry's growth. Although filmmakers like Afolayan and Igwe are championing strategies to formalize or reinvent the system, many more Nigerians believe reform is not possible without enforcement from the state—a powerful byzantine institution that few filmmakers trust.

For its part, the Nigerian state has had its hand in the video industry since its inception through the Nigerian Video and Film Censors Board.⁵⁴ Before distributing a film, producers must pay fees to the Censors Board, who must approve it, and the Nigerian Copyright Commission. In 2009, the Censors Board broadened its mandate to rein in illicit distribution, requiring all marketers to obtain licenses. Anticipating criticism, the Board's director claimed that the new plan supported its original censorship mission included in its mandate to "perform such other functions as are necessary" to regulate content.⁵⁵ At first, the Marketers' Association stonewalled the initiative by halting all video sales and demanding the Board lift the regulations.⁵⁶ When some marketers finally broke the freeze and began selling the state arrested them in a dramatic show of government authority. As of January 2012, several marketers have reluctantly begun the license application process. Nonetheless, video producers—the group that stands to gain the most from a crackdown on piracy—nearly unanimously condemn the state's heightened involvement in the industry.⁵⁷ Most dismiss it as the latest attempt to siphon money from Nollywood's success. At least one producer also fears the effort will irrevocably disrupt established distribution networks, arguing, "We cannot fall back on the old [system] because we destroyed it, we cannot start the new one because it's not properly enshrined in our own areas of practice."⁵⁸ Coupled with a deep mistrust of the state, Nollywood practitioners are also keenly aware of what they have already achieved on their own.

It is not difficult to understand the pride Nigerian filmmakers have for their self-made industry. The dynamism of the Nollywood production model has revealed the remarkable potential of informal networks and community-based economics. While Nigeria's formal economy stagnated, Nollywood surged by abandoning the strictures of state-regulated industry and turning instead to local systems. In a vacuum of corporate investment or reliable credit, producers keep budgets low to minimize risk. In the absence of enforceable contracting or labour rights, film crews operate within ethnic and communal networks to maintain trust. In addition to reducing costs, this allows producers to churn out videos by the dozens, multiplying chances and limiting risks in a market where returns are far from certain. An informal shooting style also allows film crews to operate within trusted circles of friends: the make-up artist for a crime thriller can step in to portray a gangster or a policeman; the costumer can bring along her sister as an assistant rather than hiring from outside the fold. The micro-budgets and tightly knit film crews may be necessary protective measures, but they have inspired dozens of isolated communities to try their hand at small-scale filmmaking. Many of Niger-



ia's 250 ethnic groups have launched their own video micro-industries, catering to a local demographic.

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After decades of extraversion and the dominance of international oil firms, informal industries like Nollywood create a fertile space for domestic commodity production. They have also provided viable alternatives to public sector employment, which was long considered the most reliable path to success in Nigeria.⁵⁹ Indeed, the vitality of the informal sector challenges the relevance of the state in guiding Nigeria's economy. If anything, industries such as Nollywood have made the state only one candidate among many for the organization of economic life. Operating within self-determined communal networks allows producers to avoid the "dance of collaboration" with the notoriously inefficient bureaucracy.⁶⁰ Roitman goes even further by claiming that unregulated systems renegotiate the very nature of citizenship, contesting the usefulness of the bureaucratic process.⁶¹ The state is now forced to acknowledge the potency of the informal sector, which, in Larkin's words, "has migrated onto center stage, overlapping and interpenetrating with the official economy, mixing legal and illegal regimes."⁶² Nollywood's meteoric rise suggests informal networks may be the best solution to the uncertainties of liberalization and globalization facing Africa.

However, a deeper analysis highlights the fault lines in informal business relationships. The video technology that made filmmaking affordable and accessible to so many people has also made media duplication remarkably easy for pirates. A film crew may shoot and edit a movie in less than two weeks, but a parasitic copier can produce a bootlegged disc within days of its release. The decentralized distribution system of primary marketers who sell in bulk to regional distributors, who then pass them on to independent vendors and stall owners, enables videos to spread across Nigeria, but it also provides endless entry points for pirates. Indeed, a producer loses nearly all control over the sales of her film when she passes it off to a marketer, due largely to a lack of integration between specialized networks. In stark contrast, the American and Indian industries both began making movies with complete control of the supply chain. Today, piracy has minimal effect on these industries' revenues, thanks to well-developed cinema distribution systems and secure contractual engagements with distributors. Meanwhile, every Nollywood video hits the same threshold of revenues before it succumbs to piracy and marketing fraud.⁶³ Even as Nigeria's films reach massive audiences around the world, their micro-budgets have no room to grow as filmmakers hit an impenetrable ceiling in their success. Thus in the



last twenty years the industry has expanded horizontally, but not vertically.

Nollywood's dilemma showcases several inherent weaknesses of the informal production schema. The unregulated space that allows local networks to develop their own internal logics is, by its nature, lawless. The multiple, varied activities that thrive in the informal sector unavoidably include fraudulent and unethical behaviour, and increased diffusion within networks diminishes the potential for accountability. Granted, the distribution system's roots in piracy networks means it has inherited embedded norms of theft and criminality, suggesting these behaviours are not necessarily intrinsic to all informal systems. Yet it is equally worth considering that a "climate of frustrated expectations, broken contracts, and dwindling trust," such as that of Nigeria's post-oil boom culture, may compel more individuals to act in their own self-interest as they anticipate and pre-empt fraud by others.⁶⁴ Furthermore, while social networks allow for vibrant production collaborations to develop within small, unincorporated communities, they lack a reliable means to expand or integrate with other networks. Like other industries in the informal sector, Nollywood began at the grassroots level but soon had nowhere to go from there; implicit business agreements and partnerships of trust cannot connect unaffiliated networks or grow into more complex enterprises. The most conducive channel along which to expand networks is ethnic kinship, as evidenced by Igbo marketers and their near monopoly of the distribution chain. But this strategy often sharpens ethnic cleavages, and it can lead to the exclusion or exploitation of other groups.⁶⁵ The Igbo marketing network has consolidated power to such an extent that it actively bars independent marketers from the industry. Its shroud of opacity has invited criminal activity, and even violence, to protect its interests.

Faced with these innate limitations, Nigeria's filmmakers struggle to chart the way forward. "They say we are doing magic in Nollywood," says production manager Emeka Duru. "But for how long can you do magic?"⁶⁶ Like all magicians, Nollywood's video pioneers have used an assortment of tricks to create a seemingly impossible spectacle. Small clusters of film crews have engineered a globally-consumed cinema and enabled the ascent of an African celebrity system. But while filmmakers may be ready to advance ahead in film quality and scale, the infrastructure is not poised to advance with them. In Hollywood, tight regulation has allowed dispersed production companies to collaborate on massive projects. In Bollywood, the entry of business conglomerates has created a horizontally integrated system. Nollywood, however, cannot seek structure from above, faced with government dysfunction and a fraught credit climate.

In the short run, the most likely development is the bifurcation of the industry, as filmmakers that have the financial capacity to bypass the limited system diverge from the mainstream. This is already happening with wealthier producers such as Afolayan and Igwe, who are working to establish their own separate supply chains or brand higher-quality films.⁶⁷ Other entrepreneurs are working to construct more cinema houses, which would allow top-tier films to bypass the video distribution system altogether. These innovations would hew closer to the pattern of Hollywood and Bollywood, where several companies dominate the market even as dozens of smaller producers join the fray. Perhaps this is the next step in any informal system; just as a handful of independent entrepreneurs first began Nollywood, individuals within Nollywood will continue to innovate, designing new systems to give shape to networks and improve efficiency and reliability. New schemes for collaborative investment, centralized film production, and reimagined exhibition are all underway in separate pockets of the industry. For Nigeria's filmmakers, the creative process occurs not only in the artistry of a film, but in the business surrounding it. If an intrinsic quality of informal economies is their ability to adapt to specific circumstances, Nollywood may evolve on its own and continue to steer African media development. ■

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Transitions to Democracy or Transitions to Organized Crime: The Relationship Between Organized Crime and State-Building

DANIELA IVANOVA

ABSTRACT

What is it about the transition from communism to democracy and the market that makes mafias prosper? Did organized crime become an institution of the state in 1990s Eastern Europe? This paper examines the transitions of two of the most crime-ridden states to have joined the European Union—Bulgaria and Latvia—in order to find out whether organized crime and mafias in the early transition years have had an impact on the democratic development of the two states. Economic concerns with private mafias often delayed vital economic reforms and threatened the stability of governments. While in Latvia such groupings were weakened in law enforcement campaigns targeting the Russian-speaking underworld, in Bulgaria native protection rackets were allowed to create legal businesses, participate in privatization and later establish business empires with far-reaching political links. In both countries the social capital for the criminal underworld came from communist-era security agencies, sports clubs and prisons, but while in Latvia this contingent was mostly ethnic Russian and was effectively isolated from politics and the economy, in Bulgaria the illicit activities of former security agents were favoured compared to those of former athletes and the former were granted access to intelligence agencies and politics. Latvia has not resolved the problem of wealthy individuals influencing politics and allegedly colluding with Russian mafia structures, but Bulgaria is facing the deeper problem of breaking up communist-era security networks that span the criminal world, the business world, state security agencies and politics.

Introduction

Caviar and vodka loving mafiosi with hard accents and a penchant for violence have taken the place of Russian spies as the “face” of post-communism in popular culture. While a lot is known about the mafia’s influence on Russia’s government and society,¹ less has been written about

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the influence of criminal syndicates in the former communist states of Central and Eastern Europe, which completed an arduous democratization and market liberalization process in the 1990s in order to “return to Europe”. During the 1990s these states were traditionally regarded as victims of the Russian mafia or other organized crime.² Later they came to be seen as normal democracies with a conventional underworld, where organized crime has begun to look “disorganized” in response to law enforcement.³ However, such an account overlooks similarities in the nature and influence of mafia-like structures between former communist states which have since democratized, and those which have not. An analysis of these similarities and how they have influenced democratic development not only dispels misconceptions about organized crime across post-communist countries, but also yields important theoretical insights on the process of democratization.

While most studies see the transition to democracy as, at most, a catalyst for organized crime due to the state’s weak capacity to enforce the law, this article is going to look at organized crime and mafia-like structures as actors in the transition. A theory about the significance of organised crime and the mafia during the transition years and their long-term effects for post-communist democracy will be tested through the case studies of Bulgaria and Latvia. Organized crime and the mafia played a role in blocking or subverting reform in both states during the 1990s. In Bulgaria informal networks from the communist era created a *complicit state* condoning extra-legal protection and the smuggling of goods. Meanwhile in Latvia nationalism severed the links between violent Russian-led organized crime and the state, but did not prevent Latvian white-collar crime from developing a relationship with the Russian mafia. As a result, former mafiosi and organized criminals with legal business empires continue to play an important part in Bulgarian politics, but less so in Latvia.

Post-Communist Organized Crime in Perspective

During the 1990s the scale of organized crime was arguably much smaller in the individual states of Central and Eastern Europe than in Russia and the Commonwealth of Independent States (CIS)—“small country, small mafia,” says an online travel guide about Hungary.⁴ However, the fall of communism in Central and Eastern Europe was followed by a spectacular rise in reported crime levels, which between 1988 and 1993 doubled in Poland and Hungary, tripled in the Czech Republic, and quadrupled in Bulgaria.⁵ Although organised crime is hard to gauge

from patchy police records and aggregate statistics, a more disturbing and visible feature of it is the kind of violence it occasioned, including the use of military arsenals and showy assassinations in internecine fights. Due to rival gangs wreaking havoc, in 1993 Estonia's capital Tallinn was declared one of the world's most violent capitals, with the highest murder rate in Europe.⁶ Hungarian gangs used hand-grenades in their turf wars over the control of the sex trade and gambling on twenty-six occasions in 1996 alone, while Latvian gangs opted for grenade-launchers. In Bulgaria, street bombings by mafia and organized crime structures shot up from fifty-five in 1992, to 185 in 1993, and 200 in 1994.⁷ Between 1993 and 2008, Bulgaria was witnessing more mafia murders per capita than Chicago between 1980 and 1990 under the "Chicago Outfit."⁸

The bulk of previous analysis has focused on explanations of the severity of organized crime in the transition as catalyzed by weak law enforcement and economic reform. However, few have looked at its specific post-communist nature or its implications for the very process of building democracy and a market economy.⁹

Defining Organized Crime and Mafia in the Transition

Definitions of organized crime in criminology focus on four basic features: the number of perpetrators working together, its duration, the serious nature of the offenses, and the profit motive. Additional characteristics include the division of labour, discipline and control, the use of violence and intimidation, the use of commercial and business structures, involvement in money laundering, transnational activity, and influence over legitimate social institutions.¹⁰ Organized crime in the transition from communism as analyzed at length for the case of Russia, fulfils both definitions. But it has three additional features: the extensive use of communist-era informal social networks, the ubiquity of various forms of private protection, and (by virtue of these two) its intertwining with the legitimate institutions of the state.¹¹

These "informal networks" formed within the Communist Party, bureaucracy and security apparatus, within society due to the unofficial toleration for the black market for luxury and scarce items under communism, and—in the case of Russia and the CIS states—among former prisoners, members of the prisoner organization *vory-v-zakone* (thieves in law).¹² Another source of informal networks are the sports clubs formerly affiliated with the Communist Party and the security services, which were an important part of communist propaganda at internation-

al sporting events, but lost prominence and funding after 1989.¹³ Since these networks parallel those of the state and make it hard to distinguish between organized crime and private or public enterprise, the respective local publics simply call them “mafia”.

According to Varese, however, “the mafia differs from organized crime in its relation to the state. The mafia and the state are both agencies, which deal in protection. While the mafia directly impinges on the state’s jurisdiction, organized crime does not.”¹⁴ In neo-institutional economic models of the Sicilian mafia, the demand for extra-legal protection arose during periods of emerging or transforming statehood, when the state did not exert a monopoly over violence (in Weberian terms) and was unable to enforce property rights.¹⁵ Supply of extra-legal protection came from professional violence-wielders in society, such as *bravi*, *campagni*, *militi*, and disbanded soldiers of the Bourbon army in mid-19th century Sicily.¹⁶ Analogously, as Shelley asserts, “many who perpetrated violence on behalf of the Soviet state now perform this service for organized crime,” including unemployed former Olympic athletes-in-training.¹⁷ Although often part of officially registered and licensed private protection firms, “violent entrepreneurs” did not hesitate to provide illegal and extra-legal services, for example by “twisting the arms of unwelcome competitors or settling disputes outside the scope of the law,” whereby some protection firms, at least in Russia, were a front for established criminal groups.¹⁸

It transpires that organized crime during the transition period had several distinctive features. In terms of social capital, it could draw on multiple networks across the public and private sectors, thus making state and society *complicit*.¹⁹ In terms of organization, it encompassed complex and stable smuggling structures, extra-legal security firms, legal business empires (as fronts for their illegal activities), and political protection. As far as its activities are concerned, extra-legal protection went hand-in-hand with extortion, smuggling of excise-tax goods, dealing in illicit goods and services, laundering money in privatization and real estate, and financial fraud.²⁰ Organized violence was often related to white-collar crimes such as bribery, embezzlement, and fraud.²¹ Because of its reach and scope, organized crime in the transition is *sui generis*. Even so, in mainstream transitology, organized crime and the mafia are rarely seen as actors in the transition.²² Examining their role in democratization inscribes itself in a recent research agenda that challenges classic theories of democratization as a product of class conflict and looks at a broader range of factors in microanalyses of key historical episodes in individual countries.²³

There are two main models for the evolution of organized crime and its interaction with the state in transition. In the first one, "organised crime has undermined the electoral process, the emergence of a viable multi-party system and the establishment of laws needed to move towards a legally regulated market economy."²⁴ This happens through investment in political campaigns; replacing law enforcement with private enforcement; turning political decentralization into the establishment of local fiefdoms. Legitimate businesses and whole sectors (such as real estate) are sucked into the black market, becoming one of the few growth sectors in the economy, infiltrating civil society and embezzling foreign aid.²⁵ In essence, the model predicts that organized crime will impede democratization and create a hybrid regime with a tendency toward instability and clannishness.

In the second model, analogous to the formation of the modern nation-state, the state ceases to benefit from the resources of powerful autonomous structures operating outside the law, e.g. through political party financing or bribery, and cracks down on them in order to appropriate their assets and reassert its monopoly on the use of force.²⁶ If the state, having been looted by former regime members in collusion with new criminals and mafias, does not have the capacity to centralize violence, a viable alternative is to let the private enforcers regulate the market, enforce contracts, collect claims, and so forth, in accordance with simple and clear rules that will eventually replace the post-communist state's complex and erratic regulatory system.²⁷ Such a Hayekian conversion to the rule of law proved unsustainable in twenty-first century Russia, where the state kept its Soviet-era security apparatus loyal and selectively aligned with some oligarchs, while expropriating others.²⁸ The second model is therefore one where democracy fails to take root, while the state consolidates itself in a medieval coercion-intensive fashion.

I propose a middle model, where organized crime and democratization interact in an opportunistic way toeing the line between the complicit state and the lawful state and may result in "democratic capture", whereby organized crime exerts a lasting grip on the consolidated democracy without fundamentally undermining its institutions. In this model mafias of private enforcers challenge the state's monopoly on violence, delay vital market reforms and impede the rule of law regardless of whether the government has liberal or illiberal political tendencies. The state may at times collude with mafias and criminal economic cartels, but eventually it cracks down on all such groups or on a select politically inconvenient majority of them. Depending on the severity and selectivity of the crack-

down, mafia and organized crime structures are more or less able to launder their assets and/or take up other economic or criminal activities and continue to influence decision-making and the electoral process.

The Cases of Bulgaria and Latvia: A Short Introduction

Having preserved its formal independence from the Soviet Union, Bulgaria was better poised than the former Soviet Republic of Latvia to democratize and establish a free market. However, the moderate wing of the unreformed Communist Party won Bulgaria's first free elections and delayed market reform until the late 1990s. In Latvia, a pro-Western and pro-market centrist coalition of reformed communists, nationalists and returning émigrés won on a platform centred on bringing Latvia back to Europe.²⁹ As the only alternative to the pro-Russian leftist parties, however, the ethnic Latvian political contingent felt immune from losing elections and consolidated its hold on political rents. Hence, in both states major market and democratic reforms were either delayed until the late 1990s and early 2000s or manipulated to serve particular interests.³⁰

In the year 2000 among all European Union (EU) candidate states Bulgaria and Latvia had the highest rates of state capture by private interests, including those of former mafiosi and organized criminals who were by then heading legal business empires.³¹ Well into the mid-2000s American intelligence agencies were concerned about Latvia's poorly regulated banking system and its use by Russian organized crime for laundering criminal assets.³² In 2008 Latvia's capital Riga was ranked the second most dangerous capital in Europe after Turkey, to a large extent due to organized crime.³³ Bulgaria's reputation was severely damaged in the late 2000s because of abuse of domestic and EU public funds by former criminal figures.³⁴

Nevertheless, by 2009 Latvia had become a role model for good economic crisis management and, according to Eurostat data, Bulgaria's public finances in 2011 were the best in Europe after Estonia. Both countries have been classified as "Free" by the Washington-based Freedom House, which measures political rights and civil liberties.³⁵ The Economist Intelligence Unit, which also measures the capability of civil servants to implement policies, has rated them as "flawed democracies".³⁶ All these characteristics make Bulgaria and Latvia two very promising case studies for testing the "democratic capture" model of organized crime and democratization.

As surveys of the private sector's experience with extortion were scarce in Central and Eastern Europe in the early 1990s, evidence for the structure and dynamics of the extra-legal protection market has to come from secondary academic sources and media material.³⁷ In line with all three organized crime and democratization models, both Latvia and Bulgaria saw their ability to police the market and society challenged by turf wars among protection rackets in the early 1990s. However, the Latvian state quickly cracked down on mafia-like private protection and extortion circuits, while Bulgaria was more reticent and selective in its anti-mafia operations.

An explosion in the port city of Jūrmala on February 12, 1993, started the biggest Latvian gang war of the 1990s. The conflict lasted three months, took more than fifteen lives and involved the use of grenade-launchers. According to police sources, this was a "war over spheres of influence" between the local gangster Alexander Gitchenko (Gitler) and the private security structures of the Pārdaugava economic concern.³⁸ The extortion brigade of Pārdaugava, led by former boxer Boris Raigorodski, was one of two protection rackets vying for control over the Latvian underworld at the dawn of the democratic transition. Pārdaugava allegedly controlled Jūrmala and other seaside resort towns leaving the capital city Riga to former Soviet criminal Ivan Haritonov.³⁹ Observers of Latvia's criminal underworld speak of two generations of organized criminals: Soviet-era athletes with criminal records such as Komarnitskiy, Balulis and Abakumov (the latter two being part of Haritonov's brigade) who were active until the mid-1990s, and a second generation of *tsekhoviki* (underground entrepreneurs) who were involved with the black market in Soviet times, later with smuggling metals, oil, and luxury cars to and from Russia, and then banking and laundering Russian criminally acquired assets.⁴⁰ There were three major factors behind this generational change. The first was the strategic law enforcement campaign mounted in 1994 against the Haritonov group. The second factor was the drive for the Latvianization of all government institutions, thus making it harder for Latvia's predominantly Russian-speaking violent organized criminals to infiltrate the state. The third factor was the strong but poorly regulated Latvian economy in the second half of the 1990s, which turned Riga into a money-laundering hub for Eastern Europe.

In its campaign against powerful extortion rackets Latvian law enforcement confronted influential members of the country's political and economic establishment. The 1994 operation against Haritonov's group

caused the remaining members of the group as well as the leaders of its rival Pardaugava to leave the country and seek safety in Russia.⁴¹ The ensuing trial resulted in an eight-year sentence for extortion for Haritonov and similar terms for his gang members.⁴² Haritonov's arrest and trial could have developed differently had the state succumbed to pressure from Latvia's economic and political elite. The so-called "letter of the 360", signed by prominent businessmen and politicians, was addressed to the President and the Prime Minister and argued for closed proceedings in the Haritonov trial.⁴³ It is unsurprising that Haritonov had so much support from members of the elite given the reports of corrupt dealings between the Transport Ministry and businessmen involved in oil transport (such as Haritonov), who were not paying customs duties for much of the oil they handled.⁴⁴ The trial, however, was not tampered with. After these events, what remained of the Haritonov group no longer challenged official law enforcement: the new head Valeriy Berlin severed links with Russian counterparts such as the Solntsevo mafia, abandoned extra-legal enforcement and focused on conventional organized crime—the smuggling of alcohol, cigarettes, and oil.⁴⁵

The second factor in the evolution of the Latvian underworld was nationalism. Baltic independence in 1991 was also an occasion to revise history and reverse the superiority of the Russian ethnos: more than half a million ethnic Russians found themselves "stateless" under a tough citizenship law.⁴⁶ The law also meant that "non-citizens" (in later versions of the law non-EU-nationals) could not take up many public and private offices. This included managerial positions in private protection companies, which, in addition, could not be established with more than 50 per cent foreign capital from a non-EU or non-EEA state.⁴⁷ The law also prohibited the issuing of private protection licenses to companies managed by members of banned military or armed formations (such as the KGB) and unregistered movements (political or otherwise), including organized crime. This restriction effectively curtailed the replication of Russian mafia practices on Latvian soil—Russian-speaking criminal groups, especially those led by former KGB agents, were less likely to be given private protection licenses to conceal their extortion activities. Lack of lustration is seen as a crucial catalyst for the political-criminal nexus in post-communist societies.⁴⁸ In the case of Latvia, it can be argued that the language and citizenship barrier as well as lustration of KGB officers helped separate violent organized crime from state institutions.⁴⁹

The third very important factor for the evolution of Latvian organized crime is the link between the poorly regulated but booming Latvian banking sector, and the money-laundering activities of its main players. Two of Latvia's biggest banks in the early 1990s, Olimpija and Banka

Baltija (BB), were founded by two *tsekhoviki* with a common criminal past in smuggling art objects and trading counterfeit gold—Vladimir Leskov and Alexander Lavent (also business leaders of Pardaugava).⁵⁰ Both private banks went bankrupt in 1995 amid allegations of laundering both Russian and Latvian crime proceeds.⁵¹ The regulation of the Latvian financial sector was notoriously lax throughout the 1990s (and, although becoming stricter, remained poorly enforced in the 2000s), turning Latvia into the middle link in a money-laundering scheme originating in Russia, passing through Latvia, then through tax havens such as Cyprus and Switzerland, and ending in Russia.⁵² During BB's bailout in 1995, huge sums of money were transferred from the bank to offshore companies belonging to its owners, while the transfer of an eighty-million-lat portfolio to a Moscow bank resulted in a lawsuit for sabotage.⁵³ Although these revelations resulted in lengthy prison sentences,⁵⁴ the Latvian banking industry was considered to be susceptible to money laundering well into the late 2000s, when the government took steps to revoke the licences of several banks suspected by the US authorities of holding laundered assets.⁵⁵

Latvia's experience with the mafia and organized crime supports mainstream assumptions that such formations were Russian-influenced rather than purely homebred. However, the extent to which they had infiltrated the Latvian economy and society—as exemplified in the “letter of the 360”—supports this article's hypothesis that mafia structures played an important part in delaying domestic democratization and marketization processes in post-communist Latvia, despite the government's pro-Western political orientation. A factor unaccounted for in this article's model—nationalism in law enforcement and lustration in the private enforcement industry—was key to the state's successful crackdown on mafia-like extortion rackets. However, it did not succeed in curtailing the laundering of Russian criminal assets until Latvia experienced international pressure in the mid-2000s.

1990s Bulgaria: The Complicit State

The notorious Bulgarian gangster war of 1993–94 was waged between two sports organizations with extortion units: the wrestlers and the martial artists.⁵⁶ An association of prosecutors and public figures affiliated with the martial arts club was lobbying to outlaw the wrestlers' private security activities and its chairman was killed in the conflict.⁵⁷ Once the martial artists had been defeated, three major athlete-run protection rackets split up the market: the wrestler Vasil Iliev founded VIS-I or Vasil Iliev Secu-

rity; four other wrestlers founded SIC (Security Insurance Car); and the former kayak rower Ivo Karamanski (the Godfather) founded Korona.⁵⁸ Their major competitors were former security service agents, paratroopers and marines who were also willing to provide extra-legal services.⁵⁹

Extra-legal protection continued to be an important part of Bulgarian organized crime much longer than in Latvia due to its links with state institutions and politicians and to the politicization of law enforcement operations. During the Yugoslav embargo (1992-95) many state bodies held a stake in the protection of smuggling channels for weapons and fuel, which outlasted the embargo.⁶⁰ Moreover, former state security officers were trying to compete on the same illicit protection and contraband markets, while relying on informal networks within the acting state structures to protect them from prosecution.⁶¹ As a result, efforts to eradicate extra-legal protection and contraband were often selective and only made crime more flexible.

Violating the UN embargo on the trade in weapons and fuel with the former Yugoslavia gave jobs to both athlete- and former-security-service private enforcers and left behind stable and durable smuggling channels that were later used to smuggle other goods.⁶² This type of organized crime was facilitated by the involvement of the state.⁶³ The Albanian Arms deal in the autumn of 1993 involved the transport of munitions and weapons from Bulgaria to Albania (which was not under the embargo). The contracting parties were the head of Trade and Supplies at the Bulgarian Ministry of Defence and, allegedly, his Albanian counterpart. The cargo disappeared over embargoed territory—an event that was followed up by a thank-you note from the Serbian secret services. In 1995-96 the Bulgarian ministers for finance and agriculture oversaw a fuel deal involving the barter of oil products from a Bulgarian oil refinery for Serbian grain. The fuel deal resulted in several high profile arrests of military officials who had fled to Kiev and Moscow, and two lower-ranked officers who accompanied the cargo were brought to court.⁶⁴

Attempts to contain the criminal-political nexus through lustration were not as effective in Bulgaria as in Latvia. After the disappointing precedent of a 1990-93 “smear campaign” targeting politicians, lustration was made harder by a 1997 law requiring indisputable evidence.⁶⁵ More curiously, the state tried to subvert lustration in order to keep its monopoly on violence intact: former state security cadres were appointed to leading positions in the Interior Ministry in order to activate their informal networks within society for intelligence purposes and at the same time keep the social contingent of former officers loyal to the state.⁶⁶

Similarly to Latvia, however, senior officials, politicians, and smugglers were connected. In 1996, the ruling Bulgarian Socialist Party (BSP)

mounted ambitious anti-smuggling operations on the Turkish border in order to cut off campaign finances for opposition parties coming from contraband, but the effect was short-lived.⁶⁷ In the run-up to the 2001 parliamentary elections, the VIS-affiliate and former cargo guard under the embargo, Konstantin Dimitrov (Samokovetsa), effectively enjoyed a smuggling monopoly as customs officers were punishing his competitors with searches and levies.⁶⁸ Until 2008, Bulgaria's duty-free shops and duty-free gas stations on border-crossings effectively facilitated the contraband of alcohol, tobacco, and fuel, while motions for their closure were repeatedly rejected in parliamentary votes.⁶⁹

In 1994 the state began to crack down on extra-legal protection selectively by revoking the licences of athlete-run rackets for failing to meet various requirements such as a clean record of the managers and staff, while favouring firms run by former state security agents.⁷⁰ However, the new regulation had the perverse side-effect of pushing athlete-run protection rackets to re-register as car insurance companies with slight changes in their names.⁷¹ These ventures were surprisingly successful in recovering stolen cars, not the least because the thieves and the car insurers were frequently connected.⁷² Increasingly, stickers on car windows with the company's acronym on it signalled that the owner had paid protection money, and sufficed to keep the car safe.⁷³ Car theft statistics mirrored this process closely: a peak in the insurance companies' founding year (a four-fold increase between 1989 and 1994) was followed by a steady decline by 1996, allegedly because more and more car-owners bought "force insurance" and used stickers.⁷⁴ The companies, like their racket predecessors in contraband, soon infiltrated state institutions: SIC was cooperating with the transport authorities and with customs offices on the Western border, which offered contracts on its behalf.⁷⁵

Former state security agents also entered the new car insurance business: Alexey Petrov, member of a communist-era anti-terrorist squad, launched two notorious enterprises—Apollo and Balkan, and Spartak—and Iliya Pavlov, son-in-law of the head of the Sixth Directorate of the communist State Security services (the Bulgarian KGB) was associated with firms that subcontracted much violent business to VIS.⁷⁶ Arguably, the insurance business was a better way to launder money from criminal activities and served as a foundation for business empires such as VIS-2's VAI Holding (now a major investor) and SIC's Intergroup (leader in the trade in oil products).⁷⁷ These new oligarchs became interested in legalizing their businesses: they would pay their taxes and discard their extra-legal squads just like, as one of them famously put it, "the lizard cuts off his tail to save his life."⁷⁸ However, a second law in 1998 concerning the licensing of insurance activities effectively forced them to either laun-

der their assets in offshore companies or seek alternative employment in more conventional organized crime—trade in drugs and prostitution. The Bulgarian state had won a pyrrhic victory: unlike in Latvia, there were no grand trials and lengthy prison sentences.⁷⁹ Instead, links via offshore companies allegedly exist between new insurance companies such as Bul Ins and the old SIC, and Jupiter and the old VIS, while other tracks lead to the services sector—the production and trade of foodstuffs, construction, real estate, and tourism.⁸⁰

The Bulgarian case more closely fits the democratic capture model, in which the state colludes with mafias and criminal syndicates, and selectively cracks down on them if they become too powerful or politically inconvenient. However, the state did not divest itself decisively enough from such organizations by putting them behind bars or preventing their transformation into legal entities and business empires—much like Latvia allowed money laundering by certain banks to continue into the late 2000s.

The Legacy of the 1990s: A Stalled Transition

In summing up the transitional 1990s, one major similarity in the effect of organized crime in Bulgaria and Latvia becomes apparent. The privatization of major state-owned monopolies in both countries was blocked to the detriment of tax-payers and private-sector competition. While in Latvia privatization was stalled by the former *tsekhoviki*-turned bankers with links in the Russian underworld, in Bulgaria former state security agents-turned businessmen employed the extra-legal protection of former athletes to strip such companies of their assets. In both cases, organized crime involved white-collar crime facilitated by communist-era informal networks (e.g. between the criminals and the managers of state-owned companies) and corruption (e.g. sponsoring political campaigns) but, in contrast to conventional white-collar crime, it was inseparable from organized violence.⁸¹

The most illustrative Latvian case is the camaraderie that existed between the former *tsekhovik* head of Banka Baltija (and failed arms-dealer) Alexander Lavent, and the managers of the biggest state-owned enterprises (SOEs)—the energy giant Latvenergo, the oil shipping company Ventspils Nafta and the Latvian Shipping Company (LK), which guaranteed bank loans to private firms (whereby the loans were seldom repaid and the money was laundered in offshore companies related to the managers and the bank's owner).⁸² As a major campaign sponsor in the 1993 elections and the preferred bank for the political elite of the time, Banka Baltija managed to keep its toxic assets a secret, until the

Latvian state had to bail it out.⁸³ Profitable SOEs in Latvia, in contrast with other Central European states, took the longest to privatize.⁸⁴ The privatization of LK failed four times before a majority share was finally sold for a sub-market price to Ventspils Nafta in 2002.⁸⁵ This allegedly happened after a deal was struck between two oligarchs, evidence for which has only recently reached UK courts.⁸⁶

In Bulgaria, a group of 13 “red conglomerates” headed by former communist regime members stood at the entry and exit of SOEs, selling imported raw materials to them and buying their output on the cheap to resell, passing on huge debts to taxpayers.⁸⁷ The conglomerate Multigroup is notorious: throughout the 1990s, it stripped the assets of Bulgaria’s biggest steel plant Kremikovtsi by intimidating its manager and even attempting to assassinate him three times.⁸⁸ An attempt by the socialist government to stop the “privatization of profit and nationalization of debt” in Kremikovtsi involved a special amendment to the 1995 budget law concerning SOE debt, but parliament hesitated to approve it and the courts struck down the legislation as retroactive.⁸⁹ In 1999, the run-down Kremikovtsi was privatized for one US dollar. Multigroup also overcharged Bulgaria for its natural gas imports between 1995 and 1997, via the joint Bulgarian-Russian venture Topenergy.⁹⁰ In 1997, in an effort to regain a majority share in the main gas importer Topenergy, the centre-right government forced Multigroup to sell its shares in the enterprise and to give up, in effect, its rents from colluding with the other major shareholder, Gazprom.⁹¹ In 1998, Multigroup’s Credit Bank and insurance companies were also hit by regulations, and Multigroup had to change its philosophy: no former regime cadres in its management and no more electoral campaign donations.⁹²

The 2000s: An Invisible Menace to Democracy?

Most analyses of organized crime structures end at the turn of the century, around the time when open markets and preparing for EU membership broke up smuggling rings and most private enforcers became businessmen, the less savvy among them turning to conventional organized crime such as the drug and sex trades in fragmented and ad hoc groups.⁹³ However, in line with the democratic capture model, several long-term implications of the mafia and organized crime for democracy have remained unexamined: the participation of oligarchic and criminal structures in political campaign financing, in order to keep certain economic sectors such as real estate and concessions uncompetitive, and the establishment of local mafias that subvert local democratic governance.

The trend is more pronounced in Bulgaria than in Latvia, due to the peculiar ethnic background of the Latvian mafias and the more effective state divestiture from such structures.

In Latvia, small-scale privatization in the 1990s was regulated in such a way as to limit the access of Russian speakers, thereby excluding Latvia's predominantly Russian-speaking criminal underworld from participating in it. In Bulgaria, the trend was to exclude the force insurers while favouring former state security officers. In Latvia, the 2001-02 pre-election season reportedly brought donations from the Russian mafias of Solntsevo and Uralmash for the oligarch-led People's Party and for the ethnic Russian Coalition for Human Rights in Latvia in return for access to the privatization of Latvia's biggest alcohol producer, Latvijas Balzams, and the oil-trade company, Ventspils Nafta.⁹⁴ Violent entrepreneurs in Bulgaria pursued a strategy of retail distribution by intimidating retailers into selling their products, including the Pepsi brand.⁹⁵ Later on, VAI Holding (the business empire that inherited the VIS racket) developed its special brand of "mergers", where targeted companies were lured or forced to become indebted to VAI, at which point only a merger could avert bankruptcy.⁹⁶ It is a worrying trend that extends into the 2000s that, even when using the courts to settle disputes, former extra-legal protectors somehow obtain extra-legal results.⁹⁷ As in the case with Latvia and foreign crime groups, Bulgarian force insurers allegedly make political investments to secure their assets and have ongoing corrupt relationships with senior officials in the Ministry of the Interior.⁹⁸

Another sector subject to infiltration by organized crime in both countries in the early- and mid-2000s was the booming real estate market. Over this period, Latvian real estate began to absorb criminal profits from the 1990s, as well as up to eighty percent of the proceeds from drug trafficking—a trend accompanied by contract killings of real estate traders, often with an ethnic Russian background and a criminal past.⁹⁹ As seen above, in Bulgaria former force insurers and criminal-economic cartels like VAI Holding, Multigroup, and Intergroup are prominent in tourism, real estate, and the trade in oil products. Competition on the legal and adjacent underground markets has resulted in over 200 contract killings since the year 2000.¹⁰⁰ Some business groups like the Varna-based TIM and the firms of Dupnitsa's informal bosses, Plamen Galey and Angel Hristov, allegedly also control (or, in the latter case, did control) the trade in drugs and prostitution in their home bases.¹⁰¹

Powerful domestic actors are often able to secure lenient treatment for their crimes and/or purchase new rules. In view of the developments on the Black Sea, it is unsurprising that the 2008 amendments to the Bulgarian Law on Management of the Black Sea Coast and the Law on

Concessions are prone to abuse: 35-year-long concessions could be granted without sufficient accountability even to a yet unregulated entity—public-private companies.¹⁰² Similar are the 2007 amendments to the Latvian National Security Law, which would have given the government and parliament access to the investigations of the Latvian Corruption Prevention and Combating Bureau, making the latter subject to investigation by the national security committee.¹⁰³ Even without court rulings, private interests are made more apparent by such legislation. State capture is also apparent in two cases of high-level fraud with alleged political protection which emerged in recent years. In 2008 the European Commission froze structural aid to Bulgaria, an unprecedented measure provoked by the embezzlement of 7.5 million euros worth of EU funds in the so-called Nikolov-Stoikov Affair, in which two former force insurers (with solid political investments in the president's and prime minister's electoral campaign) had been using EU programme funding to run an international scheme for reselling old meat-processing equipment as new.¹⁰⁴ Two years later, one of the accused received a 12-year sentence, while his business partner was acquitted.¹⁰⁵ The Latvian Latvenergo Affair involved the laundering of 1.13 million euros by the executives of Latvia's state-owned energy company Latvenergo, through real estate deals.¹⁰⁶ The case attracted the interest of the European Anti-Fraud Agency OLAF and political links are not excluded.¹⁰⁷

The consolidation of economic and political power at a local level in the hands of one or several families is another phenomenon often linked to mafias and organized crime. Under the oligarch and political figure Aivars Lembergs, the Latvian city of Ventspils has come to resemble Mayor Daley's Chicago. With an 88 per cent approval rate among Ventspils' residents, Lembergs has been on trial since 2009 on corruption charges and is said to be "part of shady privatization schemes, secretly controlling oil-transit business and hiding away hundreds of millions of euros in offshore tax havens."¹⁰⁸ Since the early 2000s, the small town of Dupnitsa in south-western Bulgaria has also enjoyed apparently low crime rates, good sanitation, well-maintained parks, and renovated schools due to the complete infiltration of local government by the criminal-business structure of Plamen Galev and Angel Hristov (Galevi Brothers), but many have also suffered under their heavy-handed rule.¹⁰⁹ The Galevis, former officers in the anti-organized crime forces in the 1990s and reputed to be on friendly terms with the Socialist Minister of the Interior during the period 2005–08, were acquitted by a regional court in 2010. Following domestic and international outcry, they were convicted by an appeals court in July 2011 for managing a crime ring and engaging in fraud, extortion and blackmail.¹¹⁰

Cases like Dupnitsa and Ventspils present challenges to the state in more than one way. Lembergs has been heavily involved in politics and in 2006 became the main figure behind the Union of Greens and Farmers (ZZS), which has since entered parliament, even government. In 2006, Lembergs was even nominated for Prime Minister by the ZZS, before being charged with corruption. In order to avoid prosecution, the Galevi brothers also attempted to enter parliament as regional representatives in 2009, but narrowly failed.¹¹¹ Achieving political influence by gaining a legislative seat is something regional bosses naturally aspire to in order to strengthen their local power, which both Dupnitsa and Ventspils have tried to assert in different ways. In 2008 searches of the Galevi brothers' home and businesses were conducted by a formidable force composed of six different government agencies. "No one may think he is stronger than the state," was one of the comments surrounding the raid.¹¹² In 2007 Lembergs was prosecuted for failing to implement a cabinet appointment to the board of the Ventspils Freeport Authority. He was acquitted, on the grounds that the Cabinet had not provided Lembergs with the personal ID of the appointee, and so the mayor was unable to identify him.¹¹³

Selective and inadequate state crackdowns on (and divestitures from) mafias and other organized crime structures have profoundly divergent consequences in different contexts. While Latvia's post-communist democracy is marked by white-collar crime such as money-laundering and state capture by oligarchs, Bulgaria is captured by former mafiosi with legal businesses and by local criminal bosses with political and economic power.

Conclusions: On Crime and Society

The analysis of the development of organized crime in Bulgaria and Latvia demonstrates the complex relationship between extra-legal protection as the dominant type of organized crime in the early transition years, and the state in transition. The nationalist undertones of Latvia's lustration policy were a defining factor in the weakening of Latvia's Russian-speaking underworld and the state's divestiture from it. The lack of effective responses to communist-era informal networks in Bulgaria created a complicit state that colluded in and condoned shady activities such as smuggling and the extra-legal services of the former state security contingent. The state was also selective in its crackdown on protection rackets and insurance firms run by former athletes, while favouring those of former security service agents.

Democratic reforms, when they occurred, were a product of external pressure and internal compromise. Examples here include the privatization of Latvia's shipping company and the dismantling of duty-free shops in Bulgaria. Left free to legalize itself, organized crime has had catastrophic effects for local democracy and the management of EU aid in Bulgaria. The model of 'democratic capture' is fully supported by the Bulgarian case, but only partially by that of Latvia, due to the ethnic nature of organized crime and the political instrumentalization of nationalism. However, Latvia's exceptionalism has its limitations—it was unable to counteract white-collar crime and state capture by native Latvian oligarchs.

External pressure has been an effective tool in moving reforms forward and ensuring that criminals are convicted, as in the case of Bulgaria's Galevi Brothers. However, the informal networks spanning former and current security service agents that facilitated transitional organized crime and its links with the state still need to be dismantled. ■

Notes

¹ David Satter, *Darkness at Dawn: The Rise of the Russian Criminal State* (New Haven; London: Yale University Press, 2003); Louise Shelley, "Post-Soviet Organised Crime: Implications for Economic, Social and Political Development," *Demokratizatsiya* 3 (2002); Vadim Volkov, *Violent Entrepreneurs: The Use of Force in The Making of Russian Capitalism* (Ithaca, NY: Cornell University Press, 2002).

² Phil Williams, "Transnational Criminal Organisations and International Security," *Survival* 36, no. 1 (1994): 96-113; E.U. Savona et al., *Organised Crime Across the Borders* (Helsinki: Heuno, 1995). For a self-assessment of the CEE states as transit zones with flexible domestic crime cells, see Council of Europe, *Report on the Organised Crime Situation in Council of Europe Member States* (1999).

³ See Europol, *EU Organised Crime Threat Assessment Report* (2011).

⁴ Joseph Koch, "Small Country, Big Attractions," *BootsnAll*, May 1, 2005, <http://www.bootsnall.com/articles/05-05/small-country-big-attractions-hungary> (accessed on Aug 10, 2011).

⁵ Kelly Hignett, "The Changing Face of Organised Crime in Post-Communist Central and Eastern Europe," *Debate: Journal of Contemporary Central and Eastern Europe* 18, no. 1 (April 2010): 73-74; Centre for the Study of Democracy, *Partners in Crime: The Risks of Symbiosis Between the Security Sector and Organised Crime in Southeast Europe*, (2004), 18.

⁶ Paddy Rawlinson, "Russian Organised Crime and the Baltic States: Assessing the Threat," (working paper 38/01, Centre for Comparative Criminology and Criminal Justice), 10.

⁷ Alan Wright, "Organised Crime in Hungary: the Transition from State to Civil Society," *Transnational Organised Crime* 3, no. 1 (Spring 1997): 68-86; *Telegraph*,

"Bolshaya voyna v Jurmale, ili 'Gitler kaput'," October 18, 2009; Centre for the Study of Democracy, *Organised Crime in Bulgaria: Markets and Trends*, (2007), 35.

⁸ Chicago has a population of two million and had thirty-three contract murders between 1980 and 90, Bulgaria had 140 such cases between 1993 and 2008 for a population of 7.5 million, although the European Commission allegedly counts 173 between 1992 and 2006, See *The Economist*, "Streamlined for Success," October 9, 1997; Stephen Castle and Dan Bilefsky, "Bulgarian Journalist Gunned Down in Sofia," *New York Times*, January 5, 2010; George Parker, "Brussels Delays EU Decision on Sofia, Bucharest," *Financial Times*, May 8, 2006.

⁹ For a good summary of the literature on origins of organised crime in the transition, see Kelly Hignett, "The Changing Face of Organised Crime in Post-Communist Central and Eastern Europe," *Debatte: Journal of Contemporary Central and Eastern Europe* 18, no. 1 (April 2010): 73-74.

¹⁰ Michael Levi, "The Organization of Serious Crimes," in *The Oxford Handbook of Criminology*, ed. Mike Maguire (Oxford: Oxford University Press, 2002), 882.

¹¹ Work on the political-economic influence of organised crime has focused on the former Soviet Union, see Mark Galeotti, eds., *Russian and Post-Soviet Organised Crime* (Ashgate: Dartmouth, 2002).

¹² The most prominent analyst of communist and post-communist informal networks is Alena Ledeneva, *Russia's Economy of Favours: Blat, Networking and Informal Exchange* (Cambridge: Cambridge University Press, 1998).

¹³ Volkov, *Violent Entrepreneurs*, 8-10.

¹⁴ Federico Varese, *The Russian Mafia: Private Protection in a New Market Economy* (Oxford: Oxford University Press, 2001), 4; see also Diego Gambetta, *The Sicilian Mafia: The Business of Private Protection* (Cambridge, MA: Harvard University Press, 1996), 9.

¹⁵ For a very good study of the market for protection among small and medium enterprises in Russia, see Timothy Frye and Ekaterina Zhuravskaya, "Rackets, Regulation, and the Rule of Law," *Journal of Law, Economics and Organization* 16, no. 2 (2000).

¹⁶ Varese, *The Russian Mafia*, 3.

¹⁷ The quote is from Shelley, "Post-Soviet Organised Crime", 343; for sport and crime see Volkov, *Violent Entrepreneurs*, 8-10.

¹⁸ Varese, *The Russian Mafia*, 63-64.

¹⁹ Jovo Nikolov, "Crime and Corruption after Communism- Organised Crime in Bulgaria," *East European Constitutional Review* 6, no. 4 (Fall 1997); Centre for the Study of Democracy, *Partners in Crime*, 19; see also Varese, *The Russian Mafia*, 63-65.

²⁰ For example, in Russia and the CIS states Shelley finds that not only is transitional organised crime engaging in conventional extortion and trading in illicit goods and services, but also the export of oil, valuable raw materials, smuggling of weapons and nuclear materials, manipulation of the privatization process and

large-scale fraud (which seems to be a continuation of the common practice of embezzlement under communism), Shelley, "Post-Soviet Organised Crime," 342-44.

²¹ CSD's working definition of organised crime in the transition includes white-collar crime, but what matters for our model is the fact that white-collar crime is always linked with or in control of organised violence in the transition. See Centre for the study of Democracy, *Examining the Links Between Organised Crime and Corruption* (2010).

²² Actors of the transition have included: 1. Reformist political elites and their Western advisers from financial and political institutions (M. Boycko and others, *Privatizing Russia* (Cambridge, MA: MIT Press, 1995); 2. Eastern elites misunderstanding or abusing Western advice and aid (Janine Wedel, *Collision and Collusion: The Strange Case of Western Aid to Eastern Europe* (New York: Palgrave, 2001); Peter Reddaway and Dmitri Glinski, *The Tragedy of Russia's Reforms*, US Institute of Peace, 2001); 3. Former Communist parties determining the liberal or illiberal nature of the post-communist state (Milada Vachudova, *Europe Undivided* (Oxford: OUP, 2005); Anna Grzymala-Busse, *Rebuilding Leviathan* (Cambridge: CUP, 2007); 4. Misguided neoliberal ideology as applied to economic reform, to the size and functions of the state, even to party systems and party competition (Leslie Holmes, *Rotten States* (USA: Duke University Press, 2006); Stephen Kotkin and Andras Sajó, *Political Corruption in Transition* (Budapest: Central European University Press, 2002); 5. The rampant private sector capturing the transition state (Joel Hellman and others, "Seize the State, Seize the Day: State Capture, Corruption and Influence in Transition," (working paper, World Bank Policy Research no. 2444, September 2000), informal networks bending the rules (Alena Ledeneva, *Russia's Economy of Favours*); 6. Politico-economic cartels controlling the economy and influencing politics (Venelin Ganey, *Preying on the State*, (Ithaca, NY: Cornell University Press, 2007); and 7. Apathetic civil society (Stephen Kotkin and Jan Gross, *Uncivil Society: 1989 and the Implosion of the Communist Establishment* (New York: Random House, 2010).

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²⁵ Ibid., 344-354.

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²⁹ Maria Spirova, "The Bulgarian Socialist Party: The Long Road to Europe,"

Communist and Post-Communist Studies 41 (2008): 481-495; Ole Norgaard and Lars Johannsen, *The Baltic States after Independence* (Northampton, MA: Edward Elgar, 1999), 62; for example, Latvia's kingmaker party Latvia's Way had an almost uninterrupted control over the Transport Ministry and with it Latvia's booming ports, see Klas Karrstrand, *Countering Narcotics and Organised Crime in the Baltic Sea Region* (Estonia: Silk Road Studies Workshop, 2007), 16.

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³¹ Joel Hellman and others, "Seize the State, Seize the Day: State Capture, Corruption and Influence in Transition," (working paper no. 2444, World Bank Policy Research, September 2000).

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³⁹ *Kommersant*, "Solntsevskie banditi aktivizirovalis v Latvii," no. 32 (1214), Mar 18, 1997.

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⁴⁴ DELFI, "Ivan Haritonov stanet biznesmenom," March 13, 2001; *Telegraf.lv*, "Retrodetektiv: Delo Haritonova i neftyanie razborki 90-h," February 18, 2010.

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⁵⁰ Lavent is also associated with a major case of arms smuggling in Lithuania in 1992 and the murder of the Lithuanian journalist who investigated the affair. Inta Lase, "The Bankruptcy of Banka Baltija," in *Crisis Management in a Transitional Society: The Latvian Experience*, eds. Eric K. Stern and Dan Hansen (Vällingby: Elanders Gotab AB, 2004), 261-2.

⁵¹ See "The Philosophy of Financial Crimes," *The Baltic Course*, Fall 2001, <http://www.baltic-course.com/archive/eng/fall—2001/crime> (accessed on July 11, 2011).

⁵² Klas Karrstrand and Michael Jonsson, "The Baltic Connection—Money Laundering in the Baltic Region," *Jane's Intelligence Review* (September 2007).

⁵³ Lase, "The Bankruptcy of Banka Baltija," 265, 270-71.

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⁵⁶ *Kapital weekly*, "Karate-vaspitanie, sport i biznes," February 17, 2001.

⁵⁷ *Ibid.*

⁵⁸ *Kapital weekly*, "Istoriya na Mutrite," April 11, 2008.

⁵⁹ The security companies of former law enforcers had to adapt to the violent rules of the market. Centre for the Study of Democracy 2004, *Partners in Crime*, 21.

⁶⁰ Bulgarian analysts compare the effect of the Yugoslav embargo to that of Prohibition in 1930s US. *Ibid.*, 26.

⁶¹ *Ibid.*, 26-27. The stars of many athlete-protectors shone after having guarded convoys of embargoed cargo on their way out of Bulgaria. As early as 1994 Mladen Mihalev-Madzho of SIC founded a company with the suggestive name "Interpetro-

leum and Partners," while around the same time Metodi Metodiev (Meto Illianski) and Konstantin Dimitrov (Kossyo Samokovetsa), affiliated with VIS flooded the old channels with licit Turkish and Chinese goods headed for the VIS-controlled wholesale market "Illianti" in Sofia. Centre for the Study of Democracy, "Transportation, Smuggling and Organised Crime," (2004), 51-56.

⁶² *Kapital*, "Mutatsiite na Mutrite," December 1, 2000.

⁶³ A detailed description of the two deals can be found in Centre for the Study of Democracy, *Partners in Crime*, 26-27.

⁶⁴ *Ibid.*, 26-27.

⁶⁵ *Ibid.*, 31-32.

⁶⁶ *Ibid.*

⁶⁷ Centre for the Study of Democracy, "Transportation," 53-54.

⁶⁸ *Ibid.*, 56.

⁶⁹ In 2003, a motion for their closure failed in parliament amidst speculations about criminal lobbying, and in 2006, a law was passed in favour of duty-free companies. Centre for the Study of Democracy, "Crime without Punishment: Countering Corruption and Organised Crime in Bulgaria" (2009), 67.

⁷⁰ Tsvetkova concludes that although the state security preference in granting licenses has not been thoroughly confirmed, the fact that no athlete-run companies having received licenses supports the hypothesis. Marina Tsvetkova, "Aspects of the Evolution of Extra-Legal Protection in Bulgaria 1989-1999," *Trends in Organised Crime* 11, no. 4 (2008), 336.

⁷¹ *Ibid.*, 340.

⁷² VIS-2 reportedly acquired twenty-five per cent of the car insurance market by 1995; by 1997, SIC's revenue was 10.5 per cent of that for the market. *Ibid.*, 339-42.

⁷³ *Ibid.*, 338. As summed up in the media, the difference between "force insurance" and real insurance was that "the real insurers pay money, the rest catch thieves and smash heads," hence the "force insurers" preferred to insure against theft and sub-contract other risks. *Ibid.*, 340, 342.

⁷⁴ *Ibid.*, 340.

⁷⁵ *Ibid.*, 341.

⁷⁶ "Dobrite Loshi Momcheta," *Tema magazine*, no. 8 (72), 24, March 2, 2003; Centre for the Study of Democracy, *Organised Crime in Bulgaria*, 21, 24.

⁷⁷ *Kapital*, "Mutatsiite na Mutrite," Dec 1, 2000; also, see the leaked American embassy cable on organised crime in 2005 at <http://www.novinite.com/view—news.php?id=126405>, (accessed January 4, 2012).

⁷⁸ Interview with Iliya Pavlov, Duma, March 13, 1995.

⁷⁹ In January 2011, one of the biggest bad loans and bank bankruptcy cases from the 1996 bank crisis—Agrobiznesbank—ended with acquittals for the bank manag-

ers, because a 2001 law had decriminalized issuing credits without sufficient guarantees (dir.bg, "Okonchatelno: nyama vinovni za falita na Agrobiznesbank," Janury 24, 2011).

⁸⁰ *Kapital*, "Mutatsiite na Mutrite," December 1, 2000.

⁸¹ e.g. Lavent's arms deals and contract murder, Multigroup's sub-contracting of violence to VIS. Centre for the Study of Democracy, *Organized Crime in Bulgaria*, 21, 24.

⁸² Imants Paeglis, "Latvia: Privatization Accelerates, Boosts Economic Reform," *Transitions Online*, December 13, 1996; Lase, "The Bankruptcy of Banka Baltija," 264-5.

⁸³ Lase, "The Bankruptcy of Banka Baltija," 265.

⁸⁴ Paeglis, "Latvia".

⁸⁵ *The Baltic Times*, "Ventspils Nafta buys chunk of LASCO," June 27, 2002.

⁸⁶ *Baltic News Network*, "Ventspils Mayor trying to escape High court of England ruling," May 12, 2011.

⁸⁷ Oxford Analytica 1995 in Zeljko Bogetic and Arye L. Hillman, "Privatizing Profits of Bulgaria's State Enterprises," *Transition*, The World Bank/PRDTE, 6 No.3 (March 1995): 5.

⁸⁸ Ganev, *Preying on the State*, 104-5.

⁸⁹ *Ibid.*, 108.

⁹⁰ *Ibid.*, 109.

⁹¹ *Ibid.*, 104-5.

⁹² *Investor.bg*, "Multigroup – godini na promyana," May 12, 2001.

⁹³ Centre for the Study of Democracy, *Organized Crime in Bulgaria*, 31-3; Karrstrand, *Countering Narcotics*, 15.

⁹⁴ V.N. Chekanikhin, , "Analiz proniknoveniya rossiskih kriminalnih struktur v ekonomiku i politicheskie instituti Latviiskoi Respubliki nakanune parlamentskih vyiborov," ("Analysis of the Infiltration of the Economy and Institutions of the Latvian Republic by Russian Criminal Structures on the Eve of Parliamentary Elections,") Institute of Corporate Economic Security, Moscow, September 3, 2002, <http://www.compromat.ru/page—12301.htm> (accessed on August 16, 2011).

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¹¹¹ *Ibid.*

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Arrangements of Convenience in Colombia's Borderlands: An Invisible Threat to Citizen Security?

ANNETTE IDLER

ABSTRACT

This article aims to enhance our understanding of how the interactions of violent non-state actors (VNSAs) in borderlands affect citizen security. Colombia's borderlands are conditioned by weak state governance systems, a high-risk/high-opportunity environment, a proneness to impunity, and constitute major links in the cocaine business. These elements have produced a *status quo* in which numerous groups of VNSAs are present. Given violent confrontations between different VNSA groups and state forces, policy makers have pointed to the risk to national security these groups pose. Furthermore, in line with neighbourhood effect theories, analysts have raised the issue of a potential "spill-over" of the Colombian conflict to neighbouring states. Finally, large-scale violence against civilians has fuelled concerns regarding the borderlanders' (residents of the borderlands) physical security. These concerns seem to overlook the fact that Colombia's borderlands are propitious for illegal cross-border activity. This has implications for VNSA-interactions, and their impact on security dynamics. Firstly, sharing the objective of maximizing economic benefits, VNSA-groups engage in "arrangements of convenience." Consequently, by drawing on Phil Williams' business-network theory, this article goes beyond simplistic dichotomies of conflict and co-operation, and unpacks different forms of interaction. Secondly, analysts tend only to consider indicators of violence when analyzing local security dynamics. Less visible elements of security are often ignored. Using the concept of citizen security that comprises both the absence of physical violence and a mutually fertilizing state-society-relationship, the article reveals how various types of arrangements of convenience affect not only the borderlanders' physical security, but also other, less visible elements of citizen security. Drawing on the case of the Colombian-Ecuadorian borderlands and, particularly, of the Colombian border department of Nariño, the analysis is complemented by taking into consideration the specific geography of borderlands so as to account for the "border effect" which influences VNSA-interactions and their impact on security dynamics.

Introduction

Colombia's borderlands are "the place to be" for violent non-state actors (VNSAs), such as rebels, paramilitaries, post-demobilized groups,

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and criminal gangs. The borderlands are conditioned by weak state governance systems, a high-risk/high-opportunity environment, and a proneness to impunity, and, due to their geostrategic situation, constitute major links in the global cocaine business. In addition to this, former Colombian president Álvaro Uribe Vélez's (2002-2010) Democratic Security Policy contributed to shift the internal armed conflict to Colombia's periphery.¹ The *modus vivendi* in which VNSAs use borderlands as sites of operation, coordination and recreation, as well as clashes between different armed groups have spurred numerous security concerns.

Five lines of argument stand out. First, scholars such as Rabasa and Chalk highlight the Colombian state's deficient territorial sovereignty which jeopardizes national security;² second, "neighbourhood effect" theories emphasize a potential conflict "spill-over";³ third, Ramírez emphasizes the implications of borderland disputes for international relations between neighbouring states;⁴ fourth, Mason and Tickner argue that transregional security dynamics, including illicit flows, are at stake;⁵ and fifth, agencies such as Human Rights Watch point to mass displacements and other forms of large-scale violence that affect local communities' physical security.⁶

Though these works doubtlessly represent important contributions to understandings of the security implications of VNSA-presence in border areas; significant gaps remain vis-à-vis the puzzling relationships among VNSAs involved in illicit economic activities. In particular, they seem to overlook the fact that the interactions of diverse VNSA groups in Colombia's borderlands not only affect the local population in terms of physical violence, but also in other, less visible ways. The borderlands' propensity for illegal economic cross-border activities has implications for the interactions of VNSA groups and their impact on local security dynamics.

First, sharing the objective of obtaining economic benefits, VNSA groups in borderlands engage in "arrangements of convenience" to maximize profits.⁷ Scholars researching organized criminal groups or politically motivated armed groups tended to focus on one particular group often considered a "spoiler" of the state's governance efforts.⁸ Over the last decade, a growing body of literature has analyzed how different types of VNSAs interact.⁹ Yet these considerations are mostly confined to one specific country,¹⁰ or are guided by the post-9/11 security paradigm that focuses on the "crime-terror-nexus", suggesting military responses.¹¹ Also, rather than on the linkages themselves the literature tends to focus on long-term motivations, as suggested by the opposing strands of thought based on conflict and co-operation.¹² Knowledge of how different armed groups participate in drug trafficking is particularly poor.¹³

Taking into consideration the functions of different VNSAs in the cocaine business' division of labour reveals that interactions among VNSA groups in borderlands can take many forms, regulated by "arrangements of convenience." Consequently, drawing on Phil Williams' business network theory, this paper goes beyond simplistic dichotomies of conflict and cooperation and unpacks different forms of interaction.

Second, analysts tend only to consider indicators of violence when analyzing how the presence of VNSAs in borderlands affects local security dynamics.¹⁴ Other, less visible elements of security are normally ignored.¹⁵ Using the concept of citizen security that comprises not only the absence of physical violence, but also a mutually fertilizing state-society-relationship based on state capacity and responsiveness on the one hand, and social capital on the other, the article aims to paint a more holistic picture of the security situation in borderlands.

The analytical differentiation regarding both the interactions of VNSA groups and the concept of security allows revealing how various types of arrangements of convenience affect not only the borderlanders' physical security, but also other elements of citizen security in qualitatively different ways. Such considerations need to be taken into account if we are to address the cocaine business' ramifications for security dynamics along the illegal drugs production chain.

The argument is developed as follows. Firstly, the three major concepts are presented: borderlands, VNSA interactions and citizen security. Secondly, a brief overview of the Colombian armed conflict, and its link to the cocaine business, is given. Thirdly, the situation in Colombia's borderlands, particularly the Colombian-Ecuadorian borderlands, is outlined. Fourthly, drawing on the case of the Colombian department Nariño, it is demonstrated how different forms of armed group interactions affect local citizen security.

Methodology

The methodology is based on a case study design (case: the Colombian department of Nariño) to which qualitative methods complemented by quantitative dimensions were applied. Various data sources and research methods were used. Over the period of three months (August to November 2011), I conducted anonymous, semi-structured interviews in Bogotá, Tumaco, Pasto and Ipiales in Colombia and Tulcán in Ecuador. Interviewees included academics, government officials, state forces, UN staff, non-governmental organisations, community leaders including afro and indigenous leaders, clerics, displaced persons, and ex-combat-

ants. The data was complemented by reviews of policy documents, media articles and secondary literature, as well as the evaluation of surveys and databases including the UN High Commissioner for Humanitarian Affairs' Integrated System of Humanitarian Information on Colombia and the Conflict Analysis Resource Centre's (CERAC) database. Given the variety of sources, (interviews with government officials versus grass root level organisations; review of policy documents of international think tanks such as International Crisis Groups versus local newspaper articles; governmental statistics versus victimisation surveys), I was able to apply source triangulation in order to scrutinize the validity of my findings. Methodological triangulation allowed for further cross-checking.¹⁶ This variety is important to mitigate the challenge of the study's nature: that the object of study is associated to illegality and thus data is partly based on estimates and unofficial information.

Setting the Conceptual Stage: Borderlands, VNSA Interactions and Citizen Security

Borderlands are "regions situated on the edges of states which straddle an international border."¹⁷ Comprising the area on both sides of the border, they constitute one spatial unit of analysis which defies conventional state-centric approaches; their breadth is conditioned by the local context.¹⁸ Borderlands tend to feature weak state governance systems, a high-risk/high-opportunity environment, and a proneness to impunity, characteristics which make them attractive for VNSAs.

To explain how VNSAs present in borderlands interact, this article draws on the business network theory developed by Phil Williams. The theory postulates that the relationships between VNSA-groups are variable. It suggests that they have "arrangements of convenience," that is, they form varied types of linkages to pursue specific interests and can range from conflict and competition to co-ordination and co-operation.¹⁹ Williams applies this theory mainly to the interactions of different criminal groups; but, as the works of Schmid and Naylor show, it can also be instructive regarding the interactions of different types of VNSAs.²⁰ The links between different VNSA groups are similar to those that can be detected in the licit business world: "The collaboration may take diverse forms ranging from strategic alliances and joint ventures at the most ambitious level through tactical alliances, contract relationships, supplier customer relations, to spot sales at the most basic level."²¹ Through these links the different groups form a network which is adaptable, resilient,

and conducive to expansion. This is advantageous for two reasons: it brings mutual benefit and spreads the risk. The business network theory is a useful conceptual device because, as opposed to conflict or conspiracy theories, it allows accounting for the volatility of the VNSAs' relationships.²² Still, the business network theory does not exclude the possibility of conflict or competition. Single actors or their networks may be in conflict, and competition may arise when the strategies or interests of the network's members diverge, when they defect, or when their interactions produce asymmetric gains.

Applying this concept to the relationships between the VN- SA reveals that their interactions take many forms, with violent combat ("competition") at one end of the spectrum, joint operations ("joint ventures") at the other end and various arrangements of convenience in between. As will be shown with the case of Nariño, the respective forms of interactions have distinct repercussions for citizen security.

Citizen security refers to a citizen order in which a mutually fertilizing state-society relationship reduces threats of "actual physical violence or the threat of violence intentionally inflicted by one person or persons on another or others."²³ Conceptualizing the state-society relationship as a function of state capacity and responsiveness on the one hand, and social capital on the other facilitates accounting for the bi-directionality. Capacity means the ability of the state to exercise state functions; responsiveness implicates taking into consideration the citizens' interests.²⁴ Social capital is "shared norms or values that promote social cooperation, instantiated in actual social relationships."²⁵ It is informed by the citizens' respect of each other, trust and a sense of community, premises for citizens to take collective action, and establish a civic infrastructure that reduces insecurity.

Covering observable facts such as homicides, *objective* citizen security is tied to the state's capacity and responsiveness. Arising from people's perceptions, *subjective* citizen security refers to the socially constructed concept of security and is related to social capital.²⁶ This shows that VN- SA-interactions not only generate violence, but also undermine citizens' agency in ensuring security. Citizen security is rooted in citizenship, an institution that implies norms fostering loyalty towards the state in exchange for state capacity and responsiveness. Citizens accept rules of appropriate behaviour agreed upon by the state and themselves.²⁷ If the state-society relationship is dysfunctional as—due to the weak state governance systems—is often the case in borderlands, the rules may be defined by VNSAs, leading to "shadow citizenship": a cluster of illegal institutionalized organizational structures that guide behaviour in VN- SA controlled territory, contributing to "shadow citizen security."

The Colombian Armed Conflict and the Cocaine Business

The conflict in Colombia has been lasting for decades, starting with a first phase of violence (*La Violencia*) from 1946 to 1958 in which supporters of the conservative and liberal parties fought each other. In the 1960s it evolved into an asymmetric armed conflict between the government and leftist guerrilla groups, most notably, *Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo* (FARC) and *Ejército de Liberación Nacional* (ELN).²⁸ In the 1970s the multidimensional nature and diversity of stakeholders in the conflict met with a further complicating factor: Colombia had arisen as the world's largest cocaine producer with an increasing number of armed groups becoming involved in the cocaine business. Coca was primarily cultivated in Bolivia and Peru while Colombia was the centre of processing and trafficking; but, with the emergence of two major drug cartels in Medellín and Cali in the 1980s, Colombian traffickers started to dominate the business. This benefited most armed groups.²⁹ Paramilitary militias, formed in the same decade to respond to escalating rates of violence, began to provide their lethal services to criminal trafficking groups.³⁰ FARC and ELN started to coexist with the cocaine business by levying taxes on traffickers in exchange for protecting the illicit cultivations, laboratories and exports.³¹ When the two cartels were destroyed in the early 1990s and the cocaine market became more disorganized, Colombian trafficking groups intensified the cultivation of coca within Colombia and the paramilitaries and FARC intensified their involvement in the drug business.³² While the former dominated international cocaine trafficking, the latter expanded their activities to direct control, production, and domestic distribution.³³ From 2003 to 2006 the paramilitary umbrella organization United Self-Defence Forces of Colombia, founded in 1997, was demobilized, which concurred with the emergence of smaller successor groups, paramilitary splinter groups and criminal groups. They co-operate in drug trafficking and, at times, form alliances with FARC or ELN, the two persisting insurgent groups.³⁴

The cocaine business pervades the entire Andean region. Though the overall surface area of coca cultivation decreased from an estimated 210,900 hectares in 2001 to 149,100 hectares in 2010, coca cultivations are still widespread: for 2010 the United Nations Office on Drugs and Crime (UNODC) reports 30,900 hectares in Bolivia, 62,000 hectares in Colombia and 61,200 hectares in Peru.³⁵ They also have been detected in the border zones of Ecuador, Brazil, Panama and Venezuela, often close to processing laboratories. Likewise, services connected to



the cocaine business are provided throughout the region. Ecuador, for example, is crucial for money laundering and the provision of precursors such as petrol or cement.³⁶ Finally, all Andean states, particularly Ecuador and Venezuela, are starting points of drug trafficking routes to markets in Europe or the United States.³⁷

Understanding security dynamics in Colombia's borderlands presupposes not only viewing them against the backdrop of the broader cocaine business, but also in conjunction with Bogotá's recent security policies. In 2000 the US Congress approved Plan Colombia, a counter-drug and counter-insurgency initiative developed by the Colombian government under Pastrana which later—with intense US assistance—became part of former President Uribe's Democratic Security Policy.³⁸ While Uribe's policies brought about increased security to urban areas and arguably weakened the FARC, they also contributed to moving the conflict's impacts further to the periphery and beyond. Fumigations to eradicate coca contributed to the cultivations' shift beyond the borderline; intense military operations of Colombia's armed forces increased refugee flows and became an additional reason for Colombian armed groups to retreat to the borderlands in order to recover, reorganize and co-ordinate attacks or illegal economic activities.³⁹

Colombian-Ecuadorian Borderlands

Among the borderlands that Colombia shares with Brazil, Ecuador, Panama, Peru and Venezuela, those with Ecuador are particularly convenient sites for the cocaine business and hence, for high levels of interaction among diverse groups of VNSAs. In 2010 the two Colombian departments bordering Ecuador, Nariño and Putumayo, comprised 20,736 hectares of coca cultivation, that is, 34 per cent of Colombia's total coca cultivation surface.⁴⁰ Moreover, the Colombian-Ecuadorian borderlands are close to Bolivia and Peru, two further coca-producing countries, and Ecuador, a provider of precursors and convenient transit country for routes towards the US. Therefore, in the Colombian-Ecuadorian borderlands VNSAs not only profit from the huge supply of coca leaves, but, as statistics on laboratory destructions and seizures confirm, they also find attractive conditions for the later stages of the cocaine business.⁴¹ Apart from factors arising from the specific historical, economic, and geopolitical context of the Colombian-Ecuadorian borderlands, three main characteristic features of Andean borderlands account for this: weak state governance systems, a high-risk/high-opportunity environment, and the proneness to impunity.⁴²



The weak state governance systems are rooted in the Andean states' historical neglect of their borderlands. Due to Colombia's centralist political system, policies have hardly focused on the scarcely populated periphery with its remote and rough terrain.⁴³ Also, in the neighbouring countries the political, economic, and social life has been concentrated in the centres. This is reflected in the region's socio-economic development. As social welfare indicators show, basic services such as the educational system are deficient. In the Ecuadorian canton of San Lorenzo for instance, the illiteracy rate is 16.88 per cent compared to a national average of 9 per cent. Health service statistics reveal the alarming situation of the borderlanders' well-being: in the Ecuadorian canton of Lago Agrio, the child mortality rate is 7.8 per cent, and in San Lorenzo 33.1 per cent.⁴⁴ Economic indicators are similarly worrying. While in 2007 the national average of people living in poverty in Ecuador was 61.3 per cent, in the province of Esmeralda it was 76 per cent and 81.7 per cent in Sucumbios. Similarly, in Colombian Nariño, 65 per cent live in poverty and 24 per cent in extreme poverty.⁴⁵ Also, communication and transport infrastructure is a problem. Particularly on the Colombian side, many villages lack appropriate connections to nearby towns. Hence, rather than growing cacao or bananas which have to be transported to markets in order to commercialize them, farmers prefer to grow coca which members of VNSA-groups pay and pick up directly at their farm.⁴⁶ Finally, unemployment rates are high. As a consequence, VNSAs can easily replace state functions, for example by offering work as messengers, informants, drug mules, or *raspachines* (coca grower). As of 2009, a fisher in San Lorenzo, for example, earned US\$50 per week. If he opted to work in the Colombian border zone as *raspachin* in the collection of coca leaves, he earned between US\$600 and US\$800 per week.⁴⁷

Apart from indirectly helping VNSAs achieve the borderlanders' compliance, the absence of strong state institutions is an opportune precondition for investing in sunk costs and establishing and using physical infrastructure necessary for the first stages of the cocaine business, for example coca cultivations and laboratories. These facilities cannot be easily substituted or relocated; hence, avoiding the interference of the state is vital

High-Risk/High-Opportunity Environment

The borderlands' high-risk/high-opportunity environment arises out of their trans-nationality. Connecting two different economic systems, the border increases economic gains, since the decline or increase in

value at borders makes exchange extremely profitable. However, these features also turn borderlands into an enabling environment for illegal economic cross-border activities. A weak state governance system increases the comparative advantage of these activities: borderlands being little integrated into the national economy, the borderlanders' loyalty to the government may yield to illegal economic interactions with those beyond the borderline.⁴⁸ This neglect also explains why what is illegal for the state may be licit in the borderlanders' eyes and activities such as smuggling become legitimate job opportunities.⁴⁹ This is the case, for example, at the estimated eighty seven unofficial border crossings that connect Ecuadorian Esmeraldas with Colombian Nariño and in the area between San Miguel (Putumayo, Colombia) and Lago Agrio (Sucumbíos, Ecuador).⁵⁰ Given the high profit margins, VNSAs—who at times stem from other regions such as Antioquia or the Caribbean coast—can easily engage local people into activities that help sustain their criminal or politically motivated activities. Smuggling equipment, munitions, weapons and explosives is common along the Colombian-Ecuadorian borderline. Also, arms-for-drugs-deals, money laundering and the trafficking of precursors for the cocaine business is prevalent.⁵¹ As most of the drug deals are handled in US dollars, VNSAs take advantage of Ecuador's dollarization in 2000 and negotiate across the borderline. Petrol and cement, necessary to process coca leaves into cocaine, are cheaper in Ecuador than in Colombia and regulations to transport these goods are less strict in the first country, therefore smuggling these goods across the borderline is extremely valuable to maximize benefits.

Finally, the high-risk/high-opportunity environment is also propitious to circumvent law enforcement measures. Customs, military, and police officials at the border crossing in Ipiales, Colombia and Tulcán, Ecuador frequently turn a blind eye on illegal activities, if they receive a share of the profits.

Proneness to Impunity

The third characteristic feature of borderlands is the proneness to impunity. A space where two different jurisdictions, security systems, and diplomatic practices meet, borderlands facilitate law evasion. In the case of the Colombian-Ecuadorian borderlands, these circumstances have been reinforced by the political and ideological cleavages between the former Colombian Uribe administration (and to a lesser extent the current Santos administration), and the Ecuadorian President Rafael Correa. As historically friendly neighbours, Ecuador and Colombia have had few tensions concerning their shared border. However, in 1979 they established binational border control instruments, and in 1996, the Bina-

tional Border Commission (COMBIFRON).⁵² Since then relations have progressively deteriorated due to Ecuador's rejection of Plan Colombia and divergent views on border security responsibilities. For Colombia, border control means employing active interdiction measures. For Ecuador, border security implies ensuring Ecuador's sovereignty without actively fighting armed groups since this would represent interference in Colombia's internal matters. As a result, while Colombia hardly recognises Ecuador's border control efforts, Ecuador downplays the threat these groups pose to its territorial integrity.⁵³ A nadir in bilateral relations constituted an unannounced Colombian military incursion on Ecuadorian soil in Angostura on March 1, 2008, sparking the rupture of diplomatic relations and the suspension of COMBIFRON.⁵⁴ Although border security co-operation has improved again with COMBIFRON's reactivation in November 2009 and an increased sharing of intelligence, vast parts of the borderlands are still characterised by impunity.⁵⁵ To be sure, this is also due to the geographic factors: the border's immense extension and the terrain's inaccessibility make efficient border control exceedingly strenuous.⁵⁶ Combined with the high-risk/high-opportunity environment, the deficient border control gives rise to the extreme porosity of the Colombian-Ecuadorian border.

Taking advantage of these conditions and the mismatch of perceptions, many VNSA-groups cross the border from Colombia to Ecuador and, usually in plainclothes and unarmed, operate in border villages such as Lago Agrio, Tulcán, and San Lorenzo.⁵⁷ The deficient security cooperation is likewise advantageous in case the VNSAs' illegal business is threatened to be detected by the state forces: VNSA-groups simply shift their business to close sites on the other side of the border. For example, after Colombian state forces increased military attacks against armed groups in the Southern border zone, laboratories and cultivations were shifted to the Ecuadorian side of the border to evade Colombian law enforcement measures.⁵⁸ Similarly, the border's porosity helps camouflage the VNSAs' illicit economic activities, and it constitutes a comparative advantage vis-à-vis law enforcement: VNSAs can opt for the more convenient infrastructure environment while the state forces are stuck to their respective national jurisdiction and territory. For instance, profiting from the comparatively well-developed road transport infrastructure on the one hand, and less strict controls by Ecuadorian state forces on the other hand, VNSA-groups are said to transport the illegal goods produced in Colombian Putumayo across the border to Ecuadorian Sucumbíos, transport them on paved roads along the border to Esmeraldas where they cross the border again in order to be moved on the river to the harbour of Tumaco, the starting point of many international traffick-

ing routes. Another example of how VNSAs in the Colombian-Ecuadorian borderlands benefit from the difference in the two operating systems is the regulation concerning toxic aerial sprayings of coca cultivations. Given that these fumigations, introduced by the Colombian government in order to eradicate coca, produced health problems and destroyed legal crops on the Ecuadorian side of the borderline (and the Colombian side as well), Quito demanded a regulation prohibiting fumigations within ten kilometres of the borderline. As UNODC maps demonstrate, in the Eastern parts of Putumayo, coca cultivations are present exactly within these ten kilometres, suggesting that VNSAs deliberately choose these zones with a view to reduced obstacles to grow the crops.⁵⁹

The proximity to an international border not only facilitates evading law enforcement, at the same time it allows for “invisibilizing” violent crimes. For instance, in 2007 the bodies of eight Ecuadorian citizens were found in Colombian Putumayo in a mass grave created by paramilitary groups. In this case Ecuadorian Foreign Minister demanded that Ecuador form part of the judicial investigations in order to identify the killed Ecuadorians.⁶⁰ However, in most cases the traces disappear once they have crossed the border, making it difficult to establish the victims’ and perpetrators’ identities. The case of the maritime border in Colombian Nariño and Ecuadorian Esmeraldas is even more complex. VNSA-groups throw the bodies of their victims into rivers that lead to the Pacific coast. Ending up in the open sea, these bodies are never identified. As a consequence, the guilty party is rarely held accountable and homicide rates do not reflect the numbers of people who have actually been killed as they simply disappear.

To sum up, borderlands are not only convenient for VNSAs to reorganize and recover, but also to conduct business. This point is substantiated by the fact that FARC’s financing and logistics fronts are situated in the periphery while the combative ones tend to be in the heartlands.⁶¹

VNSA Interactions in Nariño

Drawing on the case of the Colombian border department Nariño, I now map VNSA-interactions so as to analyse their ramifications for citizen security. Nariño is a fruitful case to examine because it concentrates a high number of different armed groups that interact with each other in multiple ways. A Colombian think tank estimates that in 2010 the FARC were present with at least 700 members, Rastrojos with 800, Auto-defensas Campesinas Nueva Generación with 150, Águilas Negras with 180, ELN with 400 and Autodefensas Gaitanistas de Colombia with 150 members. This adds up to more than 2,300 members of VNSA-groups in the department.⁶²

Two reasons for the high concentration of VNSA interaction in Nariño stand out: first, the developments in Colombia's security policies since the beginning of this millennium, and second, the department's geostrategic relevance. First, the impacts of Plan Colombia were particularly drastic in Nariño's neighbouring department Putumayo. Due to intense fumigations and the state forces' military operations, both coca cultivations and armed groups shifted eastwards to Nariño where these groups have been gaining strength, particularly over the last five years. Second, Nariño comprises all stages of the cocaine production chain. Favoured by propitious climatic and geographic conditions, with almost 15,951 hectares of coca in 2010, Nariño has the largest coca cultivations of any Colombian department.⁶³ The territory is also heavily used for the production of cocaine (processing coca leaves into coca paste, and crystallising this paste). 334 cocaine base laboratories (*cocinas*) and thirty-four hydrochloride cocaine laboratories (*cristalizadores*) were destroyed in 2010.⁶⁴ The fact that there are further laboratories that have been detected, but not destroyed, and presumably even more that have not been detected, shows the dimensions of this business within the department. Finally, Nariño is also a hot spot for the latter stages of the cocaine business. It has both a land border (with Ecuador) and a maritime border (with the Pacific Ocean), and thus comprises two of the seven starting points of international trafficking routes.⁶⁵ A case in point is the route starting in Tumaco where the cocaine is loaded on semi-submarines in order to be transported via the Galapagos Islands to Central America, or Mexico and then trafficked into the United States.

Two caveats are in order before mapping the VNSA interactions. First, labels serve the purpose of analytical clarity rather than to create typologies based on political or economic motivations. There have been cases in which small criminal gangs committed crimes in the name of the Rastrojos or Águilas Negras in order to gain leverage, although the latter distanced themselves from being authors of the crimes.⁶⁶ Also, FARC militias in urban spaces operate in a functionally different way than FARC members in remote, rural areas, thus, though reflecting their organizational membership, subsuming them under "FARC" might not necessarily speak to the differences in the way their interactions with other groups affect citizen security. Secondly, as the discussion of the business network theory suggested, the interactions of these groups are very dynamic. They are based to varying degrees on short-lived considerations and are constantly exposed to external and internal shocks. Thus, the following mapping exercise is an approximation to reflect the situation in the department in the last year rather than an accurate snapshot of a certain point in time.

Bearing these considerations in mind, at least seven different types of arrangements can be detected in the department of Nariño. These categories emerge from combining various business relationships as suggested by Williams with the relationships' durability. They range from long-term arrangements to the absence of an arrangement: (i) joint operations, (ii) territorial macro-segmentation, (iii) territorial micro-segmentation, (iv) contract relationships, (v) tactical alliances, (vi) spot sales, and (vii) violent combat.

(i) joint operations

In joint operations (strategic alliances), VNSA groups share intelligence, revenues, and/or expenses (depending on the activities they are involved in) over a certain period of time. They might have "war pacts" in order to jointly fight against a third group.⁶⁷ In Nariño, ELN and FARC are said to operate jointly in the municipalities of Santa Cruz, Samaniego, Cumbitara, Las Llanadas and Los Andes, among others, to combat state forces.⁶⁸ Likewise, apparently Águilas Negras and Rastrojos joined forces in Tumaco, though previously they fought each other.⁶⁹

(ii) territorial macro-segmentation

In the case of territorial macro-segmentation, VNSA groups respect (invisible) territorial limits of influence. Each group exercises economic, social and/or political control in a certain territory. It can be described as a form of pacific coexistence with tacit agreements of non-aggression.⁷⁰ Generally, the new emerging, post-demobilized and drug trafficking groups, subsumed by the Colombian government under BACRIM (emerging criminal bands) tend to exercise territorial dominion in urban areas whereas rebel groups, particularly the FARC, are principally present in rural areas.⁷¹ However, territorial segmentation is not limited to an urban-rural divide: it can also take shape according to the production stages of cocaine or other illegal and legal economic activities such as mining.⁷² Similarly, invisible territorial borders are defined along important infrastructure elements such as oil pipes and land, as well as fluvial trafficking routes. This appears to be the case along River Mira: while Rastrojos are said to control Alto Mira and Frontera, the FARC's mobile column Daniel Aldana apparently controls Bajo Mira. This segmentation is reflected in the "division of labour" within the cocaine business. Frequently, the FARC protects and controls the cultivation and the first production stages. A drug trafficker, or broker, buys the coca paste and sells it to the Rastrojos or other groups in charge of further processing, transporting and international trafficking of the final product.⁷³

(iii) territorial micro-segmentation

Like territorial macro-segmentation, micro-segmentation means that VNSA groups respect (invisible) territorial limits of influence so that each group controls a certain territory. However, in this case, the territorial borders are intra-urban, often concurring with neighbourhood divisions.⁷⁴ The intra-urban nature of the segmentation means that the space in which different groups operate is more limited: hence, points of friction between different groups tend to surface more frequently. Such territorial micro-segmentation is present in most major cities of Nariño, most notably in Tumaco, Pasto and Ipiales. In Ipiales FARC and ELN militias, Águilas Negras, Rastrojos, and Caucanos, are said to be present, with each of them controlling certain neighbourhoods.⁷⁵ Situated next to the vibrant border crossing of Rumichaca, this town is an important transit point for traders where the illegal economic activities of VNSA groups' such as human trafficking, money laundering, arms trafficking, and smuggling of equipment can be easily intermingled with licit commerce so as to maintain a low profile.⁷⁶

(iv) tactical alliances

Tactical alliances are agreements between different VNSA groups characterised by easy ruptures and quick changes. They are less durable than joint operations and in contrast to territorial segmentation they involve direct interactions between different groups. These features make them extremely fragile, not least because they are based on short-term benefits and are usually formed among leaders on the basis of personal considerations.⁷⁷ In the city of Tumaco, Águilas Negras, Rastrojos, FARC militias of the mobile column Daniel Aldana, the Sinaloa cartel and other criminal groups are present.⁷⁸ Most of them are likely to form tactical alliances at times, for example in the form of sharing intelligence to circumvent law enforcement measures, using the same wharf or transport routes to ship their illegal goods, or purchasing equipment, such as munitions, weapons, and cocaine from the same brokers.⁷⁹ These alliances may break if a leader feels humiliated by actions of a member of the other group, if an alliance with another group allows maximizing benefits, or if someone is suspected to be traitor, to give some examples.

(v) contract relationships

Contract relationships among VNSA groups are relationships in which one party accepts an offer of another party to provide certain services over a defined period of time. This can be a one-time service such as contract killing or a service provided over a longer period of time. In Tu-

maco, for example, the Águilas Negras are said to have been contracted by the Mexican Sinaloa Cartel in order to provide security services.⁸⁰

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(vi) spot sales

Spot sales involve commodities, for example illegal drugs or weapons, that are purchased immediately “on the spot”, either on a cash basis or as barter agreement, for example an arms-for-drugs-deal. Such business deals can materialize very spontaneously. Leaders of hostile groups may sit together to undertake a deal one day and the next day they might fight each other again. The village of Llorente, on the road that connects Tumaco with Pasto, is notorious for such deals. Apparently, in 2007 it resembled a “business centre” where members of VNSA groups met to negotiate shipments, entries of precursors, and made payments to access trafficking routes or purchase illegal goods.⁸¹ In these cases if a party did not agree with the price, tried to cheat, or changed his or her mind, the deal sometimes not only failed to take place, it could also have deadly consequences.⁸²

(vii) violent combat

Diverging or conflicting interests may give rise to violent combat. It is comparable to competition in the licit business world, yet based on the means of violence. In 2010 ELN and FARC conducted violent combat in the municipality of Barbacoas. In July 2011, the same region suffered clashes between Águilas Negras, Rastrojos, and the FARC.⁸³

VNSA Interactions as Threats to Citizen Security

The various forms of interaction among different VNSA groups have intended and unintended consequences for security dynamics in the borderlands.⁸⁴ Drawing on the concept of citizen security shows that the repercussions of VNSA groups go beyond physical violence. Depending on the type of arrangement of convenience, the interactions affect the various elements of citizen security in qualitatively different ways, with some of them being less visible and measurable and, arguably often overlooked. In order to analyse the VNSA interactions in light of the impacts on the borderlanders' citizen security, it is useful to reduce the spectrum of arrangements of convenience according to their durability: first, long-term arrangements such as joint operations or territorial segmentation; second, short-term arrangements comprising tactical alliances, contract relationships and spot sales; and third, the absence of an arrangement, that is, violent combat.

The absence of any arrangement (violent combat) is likely to inflict physical violence on citizens. In line with Kalyvas' conceptualisation of violence in civil wars, borderlanders might get caught in the cross fire, hit by a stray bullet and become victims of indiscriminate homicides that one party commits against those that are believed to belong to the other party.⁸⁵ To cite one example: on the one hand, since April 2010, the Águilas Negras have terrorized the population of Barbacoas by spray-painting death threats against citizens whom they consider to be FARC, ELN, and Rastrojos collaborators, and announcing "extermination campaigns" against young delinquents and "antisocial" persons. On the other hand, on July 4, 2010 the Rastrojos killed a man in the "Muelle" neighbourhood, on July 9 they killed a motorbike taxi driver and a four year old girl, on July 22 they forced the president of a civil society organization to leave town, and on August 6 they displaced fifteen people. They have also implemented illegal roadblocks between villages where they stop cars and kill passengers who they believe to belong to other VNSA groups.⁸⁶ Large-scale violence in the form of massacres, disappearances, and mass displacements are prevalent; in 2011 the FARC committed massacres in the territory of the indigenous group Awá; between January 1 and December 31, 2010, Colombia's Commission for the Search of Disappeared Persons registered ten forced disappearances in Barbacoas;⁸⁷ and, according to Colombia's Presidential Agency for Social Action and International Cooperation, 11,445 persons have been displaced in the municipality of Barbacoas between 2005 and 2011.⁸⁸

Long-Term Arrangements

Long-term arrangements including joint operations and territorial segmentation tend to inflict less physical violence on the local population, yet severely distort the state-society relationship. Exercising control over a given territory and the population that lives in it, a VNSA group may replace state functions such as security and justice services. In communities in the municipality of Tumaco for example, the *Autodefensas Nueva Generación* conduct "social cleansing" by killing or threatening to kill "antisocial" persons such as delinquents, drug addicts and thus impose security by their own means ("shadow security").⁸⁹

Also, the dominant VNSA group may define what people should talk about and whom to talk to. In Ipiales, for instance, the FARC conduct reunions in which the entire community has to participate. They advise the population not to mention any problems regarding human

rights violations when talking to staff of international agencies, otherwise they will be punished.⁹⁰

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Furthermore, VNSA groups establish behavioural rules, ranging from dress codes and employment restrictions to citizens' relationship with the state. In some areas, for example, the FARC have levied taxes upon businessmen and traders, obliged farmers to sow, collect, and process coca and latex for heroin, and have dictated who is in charge of buying and distributing the precursors and derivatives of coca and opium.⁹¹ In others, they have told farmers not to lend their animals as pack mules to members of the Colombian army. Also, there have been cases where the FARC has distributed pamphlets to warn communities of repercussions should they have been in contact with state forces. Several community leaders, teachers, and medical staff have been killed due to their alleged collaboration with the Colombian army. They further force women to provide them water, food, and domestic services such as laundry which results in stigmatization by the state forces who accuse them to be FARC collaborators.⁹² Other behavioural rules include the imposition of curfews or restrictions on the population's access to goods and their mobility, for example by sowing anti-personal mines. Examples of situations of confinement within the last few years include the border municipalities of Alto Mira (Tumaco), Barbacoas (Barbacoas), Nulpes (Ricaurte), Mayasquer and Miraflores (Cumbal), and La Victoria and Jardines de Sucumbíos (Ipiales).⁹³

Finally, VNSA groups in control of a certain territory restrict external institutions' access to the territory they control. The neighbourhoods of Viento Libre and Panamá in Tumaco, for example—cases of territorial micro-segmentation—are virtually inaccessible to international agencies, human rights organisations, and public institutions including police. Hence, the international community is ignorant about the situation in these areas, humanitarian crises stay unnoticed, and most crimes remain in impunity. There have also been cases in which a VNSA group told community leaders to only let "outsiders" enter the territory if the "outsider" does not address any human rights issues. Furthermore, in 2007 in Ipiales for example, the government researchers whose work it is to report on the population's security situation only surveyed 50 per cent of the population in order not to endanger their own personal security.⁹⁴ Given that the government and international agencies draw on these surveys to design their projects, this not only leads to a distorted picture of the situation in Ipiales and hence a general lack of knowledge on the population's security, but also to inappropriate policy measures to change the security dynamics in borderlands.

As a consequence, unaware of many of these situations, the municipal, departmental and national state authorities are neither responsive to its citizens' needs nor capable of taking action.⁹⁵ Rather than mass displacements, such situations generate drop-by-drop displacements since those people flee who are no longer able or willing to live under the VNSA group's "laws". As long as citizens stick to the laws of the illicit authority, it is relatively unlikely that they will experience physical violence, one of citizen security's elements. In that sense, some kind of "shadow citizen security" might exist. Some citizens, for example, state that their community has been safer under the rule of a certain VNSA group than when the state forces came in because the VNSA group established order. Also, some people consider the VNSA groups' parallel justice systems more efficient: delinquents are punished immediately by the VNSA group whereas the state justice system requires a longer process.⁹⁶ Brought about by violent, illegal means, it is, however, only the "shadow" of citizen security, exemplified by the three youngsters killed and dismembered in 2010 by the Rastrojos because they had not paid the extortion money.⁹⁷ In any case, even if physical violence may be kept relatively low, another important element of citizen security, the population's social capital, is undermined. Given that the VNSA group has control over behaviour and discourse, citizens are virtually unable to state their preferences and organize in order to take collective action; the borderlanders' voice is silenced. Stigmatisation and mistrust erodes the social fabric so that neighbours, relatives and friends refrain from supporting each other. The lack of solidarity among the population thwarts the mechanisms of protection and prevention necessary to ensure citizen security.⁹⁸ Hence, the state-society relationship is affected both from the state's and the society's side.

The invisibility of these consequences for citizen security is reinforced through the specific features of the borderlands where these municipalities are located. As outlined in the section "Colombian-Ecuadorian borderlands," first, the weak state governance system makes it difficult to provide services and hampers humanitarian access; second, the high-risk/high-opportunity environment is advantageous for the supply of anti-personal mines, often used as mechanism of confinement; and third, the space of impunity that emerges from the proximity to the international border allows VNSAs to get away without prosecution and to camouflage crimes that are committed if people do not obey the rules.

Short-Term Arrangements

Short-term arrangements inflict both physical violence on citizens and undermine their social capital. The fragile nature of arrangements such

as tactical alliances, contract relationships, and spot sales leads to high rates of mistrust. Quickly shifting support networks produce uncertainty that often gives reason to violence that takes shape in selective homicides against potential traitors, suspected state collaborators, messengers, or informants.⁹⁹ Since no one knows who is on whose side, on whom to rely, and to whom to talk, it is extremely difficult to establish who might be involved in those arrangements, and who is not. The lines between bystanders and active members are highly blurred. In Tumaco for example, school children are paid by members of VNSA groups to transport small arms in their school bags. Sometimes in Ipiales, newspaper readers standing on a street corner or sitting on a park bank are informants.¹⁰⁰ In such tense environments, emotions can lead to lethal acts of aggression, for instance as personal revenge. Yet while physical violence is a visible consequence of how citizen security is undermined, this lack of trust has “invisibilized” many impacts on citizen security such as the effect upon the population’s social capital. Permanent fear and mistrust destroys the social fabric, a sense of community, and citizenship. The constant uncertainty that the population has to face accelerates this process: while in the case of long-term arrangements VNSA groups impose certain rules of behaviour which may serve as orientation for citizens about how to adapt their lives to the circumstances to protect their physical security, the fragility of short-term arrangements impedes any orientation. Not only do indicators of physical security fail to capture the erosion of the social fabric. Also, those who experience intra-urban displacement and move from one neighbourhood to another, in order to avoid getting involved or to escape acts of revenge, hardly figure in statistics of violence. Additionally, the state’s incapacity to break through this circle of tacit agreements and illicit order undermines the state-society relationship, and, finally, because borderlanders voluntarily or involuntarily are at the service of VNSAs, and VNSAs are members of the borderland community, the very concept of citizen security is called into question. Who is a subject of citizenship and therewith citizen security, and who is a threat to it, becomes a question with no response.

As the case of Tumaco suggests, the specific geography of borderlands not only conceals the repercussions for citizen security, as in the case of long-term arrangements, but also works as a catalyst to the fragility of the arrangements of convenience. The reason for this might be that near borders, at least maritime borders, the value of the illicit products that are at the core of these arrangements tends to be higher than elsewhere. Situated at the starting points of illegal trafficking routes, the products have already passed most of the stages of the production chain and thus accumulated value. Moreover, the borderlands’ high-risk/high-opportu-

nity environment makes these deals extremely lucrative and popular, thus competition is high, and business partners quickly replace each other.

Conclusion

In conclusion, it can be stated that the study has been fruitful in four regards: empirically, analytically, conceptually, and as an indicator for fields of further research.

First, empirically, by drawing on “citizen security” as a holistic analytical device rather than on indicators of violence, the analysis has reinforced the suggestion that the repercussions of VNSA interactions in the scope of illegal economic activities are not only associated with physical violence, but also have implications for the non-violent elements of citizen security.

These implications differ, depending on the type of arrangement of convenience:

According to this study, in the case of the absence of an arrangement (violent combat), physical security is probably the most affected citizen security element.

In the case of long-term arrangements (joint operations and territorial segmentation), the mutually fertilizing state-society relationship is the element which is likely to stand out among the undermined citizen security elements. On the one hand, social control through confinement and behavioural rules silences citizens’ voices and thus impedes their participation in designing security policies. On the other hand, restrictions on humanitarian access reduce the state’s responsiveness. Hence, the mutually fertilizing state-society relationship is distorted and, in the extreme case, replaced by a “VNSA-society relationship”.

Regarding short-term arrangements (tactical alliances, contract relationships, spot sales), the analysis suggests that social capital is particularly strongly affected. The fragility of the arrangements produces a constant uncertainty among the population that impedes establishing any rules of appropriate behaviour and spurs mistrust among citizens.

Second, analytically, the study has demonstrated the added value of unpacking the various types of interactions as opposed to drawing on the dichotomy of co-operation versus conflict. This approach suggests that there may be a correlation between the durability of the relationships and the extent to which citizens are affected by physical violence: The more stable the relationship between different VNSA groups, the less physical violence is inflicted on citizens. Also, it points to the relevance of the dynamic nature of VNSA interactions for citizen security: a (potential) change in the relationship between VNSAs rather than the



relationship itself may inflict violence on borderlanders and affect other elements of citizen security.

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Third, conceptually, the study has given reason to rethink the concept of citizenship. In an environment where the line between victims and perpetrators is blurred and where the identity of members of VNSA groups and the local population overlaps, uncertainty may eliminate any sense of citizenry. What is more, citizenship may not necessarily arise from belonging to the state as political authority in a given territory anymore. Rather, forms of “shadow citizenship” and “shadow citizen security” may emerge, calling into question the state’s sovereignty.

Fourth, taking into account the specific geography of borderlands, i.e. the location where the interactions of VNSAs take place, has been stimulating for conducting further research on the “border effect.” The analysis has shown that the border works as a catalyst of fragility (regarding VNSA relations) and conceals the consequences for citizen security. More research is required to examine under what conditions the impacts of the interactions of VNSA groups in borderlands tend to be less visible and VNSA relationships more fragile than in other regions.

As a final remark, it might be worthwhile emphasizing the particular approach of this article to enhance our understanding of the security dynamics of borderlands in which different VNSA groups interact: moving the attention from the centres to the periphery and from territoriality to citizens. Maybe such thinking could also contribute to change borderland realities for the better, if policy makers consider following this path. But this is yet another critical field of research. ■

Notes

¹ In addition to this, former Colombian president Álvaro Uribe Vélez’s (2002–2010) Democratic Security Policy contributed to shift the internal armed conflict to Colombia’s periphery. See International Crisis Group, “Moving Beyond Easy Wins: Colombia’s Borders,” *Crisis Group Latin America Report*, no. 40 (2011): 4.

² Angel Rabasa and Peter Chalk, *Colombian Labyrinth: The Synergy of Drugs and Insurgency and its Implications for Regional Stability* (Santa Monica: RAND, 2001).

³ See for example Richard Millett, *Colombia’s Conflicts: The Spillover Effects of a Wider War* (Carlisle: Strategic Studies Institute, 2002) or Abigail Poe and Adam Isacson, *After Plan Colombia: Evaluating “Integrated Action,” the Next Phase of U.S. Assistance*, *International Policy Report* (Washington, DC: Center for International Policy, 2009).

⁴ Socorro Ramírez, “Civil Society Peacebuilding on Colombia’s Borders,” in *Accord: An International Review of Peace Initiatives, Building Peace across Borders*, eds. William Zartman and Alexander Ramsbotham (London: Conciliation Resources, 2011),



⁵ Ann Mason and Arlene Tickner, "A Transregional Security Cartography of the Andes", in *State and Society in Conflict: Comparative Perspectives on Andean Crises*, eds. Paul W. Drake and Eric Herschberg (Pittsburgh: University of Pittsburgh Press, 2006), 74-98.

⁶ Human Rights Watch, *Paramilitaries' Heirs: The New Face of Violence in Colombia* (New York: Human Rights Watch, 2010).

⁷ Phil Williams, "Cooperation Among Criminal Organizations", in *Transnational Organized Crime and International Security: Business as Usual?*, eds. Mats Berdal and Mónica Serrano (Boulder, CO and London: Lynne Rienner, 2002), 67-80, 68.

⁸ United Nations Office on Drugs and Crime (UNODC), *The Globalization of Crime: A Transnational Organized Crime Threat Assessment* (Vienna: United Nations Office on Drugs and Crime, 2010); Ulrich Schneckener, "Fragile Statehood, Armed Non-State Actors and Security Governance," in *Private Actors and Security Governance*, DCAF Yearbooks 4, eds. Alan Bryden and Marina Caparini (Berlin: Lit Verlag, 2006), 23-40.

⁹ See for example Mark S. Steinitz, "The Terrorism and Drug Connection in Latin America's Andean Region," *Policy Papers on the Americas*, XIII, Study 5 (Washington, DC: Center for Strategic and International Studies, 2002); Chris Dishman, "The Leaderless Nexus: When Crime and Terror Converge," *Studies in Conflict & Terrorism* 28, no. 3 (2005): 237-252; Svante E. Cornell, "Narcotics and Armed Conflict: Interaction and Implications," *Studies in Conflict & Terrorism* 30, no. 3 (2007): 207-227.

¹⁰ Phil Williams, *Criminals, Militias, and Insurgents: Organized Crime in Iraq* (Carlisle, Pennsylvania: Strategic Studies Institute, 2009).

¹¹ See for example Max G. Manwaring, *Non-State Actors in Colombia: Threat and Response* (Carlisle, Pennsylvania: Strategic Studies Institute, 2002).

¹² Examples include conspiracy theories, conflict theories and in-house-criminality theories. For conspiracy theories see Claire Sterling, *Crime Without Frontiers: the Worldwide Expansion of Organised Crime and the Pax Mafiosa* (London: Warner Books, 1995); Rachel Ehrenfeld, *Narco-Terrorism* (New York: Basic Books, 1990). For conflict theory, see Thomas C. Schelling, *The Strategy of Conflict* (Cambridge: Harvard University Press, 1971). For in-house-criminality theories see Chris Dishman, "Terrorism, Crime, and Transformation," *Studies in Conflict & Terrorism* 24, no. 1 (2001): 43-58; Tamara Makarenko, "The Crime-Terror Continuum: Tracing the Interplay between Transnational Organised Crime and Terrorism," *Global Crime* 6, no. 1 (2004): 129-145. For an overview see Bilal Y. Saab and Alexandra W. Taylor, "Criminality and Armed Groups: A Comparative Study of FARC and Paramilitary Groups in Colombia," *Studies in Conflict & Terrorism* no. 32 (2009): 455-475, 456-459.

¹³ Arlene Tickner, et al., "Actores Violentos No Estatales y Narcotráfico en Colombia," in *Política Antidrogas en Colombia*, eds. Alejandro Gaviria and Daniel Mejía (Bogotá: Ediciones Uniandes, 2011), 413-445, 414.

¹⁴ See for example César Andrés Restrepo, *Colombia: Seguridad y Defensa en las*



Fronteras (Bogotá: Fundación Seguridad y Democracia, 2009).

¹⁵ Ariel Ávila and Magda Núñez, "Expansión Territorial y Alianzas Tácticas," *Corporación Nuevo Arco Iris, Arcanos* No. 14 (2008): 52-61, 61.

¹⁶ Cf. N. K. Denzin, *Sociological Methods: a Sourcebook, Methodological Perspectives* (Chicago: Aldine Pub. Co., 1970).

¹⁷ Jonathan Goodhand, "War, Peace and the Places in Between: Why Borderlands are Central," in *Whose Peace? Critical Perspectives on the Political Economy of Peace-building*, eds. Michael Pugh, Neil Cooper, and Mandy Turner (London: Palgrave Macmillan, 2008), 225-244, 228.

¹⁸ Michiel Baud and Willem van Schendel, "Toward a Comparative History of Borderlands," *Journal of World History* 8, no. 2 (1997): 211-242, 216; Goodhand, "War, Peace and the Places in Between," 228-230.

¹⁹ Williams, "Cooperation Among Criminal Organizations," 68.

²⁰ Alex Schmid, "Links Between Terrorism and Drug Trafficking: A Case of Narco-Terrorism?" <http://english.safe-democracy.org/causes/links-between-terrorism-and-drug-trafficking-a-case-of-narcoterrorism.html> (accessed October 23, 2010); R. T. Naylor, "The Insurgent Economy: Black Market Operations of Guerrilla Organizations," *Crime, Law and Social Change* 20 (1993): 13-51.

²¹ Phil Williams and R. Godson, "Anticipating Organized and Transnational Crime," *Crime, Law and Social Change* 37, no. 4 (2002): 311-355, 327.

²² Cf. note 9.

²³ John Bailey, *Public Security in the Americas: New Challenges in the South-North Dialogue* (Washington, DC: Georgetown University, 2003), 274.

²⁴ Robert Picciotto, Funmi Olonisakin, and Michael Clarke, *Global Development and Human Security* (New Brunswick, Jersey: Transaction Publishers, 2007), 12-14.

²⁵ Francis Fukuyama "Social Capital and Development: The Coming Agenda," *SAIS Review* 12, no. 1 (2002): 23-37, 27.

²⁶ Mauricio Duce and Rogelio Pérez, "Citizen Security and Reform of the Criminal Justice System in Latin America" in *Crime and Violence in Latin America: Citizen Security, Democracy, and the State*, eds. Hugo Frühling, Joseph Tulchin and Heather Golding (Washington, D.C.: Woodrow Wilson Centre Press, 2003), 60-92, 79-82.

²⁷ James March and Johan Olsen, "The Logic of Appropriateness" in *The Oxford Handbook of Public Policy*, eds. Michael Moran, Martin Rein and Robert Goodin (Oxford: Oxford University Press, 2008), 689-708, 691-692.

²⁸ Francisco Leal Buitrago, "Armed Actors in the Colombian Conflict," in *Armed Actors: Organized Violence and State Failure in Latin America*, eds. Kees Koonings and Dirk Kruijt (London: Zed Books Ltd., 2004), 87-105.

²⁹ UNODC, *The Globalization of Crime*, 81.

³⁰ Poe and Isacson, *After Plan Colombia*, 4.

³¹ Steinitz, "Terrorism and Drug Connection," 3.



³² UNODC, *The Globalization of Crime*, 81.

³³ Thomas M. Sanderson, "Transnational Terror and Organized Crime: Blurring the Lines," *SAIS Review* 24, no. 1 (2004): 49-61, 51.

³⁴ International Crisis Group, *Improving Security Policy in Colombia*, Latin America Briefing No. 23, (Bogotá/Brussels: International Crisis Group, 2010), 9.

³⁵ UNODC, *Colombia: Monitoreo de Cultivos de Coca 2010*, (Bogotá: UNODC, 2011), 11.

³⁶ Adrián Bonilla and Hernán Moreano, "Narcotráfico en el Ecuador: 1989-2009," in *Narcotráfico en América Latina*, ed. Juan Gabrien Tokatlian (Caracas: Corporación Andina de Fomento – CAF, 2009).

³⁷ UNODC, *The Globalization of Crime*, 85-105.

³⁸ For the policy document of the Democratic Security Policy see Presidencia de la República/Ministerio de Defensa, "Política de Defensa y Seguridad Democrática," available under <http://www.oas.org/csh/spanish/documentos/Colombia.pdf> (accessed November 14, 2011).

³⁹ International Crisis Group, "Moving Beyond Easy Wins".

⁴⁰ UNODC, *Colombia*, 16.

⁴¹ Cf. UNODC, *Colombia*, 81.

⁴² See for example Paul Gootenberg, *Andean Cocaine: the Making of a Global Drug* (Chapel Hill, N.C. : University of North Carolina Press, 2008); or Patrick Clawson and Rensselaer W. Lee, *The Andean Cocaine Industry* (Basingstoke: Macmillan, 1996).

⁴³ Zully Laverde and Edwin Tapia, *Tensión en las Fronteras* (Bogotá: CODHES, 2009), 9.

⁴⁴ Juan Dumas and Volker Frank, "Análisis de Paz, Conflictividad y Desarrollo (APCD): Cantón San Lorenzo, Provincia de Esmeraldas, y Cantón Lago Agrio, Provincia de Sucumbios," <http://www.planecuador.gov.ec/-upload/apcd-informe-final.pdf> (accessed July 10, 2009), 7-9.

⁴⁵ Interview with international agency, Pasto, October 2011.

⁴⁶ Interviews with Colombian displaced farmers, Pasto, October 2011; Defensoría del Pueblo. Sistema de Alertas Tempranas, *Informe de Riesgo No. 019-07* (Bogotá: SAT, 2007), 5.

⁴⁷ Interview with Ecuadorian academic, Quito, August 2009.

⁴⁸ Oscar Martínez, *Border People: Life and Society in the U.S.-Mexico Borderlands* (Tucson: University of Arizona Press, 1994), 23-24, 313-314.

⁴⁹ See statement of a displaced woman in Mocoa, November 2011: "No sé cultivaba más nada, solamente la coca, claro porque es lo que daba más plata... Los domingos la sacamos las mujeres, porque la policía no registra a las mujeres, a los hombres sí... y la coca la pegábamos aquí en el cuerpo, así la sacábamos hasta el pueblo y en el pueblo la vendíamos, porque era mucha plata: valía mil pesos el gramo..."

es muchísima plata!” Translation by the author: “We didn’t cultivate anything else, only coca, of course, because this is with what we made most money...every Sunday the women took it [the processed coca] away because the police does not search women, only men....and we stuck the coca here, onto our body, like this we carried it to the village and in the village we sold it, because it is a lot of money: one gram is worth thousand pesos...this is really a lot of money!” Also see Francisco E. Thoumi, *Illegal Drugs, Economy and Society in the Andes* (Washington, D.C., Baltimore, London: Woodrow Wilson Center Press, 2003).

⁵⁰ Interviews with international and local agencies and displaced persons in Pasto, Ipiales, Tulcán, and Mocoa, October and November 2011.

⁵¹ Centro de Estudio y Análisis en Convivencia y Seguridad Ciudadana (CEACSC), *Internal Document* (Bogotá: CEACSC, 2010); Laura González Carranza, “Fronteras en el Limbo: El Plan Ecuador en el Ecuador,” *Serie Investigación*, No. 13 (Quito: INREDH, 2008); United Nations Office on Drugs and Crime, *Violencia, Crimen y Tráfico Ilegal de Armas en Colombia* (Bogotá: UNODC, 2006), 39; RAND National Defense Research Institute, *Arms Trafficking and Colombia* (Santa Monica: RAND, 2003).

⁵² Fundación Seguridad y Democracia, “Seguridad y Defensa en la Frontera Colombia – Ecuador,” *Coyuntura de Seguridad*, No. 22 (Bogotá: Fundación Seguridad y Democracia, 2008), 15-37, 17-18.

⁵³ Fundación Seguridad y Democracia, *Colombia y Ecuador: Dos Visiones de Seguridad, una Frontera* (Bogotá: Fundación Seguridad y Democracia, 2006), 4-7.

⁵⁴ Gabriel Marcella, “War Without Borders: The Colombia-Ecuador Crisis of 2008,” 2008, <http://www.strategicstudiesinstitute.army.mil/pdffiles/PUB891.pdf> (accessed June, 10, 2009), v.

⁵⁵ International Crisis Group, *Improving Security Policy in Colombia*, 9.

⁵⁶ Laverde and Tapia, *Tensión en las Fronteras*, 25.

⁵⁷ Interviews with local NGOs, international agencies, local churches and displaced persons in Pasto, Ipiales, Tumaco, Tulcán and Mocoa, October and November 2011.

⁵⁸ Tickner et al., “Actores Violentos No Estatales y Narcotráfico en Colombia”, 427.

⁵⁹ UNODC, *Colombia*, 15.

⁶⁰ N. n., “Cancilleres buscarán mejorar relaciones Ecuador-Colombia,” *El Universo*, May 26, 2007.

⁶¹ In Nariño for example the FARC’s mobile column Daniel Aldana, situated along the River Mira next to the Colombian-Ecuadorian border, is known to be responsible for supply and financing.

⁶² Note, however, that the number of state forces present in Nariño has increased from 6,000 active members in 2008 to 14,000 active members in 2011 (Interview with international agency, Pasto, November 2011).

⁶³ UNODC, *Colombia*, 15.

⁶⁴ UNODC, *Colombia*, 81.

⁶⁵ Ariel Ávila and Magda Núñez, "Las Dinámicas Territoriales del Ejército de Liberación Nacional: Arauca, Cauca y Nariño," *Arcano*, no. 15 (2010), 29.

⁶⁶ Interview with international agency, Pasto, October 2011.

⁶⁷ Ávila and Núñez, "Las Dinámicas Territoriales," 54.

⁶⁸ Defensoría del Pueblo. Sistema de Alertas Tempranas, *Nota de Seguimiento No. 017-II*, Tercera Nota al Informe de Riesgo No 024-08 A.I. (Bogotá: SAT, 2008): 4.

⁶⁹ Interview with Colombian government officials, Pasto, October 2011.

⁷⁰ Ávila and Núñez, "Las Dinámicas Territoriales," 54.

⁷¹ Interviews with international and local agencies, Pasto and Tumaco, October 2011.

⁷² Tickner, et al., "Actores Violentos No Estatales y Narcotráfico en Colombia"; Laverde and Tapia, *Tensión en las Fronteras*, 28.

⁷³ Tickner, "Actores Violentos No Estatales y Narcotráfico en Colombia."

⁷⁴ Diócesis de Tumaco, *En Tumaco: La Marcha de la Desesperación* (Tumaco: Diócesis de Tumaco, 2011).

⁷⁵ Interviews in Ipiales, November 2011.

⁷⁶ Laverde and Tapia, *Tensión en las Fronteras*, 26-35; Fundación Social Provincia, "Percepción de la Situación de los Derechos Humanos en el Sur de Nariño," Power Point Presentation, 2011.

⁷⁷ Ávila and Núñez "Expansión Territorial y Alianzas Tácticas," 52-61.

⁷⁸ Interviews with local agencies in Tumaco and Pasto, October and November 2011.

⁷⁹ Interview with government official, Pasto, October 2011.

⁸⁰ Interview with international agency, Pasto, November 2011.

⁸¹ Tickner, et al., "Actores Violentos No Estatales y Narcotráfico en Colombia."

⁸² Defensoría del Pueblo. Sistema de Alertas Tempranas, *Informe de Riesgo No. 029-08 A.I.* (Bogotá: SAT, 2008).

⁸³ CM, "Desplazamiento en Barbacoas por enfrentamientos entre bandas y Farc," <http://www.verdadabierta.com/bandera/3388-desplazamiento-en-barbacoas-por-enfrentamientos-entre-bandas-y-farc> (accessed: October 27, 2011).

⁸⁴ Note that, although not addressed in this paper, also the state forces' activities and interactions with other armed groups affect the borderlanders' citizen security.

⁸⁵ Stathis Kalyvas, "Wanton and Senseless? The Logic of Massacres in Algeria," *Rationality and Society* 1, no. 3 (1999): 243-285, 245.

⁸⁶ Defensoría del Pueblo. Sistema de Alertas Tempranas, *Nota de Seguimiento No. 007-II*, Tercera Nota al Informe de Riesgo N° 029-07, (Bogotá: SAT, 2011), 5.

⁸⁷ Defensoría del Pueblo. Sistema de Alertas Tempranas, *Nota de Seguimiento No.*

007-II, 5.

⁸⁸ Defensoría del Pueblo. Sistema de Alertas Tempranas, *Nota de Seguimiento No. 007-II*, 5. For similar crimes committed by FARC and ELN see same note, 6-7.

⁸⁹ Defensoría del Pueblo. Sistema de Alertas Tempranas, *Informe de Riesgo No. 029-08 A.I.* (Bogotá: SAT, 2008), 2.

⁹⁰ Interview with displaced person, Nariño, October 2011.

⁹¹ Defensoría del Pueblo, internal document, 2007.

⁹² Defensoría del Pueblo, internal document, 2009.

⁹³ Interviews with international and national agencies, Pasto and Tumaco, October 2011.

⁹⁴ Defensoría del Pueblo. Sistema de Alertas Tempranas, *Informe de Riesgo No. 017-07 A. I.*, (Bogotá: SAT, 2007), 1-2.

⁹⁵ Defensoría del Pueblo. Sistema de Alertas Tempranas, *Informe de Riesgo No. 017-07 A. I.*, 6.

⁹⁶ Interviews with displaced persons, Nariño, October and November 2011.

⁹⁷ Defensoría del Pueblo, internal document, 2010.

⁹⁸ Defensoría del Pueblo, internal document, 2009.

⁹⁹ Diócesis de Tumaco, *En Tumaco*.

¹⁰⁰ Interviews with local agencies, Tumaco, Pasto, Ipiales, October and November 2011.

Islamism and Uncertainty: Charting the Future of Women's Rights in Tunisia

MONICA MARKS

ABSTRACT

The supposed clash between Islamism and women's rights has proven to be one of the most contentious realms of debate in the wake of the recent Arab uprisings. This is particularly true in Tunisia, where a long-banned Islamist party called *Ennahda* won a resounding 41 per cent of the votes in the October 2011 elections. This paper analyses the perceived conflict between Ennahda Islamists and women's rights through the lens of first-hand interviews conducted with forty-six Ennahda women activists. It finds that Tunisia's Islamist women are taking an increasingly vocal role in determining the direction of the country's women's rights agenda, and argues that greater attention must be accorded to the experiences and motivations of women identifying with the resurgent Ennahda movement.

Introduction

"Democracy, the return of power to the people, is a dangerous undertaking, an adventure filled with risks."

—Habib Bourguiba at the Bizerte Congress, 1964¹

The supposed clash between Islamism and women's rights has proven to be one of the most contentious realms of political debate in the wake of the recent Arab uprisings.² Tensions have been running high, and while fears of rising Islamist patriarchy are widespread, few researchers have bothered to speak with Islamist women themselves. In an ideological battle pitting secular feminist activists against regressive Islamists, Islam-

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ist women are rarely seen as actors. This has certainly been the approach in Tunisia, where a long-banned Islamist party called *Ennahda* won a resounding 41 per cent of the votes in the October 2011 elections.

This paper analyses the perceived conflict between *Ennahda* Islamists and women's rights through the lens of first-hand interviews conducted with forty-six *Ennahda* women activists and participant observation while on fieldwork in Tunisia in 2011. After offering an overview of the current political situation, the article outlines causes for the perception gap and then discusses the interviews. By focusing on Tunisia's Islamist women as actors, this article challenges the assertion that Islamism is by definition static, retrogressive, and inherently dangerous for the future of women's rights in the region. It finds that Tunisia's Islamist women are taking an increasingly vocal role in determining the direction of the country's women's rights agenda, and argues that greater attention must be accorded to the experiences and motivations of women identifying with the resurgent *Ennahda* movement.

National Women's Day, August 13, 2011: Tunisian Women at a Crossroads

Signed into law on August 13, 1956 by then-president Habib Bourguiba, Tunisia's Personal Status Code ushered in a raft of progressive legal provisions for women. These included the right to initiate divorce, the right to receive alimony, and most famously a prohibition on polygamy in all cases without exception, something unheard of elsewhere in the Middle East and North Africa region.³ Tunisians are rightly proud of this legal heritage, which has afforded women more egalitarian legal protections than in any other Arab state.⁴

Although Tunisians are still celebrating National Women's Day with excitement, the annual celebrations themselves looked quite different in 2011. For the first time since 1987, President Zine el-Abidine Ben Ali and his much-reviled wife Leila Trabelsi—the two people who tightly orchestrated every major women's rights event in Tunisia—were nowhere to be found. Instead, a host of separate events took place, including a demonstration of approximately one thousand secularist women on Bourguiba Avenue in downtown Tunis.⁵

The *Ennahda* Party—Tunisia's long-suppressed Islamist movement—opted to hold its own National Women's Day rally at the Palais des Congrès, a spacious convention centre in the country's capital of Tunis. A small flyer displaying the pale blue silhouette of a veiled woman beside the party's slogan, "Freedom, Justice, Development" was circu-



lated around town. Banners with messages like “Women are Men’s Sisters in Building and Persevering” and “No Progress for Women without Chastity and Modesty” adorned the circular arena. I attended the event and found a spot near the stage among the gently murmuring attendees. I struck up a conversation with the schoolteacher to my left. Like most women in the hall, Nesrine wore a neatly pinned, colourful headscarf and seemed eager for the event to begin. “I have a Master’s degree in Physics, but I wasn’t allowed to teach for years because of this,” she said, tugging the edge of her floral patterned hijab. “Ben Ali tried to suppress our Arabic-Islamic identity. Now, we have a chance at freedom. Ennahda is our hope.” Nesrine’s older sister, who doesn’t wear the scarf, nodded in agreement: “This party stands up for all Tunisian women—that’s why we’re here tonight.”

A Climate of Uncertainty

The so-called “Jasmine Revolution,” which toppled Ben Ali’s regime on January 14, 2011, thrust Tunisians into a period of turbulent uncertainty and heady excitement. For a brief, intoxicating moment, hope reigned on the Tunisian streets. Avenue Bourguiba teemed with young girls waving the Tunisian flag, balanced astride the broad, proud shoulders of Tunisian men. “How beautiful is Tunisia without Ben Ali and the forty thieves!” read one very popular graffiti slogan a reference to the cancerous corruption of the old regime.

Tunisia’s “champagne moment”, however, was short-lived. Violence and gritty struggle characterized the initial stages of the Tunisian revolution prior to Ben Ali’s ousting.⁶ The period following that brief moment of jubilation challenged Tunisians to remain positive. A general crime wave plagued Tunisia in the months following the revolution, and many men joined neighbourhood watches to keep their stores and apartment buildings safe from looters.⁷ The revolution also negatively impacted the economy; Tunisia’s tourism sector lost a projected 50 per cent of its revenue during 2011, and approximately 60 per cent of all summer hotel reservations were cancelled.⁸ The high influx of Libyan refugees during the summer of 2011 compounded Tunisians’ economic worries, raising food prices and the average cost of housing.⁹

Influenced by decades of corruption and debased leadership, Tunisians lacked confidence in their political leaders in the run-up to the October 2011 elections. Some referred to politics as *booliteek*, with the emphasis on “*bool*”, which means “urine” in Tunisian Arabic.¹⁰ Many Tunisians spoke of their futures with a sense of worry, sometimes repeat-

ing a famous quote by the twelfth century Islamic philosopher al-Ghazali: “a good dictatorship is better than a bad democracy.” Tunisians do not regret ousting Ben Ali; they are simply unsure of what the future holds. One topic that particularly worries people is the status of women, which many Tunisians, particularly liberal and secular-leaning individuals, feel is currently in a very precarious position.¹¹

In the Forefront or on the Margins? Women, Democracy, and the October 23, 2011 Elections

Tunisians cast their ballots for the nation’s first ever democratic and fairly elected government on October 23, 2011. The outcome of these elections was the formation of a Constituent Assembly, a body tasked with drafting a new Tunisian constitution. Eighty-one political parties, most of them unheard of by the majority of Tunisian voters, competed in the elections.¹² Of these parties, the Ennahda Party enjoyed the best name recognition in the run-up to the October elections. Ennahda went on to secure a resounding victory, winning forty-one per cent of the vote; this translates to eighty-nine out of 217 total seats, placing Ennahda in a significantly more powerful position than any other party, including its closest competitor, Congress for the Republic (CPR), which won just thirty seats.¹³

Compared to Egypt, Tunisia took remarkable strides in 2011 toward ensuring women’s participation in the new government.¹⁴ In May, the Committee for the Protection of the Revolution passed a “gender parity” law stipulating that parties must field 50 per cent female candidates in the elections. This doubled the previous reservation requirement for female parliamentary candidates, which stood at 25 per cent before the revolution. Egypt, however, moved quite decisively in the opposite direction. This past July, Egyptian military authorities abolished the relatively small sixty-four woman quota that was employed in the 2010 parliamentary elections, arguing that Mubarak had imposed the requirement by undemocratic means.¹⁵

Despite the significant gains Tunisian women stood to make, many of them, particularly feminist activists and those advocating a French-style separation of religion and state, anticipated the October 23 elections with a mixture of fear, even dread. Their worries centred on the prospect of a “*raz-de-marée islamiste*” (Islamist tidal wave) sweeping the elections.¹⁶ Several of my interviewees predicted a scenario in which an Ennahda-dominated Constituent Assembly would reverse key pieces

of civil rights legislation, leaving Tunisian women forcibly covered and cloistered in their homes.

There are many comparisons to be made between Tunisia and Turkey, where a self-appointed vanguard of Kemalist elites long opposed the democratic participation of Islamist-oriented parties. Many Tunisian liberals long for a French-inspired *laïque*, secularist state. They sometimes fear that democracy will unleash “*obscurantiste*” Islamist forces, dragging a once-progressive society back into the dark recesses of Saudi-style Salafism. Certain rights, they argue, must be imposed top-down.¹⁷ Leaving women’s status up to the majority could produce devastating results.

There are, to be fair, a handful of very legitimate reasons for fearing democracy in Tunisia. Democracy has not always lead to a flowering of civil liberties. In 1999, for example, Kuwait’s parliamentarians rejected, by a two-thirds vote, a decree giving women full political rights. Many Kuwaiti women were among those who protested the measure.¹⁸ Benevolent autocrats like Habib Bourguiba may seem appealing in the midst of parliamentary wrangling that will certainly accompany much decision making in Tunisia’s future. “Revolutionary movements do not necessarily lead to revolutionary changes in thinking” as Louisa Dris-Ait Hamadouche has noted.¹⁹

Still, there is far more reason to be hopeful about the future of Tunisian women’s rights. Tunisian society is compact and relatively homogeneous. Tunisia enjoys higher levels of education and economic prosperity than most non-Gulf states in the Middle East and North Africa region. Most importantly, nearly all sectors of Tunisian society—including the vast majority of Tunisian Islamists (as represented by the Ennahda Party)—have embraced the 1956 Personal Status Code as the incontrovertible, foundational basis for all future discussions concerning women’s rights.

While Islamists won decisively in recent elections, the Ennahda victory is unlikely to result in an overall backpedalling on gender legislation. However, increased participation of Islamist women will certainly change the tone of Tunisian debate concerning women’s rights. Vocal participation of Islamist-oriented women is providing an inspiring model for many politically inactive women, particularly in conservative, rural areas. In this way, democratization of the Tunisian women’s movement may be linked to a rising role of Islam in the public sphere. These two phenomena are neither mutually exclusive nor necessarily opposed to one another, as the example of Turkey demonstrates.²⁰

A representative, elected Tunisian government will have the legitimacy to promulgate gender-oriented policies that are seen as reflective of the people's will. The old problem of "state co-opted feminism" that existed in Tunisia throughout Ben Ali's rule will likely disappear, leaving the field wide open for activists and civil society organizations to define a truly grassroots women's rights movement. This movement will likely be polyphonic; state-partnered women's organizations will no longer monopolize the women's rights microphone. Traditionally silenced actors—most notably Islamist women—will play an increasingly influential role in defining the future of Tunisian feminism.

Ennahda contributed a significantly larger number of female representatives to the Constituent Assembly than any other political party. Unlike other parties, Ennahda won enough votes in many constituencies to place not only its first, but also its second, and sometimes even third-listed candidates into assembly seats. According to newspaper reports, only 5 per cent of the 1,600 candidate lists submitted were headed by women.²¹ The vast majority of parties were headed by men, and most garnered only enough votes to get one seat in the Constituent Assembly. Because Ennahda's support was so widespread, it was able to exploit the gender-friendly quota to its advantage.

As a result, the forty-nine women elected this October came almost entirely from the Ennahda party. Of the 217 seats in the Constitutional Assembly, forty-two are now held by female representatives of the Ennahda party.²²

Islamist Women in Tunisia: A Potent but Neglected Force

Simply put, Islamist women have taken centre stage in the Tunisian revolution. The October 23 elections transformed many of them into elected leaders. Together, these forty-two Ennahda women represent over 85 per cent of the women elected to Tunisia's Constitutional Assembly. How will these women govern? Where do they stand on women's rights? Why have they chosen to become involved with the Ennahda Party? Understanding their motivations and political philosophy is extremely important. However, most Tunisian women's groups, journalists, and commentators seem to be in a state of denial, wilfully ignoring the popu-

larity of Ennahda and the important role these women will soon play in the drafting of Tunisia's new constitution.

Few Tunisian secularists seem willing to entertain the idea that Islamist women can and do play powerful roles in the movements to which they belong, or that their participation may even be defining new modes of feminist activism. The predominant western women's rights narrative—a narrative that shapes perceptions among many urban liberals in Tunisia—pits plucky, modern, secular feminists against a patriarchal, retrogressive religious tradition. Symbols such as uncovered heads are read as necessary for successful political participation. As noted by Carnegie Endowment researchers Omayma Abdelatif and Marina Ottaway, the notion that Islamist women may have something to contribute to women's rights is “rejected as preposterous by most secular Arab feminists.”²³

Ennahda women, almost always clad in hijab and committed to legitimizing civic liberties within a framework of Qur'anic reference, present a distinctly “backward” model in the eyes of many Tunisian women's rights activists. Because Islamist women reject the very words “secular” and “feminist”, they cannot possibly support democratic human rights or the active participation of women in politics. They are seen as a mere façade, a clever sort of “ornamentation” concocted by a manipulative, patriarchal, and retrograde Islamist movement. Ennahda's supposedly influential leading women, such as senior party official Farida Labidi and Souad Abderrahim—the unveiled political candidate who headed a party list in a wealthy Tunis constituency—are seen as unwitting pawns at best, and compliant foot soldiers of Islamist indoctrination at worst.²⁴

Time and again over the course of the summer of 2011, Tunisian feminists and liberals expressed shock when they learned I was interviewing Ennahda women. “Don't be their *idiot utile* (useful idiot),” they would tell me, implying that simply conversing with these women belied a sort of absurd foolishness. Many advised me that the Ennahda Party was a terrorist group.²⁵ The dominant approach to Ennahda women has ultimately been one of clenched-fisted rejection rather than analytical engagement. As a result, the party's ability to mobilize large numbers of Tunisian women remains an unexplained phenomenon, and its internal male-female dynamics remain virtually unknown.

Likewise the scholarly literature that exists on Tunisian women, while sometimes touching on Islamist women's persecution under Ben Ali, has not offered an in-depth study of their participation in the Ennahda party or their relevance to the overall women's rights debate in Tunisia.²⁶ The most powerful reason for this dearth of scholarly material is the simple difficulty of conducting any political or Islamist-oriented

research during the Ben Ali years, when the Ennahda Party was banned and forcefully suppressed.

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Explaining the Perception Gap: Ben Ali and the Careful Construction of “une organisation terroriste”

Predictions that Ennahda will turn back the clock on women's rights are based heavily on assumptions and hearsay. The knee-jerk association of the Ennahda Party and terrorism is largely the product of a more than two decades-long campaign to isolate and delegitimize political Islam in Tunisian public opinion.

Repression of Islamists eased in the early, seemingly democratic days of Ben Ali's rule (1987-89). The Mouvement de la Tendance Islamique (MTI), founded in 1981 by Rachid Ghannouchi, transformed itself from a religious welfare organization into a recognized political party in 1988, taking the name Ennahda. The government even responded positively to certain surface-level Islamist demands, such as the reopening of Al-Zaitouna University (which Bourguiba had side-lined as a department within the University of Tunis) and the introduction of Arabic-language scientific education.²⁷

In the midst of this cautiously optimistic environment, a number of Ennahda candidates participated in the April 1989 parliamentary elections as independents. Despite accusations of widespread electoral fraud, these Ennahda candidates were able to gain an estimated 15 to 17 per cent of the overall vote.²⁸ However, before they could take their seats in parliament, Ben Ali did an abrupt about-face by using the candidates' names to single out and imprison Ennahda members and party supporters.

Sensing that Islam had become a key node of political opposition, Ben Ali cracked down harshly, commencing a campaign of torture and human rights abuse that left thousands of political prisoners—some estimates place the number as high as 30,000—arrested and imprisoned without due process or legal representation. Since arrests were often ad hoc and undocumented, obtaining reliable data about Tunisian political prisoners during this period is almost impossible. The most conservative estimates, however, place the number of political prisoners at approximately three per 100,000 inhabitants in less repressive years, such as 2001. By these measures, Tunisia held at least twice the ratio of political prisoners estimated in Syria.²⁹

Ben Ali's “democratic transformation” had been purely symbolic. Even before the 1989 crackdown on the Ennahda Party, the regime had been gradually tightening its grip over religious discourse, perceiving its

potential to fuel rumblings of political opposition. In May 1988 Tunisia witnessed the promulgation of far-reaching restrictions on religious expression. Laws were passed mandating government approval for *khutab* (sermons) in mosques and mandating the closure of mosques outside scheduled prayer times.³⁰

Religious references in party names and programmes were also banned, and plain clothes police charged with keeping watch over nearly every mosque in the country began arresting anyone engaged of suspiciously excessive religious activity.³¹ Many Tunisians interviewed both within and outside Ennahda reported that Ben Ali's police routinely arrested young men observed performing *al-fajr* (dawn prayer) at mosques and young women wearing hijab. The regime interpreted such activity as a sign of militant Islam, and adopted a no-tolerance policy for any potential political threat.

From 1989 until the January 14, 2011 revolution, the Ennahda Party was strictly banned. Tunisian Islamists went completely underground save for a handful of exiled members scattered in countries like France and the United Kingdom. *Mukhabaraat* (government informants) peppered Tunisia's streets, making the environment exceptionally dangerous for researchers and, to a much greater extent, those Tunisians being interviewed. This draconian atmosphere had a stultifying effect on academic research, and comparatively little knowledge concerning political oppression or Islamist activity escaped the country. Amnesty International and US State Department reports consistently documented grave human rights abuses.³²

For Tunisians themselves, obtaining reliable information about the political situation proved nearly impossible. Opposition websites and potentially subversive foreign journals like *Le Monde* were banned. Even Al-Jazeera was prevented from establishing an office in Tunis. Moreover, ostensibly private Tunisian newspapers like *El-Sabah* and *La Presse* behaved exactly like the government media, publishing content that was either flattering to the regime or politically irrelevant. For example, football stories were a staple front-page filler during the Ben Ali years.³³

The absence of any political opposition or independent media meant that no watchdog group existed inside Tunisia capable of fact checking or challenging erroneous statements made by the regime. Tunisians were vulnerable to Ben Ali's misinformation, and misinform them he did. From November 1990, "a series of alleged plot discoveries gave the regime the opportunity, or possibly were engineered by the regime to offer opportunities, to link Ennahda with terrorism."³⁴ Speeches made by government representatives and articles in *La Presse* carefully and consistently portrayed Ennahda as a violent terrorist movement—"une

organisation terroriste qui n'a absolument rien de politique—which sought to attack the fabric of Tunisian civil society, not just the Ben Ali regime.³⁵ Excluding Ennahda from multi-party politics was promulgated as the logical reaction of a concerned and benevolent leadership.

Most of these alleged Ennahda plots were based on highly specious, factually unreliable information.³⁶ Ennahda has categorically denied having any role in all but one of these plots: the attack on Bab Souika in February 1991. Most Tunisians who speak anxiously of an Ennahda takeover mention the Bab Souika attack as incontrovertible proof that Ennahda was and remains a violent terrorist party despite their moderate rhetoric. Ennahda representatives explain that Bab Souika was an isolated incident.

About five men affiliated with the Ennahda party but acting of their own accord decided to burn the Constitutional Democratic Rally (RCD) party office in Bab Souika, Tunis.³⁷ They argued that this office was serving as a police headquarters and that the government was arresting, imprisoning, and torturing hundreds of Ennahda members and their families. Their stated goal was to burn down the building. On the night of the attack, something went wrong and a night guard was burned inside the building. The regime “exploited the shocking images of the guard’s burned corpse to full effect,” inundating media outlets with the story for months on end. The government “had been looking for a ‘Bab Souika’ since late 1989” to delegitimize the Islamist movement once and for all.³⁸ The Bab Souika incident convinced a broad swathe of Tunisian society that Ennahda was a terrorist movement.

Many Tunisians still make no distinction between the Ennahda Party and more extremist strains of Islamism found within the country, including Hizb al-Tahrir and Salafism. Many people I interviewed this summer told me that Ennahda had purposefully attacked a cinema in downtown Tunis where a film called *La Allah, La Sayyid* (*No God, No Master*) was showing. Tunisian-French director Nadia al-Fani, an avowed atheist and fierce opponent of political Islam, said that “the Islamists are not moderate—they will try to take us back to how people lived 1,400 years ago”.³⁹ The Ennahda Party has denied any role in the attack which it, along with most media sources, claims was led by Salafis.

Still, Ennahda has not taken the extra step of upholding al-Fani’s right to produce the film. Instead, Ennahda has denounced her act as “provocation” and highlighted the fact that her views are seriously out of step with the majority of Tunisian society.⁴⁰ Many secularist Tunisians however, suggest that this points to Ennahda’s lack of respect for difference. Even if the party is adopting a more moderate public face, they

say, it is profiting from and potentially working in concert with violent Salafist elements.

Engaging Ennahda: Interviews with Islamist Women

A series of forty-six personal interviews conducted with women inside the Ennahda Party over the course of two months (July and August, 2011) forms the crux of this article. My goal in speaking to these women was to tease out their views on women's roles and minority rights. I wanted to speak to them directly and hear—free from the static of polarized campaign rhetoric or official party statements—how they conceptualized their political engagement, what drew them to the Ennahda Party, and whether they see themselves as feminists.

The women I interviewed range in age from twenty-three to fifty-six and hail predominantly from Tunisia's three largest governorates (Tunis, Sousse, and Sfax) with additional interviews conducted in Kairouan, Sidi Bouzid, and Bizerte. I made a concerted effort to engage both seasoned political leaders and youthful volunteers. I was particularly interested in speaking with women who had never been interviewed before. I wanted to hear unscripted, from-the-gut answers, to place my finger on the pulse of women's opinion within the movement.

Far from being standoffish or uncomfortable, the women I interviewed generally struck me as politically passionate, highly engaged, and very willing to share their views. The Ennahda women interviewed often felt misunderstood by Tunisian feminists and western journalists alike, pigeon-holed into a stereotype of "veiled, obedient fundamentalists," which they say does not describe them at all.

Explaining Women's Involvement in the Ennahda Party: Latifa and Fatma's Stories

Latifa's Story

Most senior women inside Ennahda trace their involvement with the movement to experiences of oppression in the early to mid-1990s. Latifa,⁴¹ now thirty-seven years old, is an active volunteer at the Ennahda Party headquarters in Montplaisir, Tunis. Like other influential members of Ennahda, both in Tunis and around the country, Latifa works without pay. Taking a sip of citronnade, Latifa explains to me that she had no involvement with the Ennahda Party before her arrest.

"My brother was involved with the party. I was thinking about school, my engagement." Before being arrested in 1994, Latifa had planned to wed a local suitor who had spoken to her family, requesting her hand in marriage. She was twenty years old at the time.

Security forces arrested her, she says, simply because her family had connections with the Ennahda Party. No reasons were needed and no documentation was provided at the time of her arrest. This experience corresponds with Amnesty International's 1994 Report, in which researchers note that "the circle of repression in Tunisia has widened: from those who were members or known supporters of unauthorized Islamist or leftist groups it now includes many relatives, sympathizers, and friends."⁴²

Latifa was imprisoned for four years and seven months. She claims to have been raped repeatedly during three of those years. Glancing out the window, tears streaming down her cheeks, Latifa explains that after her release from prison she felt "unworthy" of marrying her fiancé. She never spoke to anyone—friends or family—regarding the sexual abuse or the rape, but people "know what happens to women in prison." The couple called off their engagement.⁴³

Fatma's Story

Fatma, a thirty-eight year-old housewife, volunteers at the Ennahda headquarters in Kairouan, a city in central Tunisia famed for its religious history and piety. Ennahda's office in Kairouan is by far the most prominent party headquarters in the district. Housed in an elaborately tiled four story building, it occupies a prime location at the entrance of the medina. Fatma clasps her hands over her lap and returns to February 1992—the month she was arrested.

At the time of her arrest, Fatma was a mere nineteen years old. Her involvement with Ennahda had been limited to a high school student group. This group met weekly to discuss the Qur'an and endeavoured to memorize the Hadith by heart. While the group had no explicit ties to political organizations, the regime suspected that it, and similar Qur'anic youth groups, might be fostering dissent or recruiting politically disaffected youth to fill the Ennahda ranks.

Fatma was held under arrest at the Kairouan police station for a total of one month and twenty days. Shortly after she was brought to the station, she was abused by a group of approximately twenty police officers. She recalled how the men gathered around her and ripped off her hijab, spat on her, and took turns beating her. During our interview Fatma's fingers whitened as she tightened her hands together. She looked down, then away. "How did you survive through that time?" I asked. "I recited

the Qur'an to myself as they beat me. I forget a lot of things... They threatened to bring the rest of my family."⁴⁴

Ennahda Women's Perspectives on Feminism and Women's Rights

One very clear pattern that emerged from these interviews was a sense that Ennahda women are often forwarding certain feminist goals, though they would never self-describe as "feminists." Perhaps counter-intuitively, Ennahda successfully fielded more female candidates for election than any other political party. Many parties opposed the 50 per cent candidate quota for women, realizing that it would likely be difficult to find those female candidates. However, as the largest party with an extensive grassroots support base in both rural and urban areas, Ennahda welcomed the ruling.

Women exist at all levels of leadership inside the party. Unlike the Egyptian Muslim Brotherhood, which has long excluded women from its central executive body (the Shura Council), Ennahda welcomes women within its leading ranks. Two of the thirteen members of Ennahda's ruling Executive Bureau (*El-Maktab El-Tenfidhi*), Mounia Brahim and Farida Labidi, are women. And, twenty of the fifty members on its highest policymaking body, the Foundational Committee (*El-Hayy El-T'esesiya*) are women.⁴⁵ Decisions within these two bodies are made by democratic vote. Ennahda fully supports the idea of a female president, an idea staunchly opposed by the extremist Tunisian Islamist party Hizb al-Tahrir and the Egyptian Muslim Brotherhood.⁴⁶

For most of these women, the party is not just a political organization (*hizb*)—it is a social movement (*haraka*). The vision of Ennahda is one of upward social mobility—raising society's morals, broadly educating the public, and endeavouring to build a more Islam-oriented society from the ground up. Women often focus their political activism on more socially oriented areas like childhood education, charity groups, relief efforts for divorced women, and the unemployed. This is rather reminiscent of American women's political participation in the late nineteenth and early twentieth centuries, when women argued that their abilities as capable homemakers made them particularly fit to "clean up politics" and better organize the "national household."⁴⁷

Ennahda women from across Tunisia described their efforts to mobilize female voters in the October elections. They spoke at campaign rallies, held female-specific focus groups and educational sessions, and endeavoured to speak one-on-one with their female friends and ac-

quaintances at work and on campus. Ennahda was often the only party on the ground mobilizing rural women, many of whom are illiterate and seemed highly unlikely to engage in the political process.

The National Democratic Institute, an American non-governmental organisation which has been conducting focus groups and polls throughout Tunisia, reported in August 2011 that many women in rural areas of Tunisia could name only one party—Ennahda. When asked to say something about the party, they responded that it was “for Islam.”⁴⁸ When Ennahda women appeared at campaign rallies in rural towns like Kasserine, Tozeur, and Medenine, they often presented a fresh model of women—pious, outspoken, and politically active. This model may even be more accessible to women in conservative, rural areas than the unfamiliar notion of cigarette-smoking Francophone women in affluent Tunis suburbs like La Marsa, which is how many Tunisians envision “feminists”.

Still, many women in Ennahda Party categorically reject the term “feminist” as completely unrepresentative of their activities or goals. Like “secularism,” the word “feminism” is charged with negative connotations for many Tunisians, not just Islamists. When women in the Ennahda Party think of feminists, they remember Leila Trabelsi, a hair stylist whose adulterous affair with Ben Ali made her the first lady of Tunisia. Leila’s face adorned the cover of nearly every news story involving women’s rights. Ennahda women also think of Association Tunisienne des Femmes Démocrates (ATFD) and government-sponsored women’s organizations including Center for Studies, Research, Documentation, and Information on Women (CREDIF) and L’Union Nationale des Femmes Tunisiennes (UNFT). ATFD is famous for very vocally opposing the hijab as a symbol of oppression. Its office in downtown has had little contact with rural Tunisia. UNFT and CREDIF, two government-sponsored women’s organizations, served the interests of the state for decades.

Cooperation or Conflict? The Future of Islamist-Feminist Relations in Tunisia

Like other leaders in the Maghreb, Ben Ali used the women’s issue “either to avoid or simulate political openness.”⁴⁹ The state identified closely with the feminist project, trumpeting women’s rights reforms in an effort to distract attention from grave human rights abuses happening behind the scenes. Islamist women and their Ennahda-sympathetic families were often singled out for persecution in Ben Ali’s Tunisia. Their identification of feminism with a highly corrupt and monstrously abusive dictatorship is largely to blame for their reluctance to appropriate this

word. Many secularists in Tunisia and the West criticise Islamist women for wearing the hijab and refusing to identify as “feminists.” Forming co-operative partnerships between Ennahda and groups like ATFD, for example, will be very difficult, partially because ATFD makes little secret of the fact that it sees veiled women as agents of their own oppression.

Ennahda women, for their part, are often quite comfortable discussing women’s empowerment through a rights-based paradigm that avoids such loaded terms as “secularism” and “feminism.” They support the 1956 Personal Status Code, and they give Bourguiba a fair amount of credit for raising women’s education, civic liberties, and general social status within the country. Still, Ennahda women routinely draw upon pre-Bourguiban sources of female empowerment. The 1930s Tunisian women’s rights theorist Tahar Hadad, the anti-colonialist Tunisian poet Abul Kacem Chebbi, and, first and foremost, strong female figures represented in the Qur’an, such as the prophet’s first wife Khadija (a prosperous businesswoman), figure prominently in Ennahda women’s framework of inspirational “feminist” references.

There seems to be much unexplored common ground between secularist and Islamist women in Tunisia. Getting past the mistrust generated by Ben Ali’s propaganda machine and external symbols like the veil, though, will likely prove a struggle in the months and years ahead. Women will have to join together in the Constituent Assembly and, later, in parliament to preserve and expand their rights. Increased participation of Islamist women could actually serve to expand women’s participation in Tunisian politics. Ennahda women have proved to be an increasingly visible political reality in recent months. It thus seems clear that understanding the future of Tunisian women’s rights necessitates engaging with Ennahda women’s political motivations and world views. ■

Notes

¹ Quoted in Dirk Vanderwalle, “From the New State to the New Era: Toward a Second Republic in Tunisia,” *Middle East Journal* 42, no. 4 (Autumn 1988): 602.

² Islamism is a controversial term. In this article, I use ‘Islamism’ to indicate the interpretation of Islam as an ideology which supports social and political activism. This definition has been accepted by John Esposito and other leading scholars of Islamism. See *Middle East Quarterly* 5, no. 4 (1999).

³ Mounira M. Charrad, “Tunisia at the Forefront of the Arab World: Two Waves of Gender Legislation,” *Washington and Lee Review*, no. 64 (2007): 1520.

⁴ Tunisia is the only Arab country to have passed a prohibition on polygamy. Tunisia is widely acknowledged to be “years, perhaps decades, ahead of other countries in

the Arab world" with regard to women's rights. In some ways, such as free access to contraceptive pills and government subsidized abortions, Tunisian women enjoy more rights than women in the United States. See Amel Grami, "Gender Equality in Tunisia," *British Journal of Middle Eastern Studies* 35, no. 3 (December 2008): 351-353.

⁵ Agence France-Presse, "Tunisian Women Rally to Preserve Gender Equality," August 13, 2011. <http://www.alarabiya.net/articles/2011/08/13/162169.html>.

⁶ The UN High Commission on Human Rights reports that 147 Tunisians were killed by police and snipers during the demonstrations, hundreds more were wounded, and at least 72 died in detention centres linked to the protests. Amnesty International, *La Tunisie en révolte: Les violences de l'état pendant les manifestations antigouvernementales* (London: Amnesty International, March 2011) excerpted in *Dégage: La Révolution Tunisienne, 17 décembre 2010 - 14 janvier 2011*, ed. Viviane Betttaieb (Tunis: Alif and Paris: Editions du Layeur, 2011): 83.

⁷ About 11,000 political prisoners escaped or were released during the unrest. Some of them were unjustly held political prisoners, but many were convicted criminals.

⁸ Reuters, "Tunisia Tourism Earnings Tumble in Wake of January Uprising," September 18, 2011. <http://af.reuters.com/article/topNews/idAFJOE78R02720110928>; Kamel Bouaouina, "Tourisme: 160 mille annulations sur la Tunisie," *Le Temps*, June 8, 2011.

⁹ Thierry Portes, "Les Libyens secourus, au jour le jour, par leurs voisins tunisiens," *Le Figaro*, August 19, 2011.

¹⁰ Credit goes to Dr. Laurence Michalak (University of California, Berkeley) for this and other insights.

¹¹ These observations are based largely on a combination of personal interviews with secularist Tunisians and the frequency with which Tunisian radio, television, and print media featured stories about women's rights and the possible threat of the Ennahda party.

¹² Radio Mosaïque FM, Tunis. "5 nouveaux partis politiques entrent en scène," October 5, 2011.

¹³ For final election results see: Eymen Gamha, "Final Results of Tunisian Elections Announced," news release, November 14, 2011. <http://www.tunisia-live.net/2011/11/14/tunisian-election-final-results-tables/>.

¹⁴ Egyptians overthrew their long-term leader, Hosni Mubarak, on January 25, 2011.

¹⁵ *The Economist*. "Women and the Arab Awakening: Now is the Time," October 15, 2011.

¹⁶ This phrase was in common use with secularist Tunisians in the run-up to elections, and was frequently repeated by many women's rights activists with whom I spoke during July and August 2011.

¹⁷ Many of my interviewees, particularly secularist professors, media figures, and women's rights activists referred to the Islamists as "*obscurantiste*" forces and charac-

terized the political situation as a stark battle between the forces of progress and the forces of Islam. These opinions were frequently on display in Tunisian print media, radio, and television as well.

¹⁸ BBC, "Kuwaiti Women Win Right to Vote," May 17, 2005. <http://news.bbc.co.uk/1/hi/world/middle-east/4552749.stm>; Doron Shultziner and Mary Ann Tétreault, "Paradoxes of Democratic Progress in Kuwait: The Case of the Kuwaiti Women's Rights Movement," *Muslim World Journal of Human Rights* 7 no. 2 (2011): 1-25.

¹⁹ Algerian women, for example, were highly active during their country's war of independence. Nevertheless only two women were included in the first Algerian national assembly. See Louisa Dris-Ait Hamadouche, "Women in the Maghreb: Civil Society Actors or Political Instruments?" *Middle East Policy* 14, no. 4 (Winter 2007): 119.

²⁰ Democratization and Islamist rule have often functioned in tandem within Turkey, where the mildly Islamist Justice and Development Party (AK Party) has ushered in a number of reforms strengthening the power of democratically elected civilian leaders. The 2010 Constitutional Reforms in Turkey provide a strong example of this.

²¹ News24, "Tunisia: Women's Uphill Struggle," September 15, 2011. Only one Tunisian party, PDP (the country's second most popular), is headed by a woman. Just three of PDP's 33 candidate lists, however, are headed by women. Ennahda Party has similarly submitted just two women-headed lists.

²² Eileen Byrne, "The Women MPs Tipped to Play Leading Roles in Tunisia's New Assembly," *The Guardian*, October 29, 2011. <http://www.guardian.co.uk/world/2011/oct/29/women-mps-tunisia-government>.

²³ Omayma Abdellatif and Marina Ottaway, "Women in Islamist Movements: Towards an Islamist Model of Women's Activism," *Carnegie Papers*, no. 2 (June 2007): 1.

²⁴ Information based on interviews conducted July 2 – August 30, 2011 and December 31, 2011 – January 14, 2012.

²⁵ Hamadi Redissi, a prominent Tunisian author and political scientist, accused western researchers of entertaining a "neo-orientalist" fascination with Islamists and "treating us secularists like monkeys." I asked Mr. Redissi if he had spoken with any members of the Ennahda Party since the revolution. "I wrote an article against them in 1984," he replied. "I know the way they think." Interview with the author, August 25, 2011.

²⁶ Emma Murphy, "Women in Tunisia: a Survey of Achievements and Challenges," *Journal of North African Studies*, no. 1 (1996): 149.

²⁷ Larif Beatrix, "Chronique Tunisienne," *Amaire de l'Afrique du Nord* 26 (1988): 746.

²⁸ Rémy Leveau, "La Tunisie du Président Ben Ali: Equilibre interne et environnement arabe," *Maghreb-Machrek*, no. 124 (1989): 10.

²⁹ Clement Henry, "Tunisia's 'Sweet Little' Regime," in *The Worst of the Worst: Dealing with Repressive and Rogue Nations*, ed. Robert Rotberg (Washington, DC: Brookings Institute Press, 2007): 303.

³⁰ Jean-Philippe Bras, "L'Islame administré: Illustrations tunisiennes" in *Public et privé in Islam : Espaces, autorités, et libertés*, ed. Mohamed Kerrou (Paris, 2002): 227-246.

³¹ Ibid.

³² One such report described the forms of torture commonly used by Ben Ali's police: "The forms of torture... included: electric shock; submersion of the head in water; beatings with hands, sticks, and police batons; suspension, sometimes manacled, from cell doors and rods resulting in loss of consciousness; and cigarette burns. According to AI [Amnesty International] police and prison officials used sexual assault and threats of sexual assault against the wives of Islamist prisoners to extract information, to intimidate, and to punish." US State Department, "Tunisia," in *2005 Country Reports on Human Rights Practices* (Washington, DC, March 8, 2006), www.state.gov/g/drl/rls/hrrpt/2005/61700.htm. See also Henry, "Tunisia's 'Sweet Little' Regime," 302.

³³ Henry, "Tunisia's 'Sweet Little' Regime," 306-307.

³⁴ Joshua S. Rogers, "'There Is No Room for a Religious Party': Negotiating the Islamist Challenge to State Legitimacy in Tunisia, 1987-1991," *Staatliche Religionspolitik*, German Institute for Global and Area Studies. March, 2007.

³⁵ *La Presse*, October 5, 1991: 6. I am indebted to the work of Joshua S. Rogers for extracting this quote and offering many of the insights in this section.

³⁶ It is important to emphasize that, while the evidence Ben Ali used to bolster these accusations was—in nearly every case other than the Bab Souika incident—highly specious, reliable information is just now emerging. Unanswered questions remain, particularly concerning the Bab Souika incident. Leading figures in Ennahda, such as co-founder Abdelfattah Morou, have called on party leadership to be more transparent about this incident. While no evidence exists to suggest that the Ennahda party officially coordinated Bab Souika or other attacks, there have been a number of personal allegations involving individual attacks by Islamists. Human rights lawyer Radhia Nasraoui, for instance, confided in a September 28 interview that she was beaten by an Islamist. Whether that person self-identified with Ennahda movement remains unknown.

³⁷ The Constitutional Democratic Rally (RCD) was the party of Ben Ali and the sole political authority in Tunisia's one-party state system. While other parties existed in name, their effect was limited to a chiefly symbolic role.

³⁸ Rogers, "There is No Room for a Religious Party," 22.

³⁹ Andrew Hammond, "No God Film Angers Tunisian Islamists," *Reuters*, July 6, 2011, <http://www.reuters.com/article/2011/07/06/us-tunisia-islamists-tension-idUSTRE7652VZ20110706>.

⁴⁰ Ibid.

⁴¹ Name changed to protect the privacy of respondent.

⁴² Amnesty International, *Amnesty International Report, 1994: Tunisia*. (London: Amnesty International, 1994): 36.

⁴³ Interview conducted in conjunction with Dr. Doris Gray on June 6, 2011. Montplaisir, Tunis.

⁴⁴ Interview conducted on July 22, 2011. Kairouan, Tunisia.

⁴⁵ Interview with Mounia Brahim, head of Ennahda's Office for Women and Families on August 29, 2011.

⁴⁶ Interview with party leader Rachid Ghannouchi, Ennahda Party Headquarters in Montplaisir, Tunis, August 22, 2011. Interview with former parliamentary candidate and Muslim Brotherhood member Dr. Manal Abu-Hassan, Nasr City, Cairo, September 8, 2011.

⁴⁷ Paula Baker, "The Domestication of Politics: Women and American Political Society, 1780-1920." *The American Historical Review* 89, no.3 (1984): 631.

⁴⁸ Interview with Gabriella Borovsky, National Democratic Institute, on August 21, 2011. Tunis.

⁴⁹ Hamadouche, "Women in the Maghreb," 124.

Deterrence and Systemism: A Diagrammatic Exposition of Deterrence-Related Processes Leading to the War in Iraq

PATRICK JAMES¹

ABSTRACT

This article explores deterrence, a time-honoured concept in International Relations (IR), through the application of systemism, a concept borrowed from the philosophy of science. The purpose of this study is to provide a diagrammatic exposition that establishes the “value added” from systemism vis-à-vis the research on deterrence. A series of exchanges involving US-led efforts to deter Saddam Hussein, from the aftermath of the Gulf War of 1991 to the brink of the Iraq War of 2003, will be used to reveal the insights that systemism can bring over and above existing approaches to the study of deterrence.

Introduction

This article explores deterrence, a time-honoured concept in International Relations (IR), through the application of *systemism*, a concept borrowed from the philosophy of science. The purpose of this study is to provide a diagrammatic exposition that establishes the “value added” from systemism vis-à-vis the research on deterrence. A series of exchanges involving US-led efforts to deter Saddam Hussein, from the aftermath of the Gulf War of 1991 to the brink of the Iraq War of 2003, will be used to reveal the insights that systemism can bring over and above existing approaches to the study of deterrence.

Patrick James, “Deterrence and Systemism: A Diagrammatic Exposition of Deterrence-Related Processes Leading to the War in Iraq,” *St Antony's International Review* 7, no. 2 (2012): 139-163.

Present efforts to apply systemism to highlight elements of deterrence in the context of Iraq fall under the rubric of the “fourth wave” of deterrence research as recently identified in overlapping ways by Knopf and Lupovici.² According to Knopf, the fourth wave of deterrence research is “primarily a response to real-world developments” that focuses on “asymmetric threats”.³ 9/11 is the principal triggering event that has shifted the global focus. Other developments reinforcing the agenda of fourth wave deterrence are the acquisition, as opposed to use, of weapons. Ongoing incidents in North Korea, Iran, and (previously) Iraq are illustrations of this.

Lupovici adds that the new agenda includes significant attention to theorizing, notably from constructivists, but at some distance from the empirical research on asymmetric deterrence emphasized by Knopf.⁴ Learning across states, in particular, is regarded as a challenge for the contemporary practice of deterrence. Put simply, deterrence is “not easy” because a wide range of factors may get in the way.⁵

As will become apparent by the conclusion of this study, the combination of systemism, complex deterrence, and a multifaceted case study of Iraq is consistent with the fundamental aspects of fourth wave research. Deterrence remains important, but increasingly operates in asymmetric domains within which learning is difficult.

This project unfolds as follows. First, systemism is defined. Second is an overview of deterrence in its complex contemporary form. Third, systemism is applied, through a series of diagrams, to further understand deterrence-related processes leading up to War in Iraq. Finally, contributions of the study are reviewed and suggestions are offered for future research.

Systemism

Systemism is distinguished by its emphasis on completeness, in a structural sense, with regard to theory. All social systems feature processes at the aggregate and unit levels. Thus, for an account of these processes to be compelling, it should not focus primarily on one level at the expense of the other.⁶ A fully enumerated theory must incorporate all logically possible connections, in at least a minimal way, to meet the standards of systemism. From its origins in the philosophy of science, systemism emerges as a means to assess the progress in a given research enterprise.

The advantages of systemism are demonstrated through a major exposition of system effects by Jervis.⁷ Jervis rejects holism and reductionism in the quest for explanation. In particular, he does not see the whole as greater than the sum of its parts; instead, it is different. Holism

therefore is off base. Comprehensive analysis of a system, according to Jervis, must allow for emergent properties. It is not possible to anticipate fully the impact of any given interaction because of indirect and delayed effects. Thus the characteristics of a system will be different than what would be expected from a simple addition of specific bilateral relations. For that reason reductionism is rejected as well.

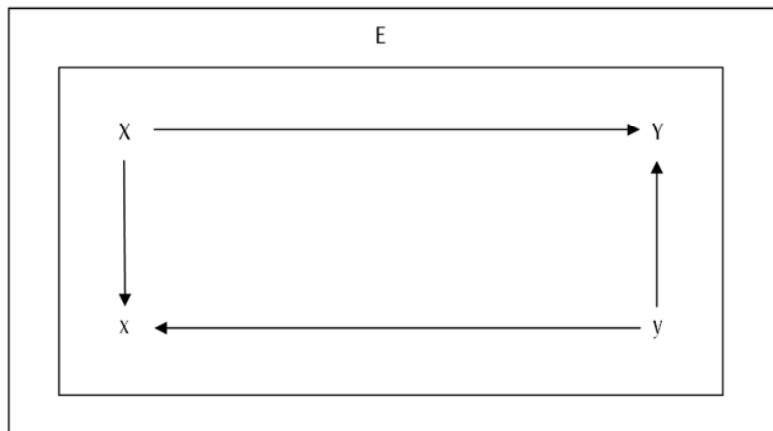
The tendency of social science tends toward either holistic (aggregate) or reductionist (unit) theorizing, as opposed to comprehensive specification is somewhat surprising.⁸ Consider, for example, prominent work within the study of domestic and international politics. On the one hand, structural realism, a major player in IR theory for three decades and beyond, is cast in aggregate terms. Its fundamental ideas about cooperation and conflict focus on how the number of great powers in the system impacts the balance of power and likelihood of war.⁹ Various critiques of structural realism emphasize its inability to account for foreign policy; in the language of systemism, structural realism's theorizing is limited to connections at the aggregate level. In a word, structural realism corresponds to holism. On the other hand, theories of domestic politics generally focus on internal processes, such as state-society relations. A classic example is pluralism. This theory concentrates on the impact of interest group politics on policy outcomes.¹⁰ Theories regarding the comparative study of government, with few exceptions, resemble pluralism in so far as they exclude the aggregate level. These theories, therefore, are reductionist in character.¹¹

Systemism goes beyond holism and reductionism through its inclusion of all basic connections that can make up a theory. Figure 1 depicts functional relations in a social system from a systemist point of view. Variables operate at macro (X, Y) and micro (x, y) levels. Outside of the system is the environment (E). The environment can be expected to provide inputs to, and experience outputs from, the system. For example, the Asian subcontinent might be regarded as one such system, with the environment corresponding to the world beyond that region. Within a system, four basic types of linkages are possible: macro-macro ($X \rightarrow Y$), macro-micro ($X \rightarrow x$), micro-macro ($y \rightarrow Y$) and micro-micro ($y \rightarrow x$).¹² In this figure, and in the subsequent diagrams, upper- and lower-case characters correspond to macro- and micro-level variables respectively. Thus, in the time-honoured sense of levels of analysis in IR, the macro-level would refer to the international system, with processes inside of states (i.e., system members) taken as the micro-level.¹³

Figure 1 is generic and may apply to any social system. Its basic contents will be elaborated through illustrations from the study of politics.

The linkages conveyed by Figure 1—(a) between the environment and the system and (b) within the system itself—will be covered in turn. This process will reveal how, in principle, the contents of any theory can be translated into the language of systemism.

Figure 1: Functional Relations in a Social System



Source: Adapted from Mario Bunge, *Finding Philosophy in Social Science* (New Haven, CT: Yale University Press, 1996).

One issue to resolve before moving forward is how the environment may be distinguished from the system. In this study, boundaries will be taken to have a geographic basis. It is acknowledged that some degree of arbitrariness will exist in any attempt to spatially demarcate the system from its environment. For example, what is to be done with Turkey, which exists in Europe as well as Asia Minor and plays a significant role in the Middle East? Such theoretical questions are deemed beyond the scope of the present investigation, and best specified in the context of a given study.¹⁴ Consider the Asian subcontinent as an example of a system in operation. Its boundaries would coincide, for the sake of argument, with India, Pakistan, and lesser adjacent states, along with Sri Lanka. Actors outside of those boundaries, whether states or other entities, would be considered to collectively constitute the environment.

For purposes of illustration regarding linkages between a system and its environment, the concept of “pivotal deterrence” is a helpful reference here.¹⁵ “In pivotal deterrence,” Crawford observes, “the defender sits in a pivotal position between ambitious adversaries, and it seeks simultaneously to deter both of them.”¹⁶ While it is not always the case, the mechanism of pivotal deterrence tends to involve an actor from outside the system. In such cases, pivotal deterrence entails an example of

an environmental input into the system: "HEGEMONIC MEDIATION → GREAT POWER NEGOTIATION". At the level of observation, this could refer to the various attempts by the US as a hegemonic power to cool down Indo-Pakistani crises, most notably during the nuclear stage of their rivalry.¹⁷ An analogous output from the system to the environment would be "GREAT POWER RIVALRY → HEGEMONIC MEDIATION". A leader such as the contemporary US or nineteenth century Britain would be motivated to manage great power rivalry to preserve the generally beneficial status quo it experiences at the system level.

Among the linkages within a system, the macro-macro form corresponds with holism. Social aggregates impact each other at the level of the system itself. Within IR, the standard meaning would be interactions beyond internal processes of the state. Thus balance of power in the classic sense, for instance, might be modelled as "POWER IMBALANCE → BALANCER JOINS WEAKER SIDE IN CONFLICT". This expectation corresponds to the role historically attributed to Great Britain in its hey-day as the leading great power of the post-Napoleonic world. Britain, according to the balancer model, would have an incentive to help restrain conquest on the European continent by assessing imbalances as favouring aggressor coalitions and then counteracting them.¹⁸

Macro-micro linkages refer to an effect from the system level imparted to one or more of its units. One such linkage in IR would be "WAR OUTCOME → social change". An obvious example would be movement toward racial integration in the US after World War II. The process began in the military, as effective wartime service by non-whites undermined arguments in favour of segregation based on racial superiority. A civil rights movement then picked up momentum throughout society. An even more dramatic change in state and society can be expected for those on the losing side of a war; the demise of the Tsarist regime in Russia as a result of its disastrous performance in World War I is just one such instance.

A micro-macro linkage is one that wells up from the unit to the aggregate level. One example of this type of connection in IR would be "regime change → PURSUIT OF REGIME CHANGE ELSEWHERE". A successful revolution in a given state, for instance, might try to export itself. Iran's revolution in 1978-79, in hindsight, may be seen as the key development in the rise of political Islam as a force around the globe. The overthrow of the Shah, a US-backed quasi-dictator, brought to power a regime dedicated to spreading its version of Islam both within and beyond Iran. Efforts by Iran to weaken the secular Turkish regime through support of Islamist political activity, some of it violent, thus serve as an example of a revolution attempting to export itself.¹⁹

Finally, the micro-micro level refers to processes within a unit. One example from IR would be "public perception of threat → enhanced security policy". At the extreme, citizens could find themselves living under conditions labelled, in one prominent exposition, as a "garrison state."²⁰ After 9/11, the US public perceived a threat to the homeland that greatly exceeded anything in living memory—a sense of danger far beyond that created by terror attacks such as those directed a few years earlier at the USS Cole or Khobar Towers. The Patriot Act came into being as a government response to public demand for action in what seemed like a suddenly more dangerous world. A corollary to the linkage just stated would be that increased threat perception is connected to a general willingness among the public to sacrifice personal autonomy—a trait reflected in opinion polls from the years following the 9/11 attacks.

Now consider the preceding types of linkage in combination. The essence of systemism is that any fully specified explanation must contain at least one linkage from each basic type, along with a demarcation of the system from its environment. Systemism thus transcends explanations that are strictly holistic or reductionist; it includes both of these elements (macro-macro and micro-micro), along with connections between the levels (micro-macro and macro-micro).

What are the purported advantages of systemism? Why bother to draw pictures like Figure 1 when one might simply produce a narrative saying the same things? One advantage of the approach is that systemism is able to take diverse theoretical connections and place them in a unifying framework. Ideas as diverse as the balance of power, pluralism, and the garrison state, as seen already, can be included within the types of linkage from an operating system.

Another positive aspect of this visually-oriented frame of reference is that diagrams of social systems, created in accordance with systemism, force contradictory assumptions regarding boundaries and linkages into the open. Narrative alone may unintentionally but effectively disguise logical inconsistencies. Critics of realism, for example, have identified a wide range of contradictions within it; the application of systemism helps to sort through these problems in search of a more consistent overall statement of that paradigm.²¹ Enhanced logical consistency results from the process of creating a visual representation of theory. This positive result is shared with research based on formal that is, mathematical modelling, but systemism offers the further advantage of very low "start up" costs to those seeking to apply it. Formal theory offers great payoffs in terms of theoretical exactness, but its use requires considerable training in comparison to systemism.

One further advantage of systemism over pure narrative is that it is much easier to detect whether a theoretical edifice is missing one or more types of linkage when rendered in visual form.²² What if, for instance, a theory lacks any micro-macro linkage? The idea that such a fundamental process simply can be held constant is not compelling. An enduring problem for virtually all variants of Marxism, for example, is an inability to solve the transformation problem, that is, answers are still lacking as to how alienation among the proletariat translates into collective action and ultimately revolution at the level of society itself. In the language of systemism, orthodox Marxism lacks a micro-macro component.²³

While systemism has many positive features, limitations exist as well. It is time to pause and consider potential shortcomings, along with the degree of originality, of systemism. Systemism trades elegance for completeness in explanation. In principle, the diagrams and analysis it produces will be intricate rather than streamlined and parsimonious. However, this level of detail is not necessarily a drawback in practice. It is reasonable to employ a more complex account if it offers a more favourably regarded and complete explanation. The verdict on systemism's application awaits a sufficient range of studies from which one can judge the trade-off between detail and parsimony in practice.

Another point of criticism, from the opposite direction, is that systemism is overly simplified. With analysis in IR pitched at multiple levels of analysis, is it adequate to focus on just two, as in systemism, with its macro and micro designations? Consider the following list of candidate levels of analysis for potential inclusion in a model of deterrence: system, regional system, state, components of the state, society, and individual. It is easy to identify theories from each of the preceding levels, so systemism might appear, on the surface, to be leaving out a lot.

For an initial foray into deterrence theory, however, intuition favours starting with the two classic levels—the state and the system—and adding complexity in an incremental way. An immediate shift to six levels versus two would require a vast range of potential linkages in order to achieve theoretical completeness. If counted in a bidirectional way within and across levels, forty-two linkages would need to be considered.²⁴ Moreover, the application of systemism under this new regime would require something other than the box and arrow diagrams that can only convey two dimensions. It is not obvious how a visual representation could be maintained as a basic feature of systemism under these new and more demanding conditions. Instead, it makes sense to work with two levels and consider incorporating more in response to gaps identified through such an initial approach. Put differently, the present two-level approach provides a logical foundation for adding complexity down the road.

What about the question of whether systemism really constitutes an innovation? Systems analysis, after all, gained prominence with the work of Easton in the 1950s and 1960s.²⁵ While common ground exists between the approach from that era and systemism today, the latter is an indirect descendant of the former.²⁶ The prior incarnation of the systems approach received considerable criticism and ultimately lost favour because of its homeostatic bias. Earlier work concentrated on persistence of the system itself rather than the goals of actors. The 1950s and 1960s agenda, upon reflection, is more in line with holism than systemism. Thus contemporary systemism, with its emphasis on interactions between the macro- and micro-levels is innovative as it offers a more complete treatment of social systems, and does not entail the bias toward the status quo that critics saw as embedded in the earlier work.

The previous work of several IR theorists anticipates the case for systemism, even if it is not advocated in an explicit manner. Consider, for example, neoclassical (also known as neo-traditional) as opposed to structural realism. Neoclassical realism calls for an examination of how factors within states and societies affect the foreign policies that ultimately combine to create system-level processes. In the language of systemism, this constitutes a micro-macro connection. In addition, it would be fair to say that liberal, constructivist, English School and other approaches pay significant attention to linkages across levels of analysis. Constructivism, for example, focuses extensively on norms at the aggregate level as an influence on foreign policy. This, from a systemist point of view, stands as an input from the macro-level (or possibly even the environment) to the micro-level.

All of these contributions to IR, obviously in line with systemism's emphasis on exploring a wide range of linkages across levels of analysis, should be recognized with the proviso that none calls for application of the full set of criteria of systemism. Any one of the preceding paradigms, for instance, would tend to hold constant one or more types of linkage. Just as important to point out is the fact that the various paradigms just noted do not emphasize visual representation of presumed linkages in any systematic way.

Complex Deterrence

Deterrence entered a potentially new era after 9/11. As identified by Knopf, a fourth stage of deterrence studies took hold in response to the events of that terrible day in particular.²⁷ Complex deterrence, as will become ap-

parent, is an important attempt to advance the policy-oriented agenda of the fourth wave, but with equal emphasis on a rigorous approach that will build theory. The goal of the research agenda inspired by complex deterrence is to meet the analytical challenges that accompany the fourth wave. Most notably, these were described by Knopf and Lupovici as the tendency for events to be played out in asymmetric settings and under conditions that are challenging for the process of learning.

Interest in the concept of complex deterrence continues to build, in light of the question: Is the world today a fundamentally different place vis-à-vis deterrence and compellence? Paul begins to answer this question in an overview of deterrence at both the conceptual and empirical level. Deterrence, he observes “is a theory, a tactic, a national security strategy, a larger defence policy approach, and a critical component of security for the international system.”²⁸ As a theory, deterrence assumes (a) state-centrism, (b) states as rational actors, and (c) rivalry. To function, it requires capability, credibility, and clear communication on the part of the state seeking to engage in deterrence or compellence.²⁹ In sum, the preceding items constitute the axiomatic basis of deterrence theory in its classic form, whether applied in the conventional arms or nuclear domains.

What, then, is *complex* deterrence? According to Paul, states operate in an “increasingly complex global setting” that includes a range of new actors and the overarching presence of the global War on Terror.³⁰ The US, notably, is expected to show leadership regarding Weapons of Mass Destruction (WMDs). Is deterrence still relevant under these new conditions? Paul answers “yes”, and explains what is meant by complex deterrence: an ambiguous deterrence relationship, which is caused by fluid structural elements of the international system to the extent that the nature and type of actors, their power relationships, and their motives become unclear, making it difficult to mount and signal credible deterrent threats in accordance with the established precedents of deterrence theory.³¹

Given this new, intricate type of deterrence, a review of contemporary issues in theory and policy is regarded by Paul as “overdue.”³² Thus, with others, he initiated a large-scale, team project on complex deterrence. It is impossible to apply systemism to all of the contributions ultimately published in *Complex Deterrence: Strategy in the Global Age*, and correspondingly the next section of the present study will focus on one particular case study in some detail. The objective is to show how applying systemism can triangulate existing results as well as produce new insights.

Systemism and Deterrence-Related Processes Leading to the Iraq War

This section will convert an existing narrative analysis of deterrence-related processes leading up to the Iraq War of 2003 into a series of figures based on systemism. Harvey and James identify six exchanges regarding deterrence and compellence extending from the end of the Gulf War through the outbreak of War in Iraq.³³ An exchange is defined as a series of events that produces an outcome regarding efforts to deter or compel an adversary's actions within a given substantive domain.

All exchanges begin with what is assessed by Harvey and James as a significant departure from the status quo. In some instances the episode is deemed to begin with an effort toward deterrence, while others begin with a signal that deterrence may be challenged. An example of the former is the beginning of exchange B (Figure 3), where the United States, Britain and France established a No Fly Zone (NFZ) along the thirty-second parallel in southern Iraq.³⁴ An example of the latter is exchange C, which began with a troop movement by Iraq to within thirty kilometres of the Kuwaiti border.³⁵ An exchange is regarded as over when the effort to change the status quo is resolved, that is, deterrence success or failure. Starting and finishing points for exchanges are assigned as precisely as possible.³⁶

For Harvey and James, the focus across the exchanges is on the US-led efforts to deter and compel Iraq regarding: (1) acquisition of WMDs; (2) the lack of respect for the sovereignty of Kuwait; and (3) poor treatment of Shiites and Kurds. All of this takes place under the general rubric of security.³⁷ What, then, is the substantial contribution of Harvey and James prior to conversion of their research into a series of diagrams based on systemism? Harvey and James confirm the basic traits associated with the "complex security environment" of the new millennium.³⁸ Their study reveals how deterrence operates over time and in stages.³⁹ This is in line with Paul's exposition of complex deterrence, which is, as previously noted, the general rubric for the larger project within which Harvey and James conducted their case study.⁴⁰

More precisely, Harvey and James demonstrate that a binary, "all or nothing" sense of deterrence and compellence is just too simple in assessing interactions that are iterated and include multiple interactions at any given stage. Their study of the six exchanges between Iraq and the coalition of states seeking to deter and compel its behaviour spanning the course of more than a decade produces a nuanced picture of the theory's performance. The bottom line, identified by Harvey and James, is that three exchanges resulted in successful deterrence (B, C, D), with two



mixed (A, F) and one coded as a failure (E).⁴¹ (The letters in parentheses correspond to the exchanges depicted by Figures 2-7.) This is far from a “yes” or “no” answer and affirms the complex, multi-stage nature of contemporary deterrence.

Harvey and James also affirm several longstanding traits associated with deterrence theory as enumerated by Paul.⁴² During the years in question, deterrence operates mainly at the interstate level and unfolds within the context of an ongoing rivalry—that is, Iraq versus the United States. Rational choice also is supported throughout the exchanges; calculations of benefit versus cost are clear despite the fact that one of the key participants, Iraq, had at its helm a stereotypical “mad dictator,” Saddam Hussein.⁴³ The outcomes of Exchanges B-D (see Figures 3-5 below) establish that point; a clear threat of significant action—with credibility on the part of the highly capable US-led coalition—produced compliance from Iraq. For example, in Exchange C, UN Security Council Resolution (UNSCR) 949 required Iraq to withdraw to its original position vis-à-vis Kuwait. Saddam Hussein reacted by having the terms from the United Nations Security Council (UNSC) read out on Iraqi television and complying with the resolution.

What, then, is added to the case study by Harvey and James through the series of diagrams produced under the auspices of systemism? Figures 2-7 correspond to the respective exchanges designated by Harvey and James. Each figure contains a number of specific linkages that have been identified inductively. It is quite possible that critics might find some of the connections problematic or point out links that should have been included. In other words, the coding of linkages by Harvey and James in each figure represents just one possible interpretation. It is a strength, however, not a weakness, of the systemist approach that the figures *facilitate* criticism. Rival expositions could be superimposed quite easily on what appears in the current figures to facilitate debate of any aspect of the historical record. This property encourages progress in explanation rather than impeding it due to a presentation that is difficult to pin down.

Figures 2-7 will be analyzed with the intention of drawing additional insights from the visual presentation. Lower-case font indicates the micro-level and events at the macro-level are in upper-case. Table 1 summarizes the linkages conveyed by Figures 2-7.⁴⁴ The columns in the table identify the exchanges associated with the five figures, the four types of linkages within each, and the total number of linkages for a given row. Rows correspond to the respective types of exchanges and the sum of linkages within them. The total of all linkages in the six exchanges is recorded in the lower-right of the table. For the time being, each of the fifty-nine linkages is treated as equal in importance in the



analysis that follows. It is understood that in practice some connections would matter more than others in determining outcomes, but the question at hand is the distribution of linkages among the possible types (i.e., macro-macro, etc.) as opposed to individual characteristics of linkages. It therefore makes sense simply to count the linkages rather than implementing some type of weighting scheme.

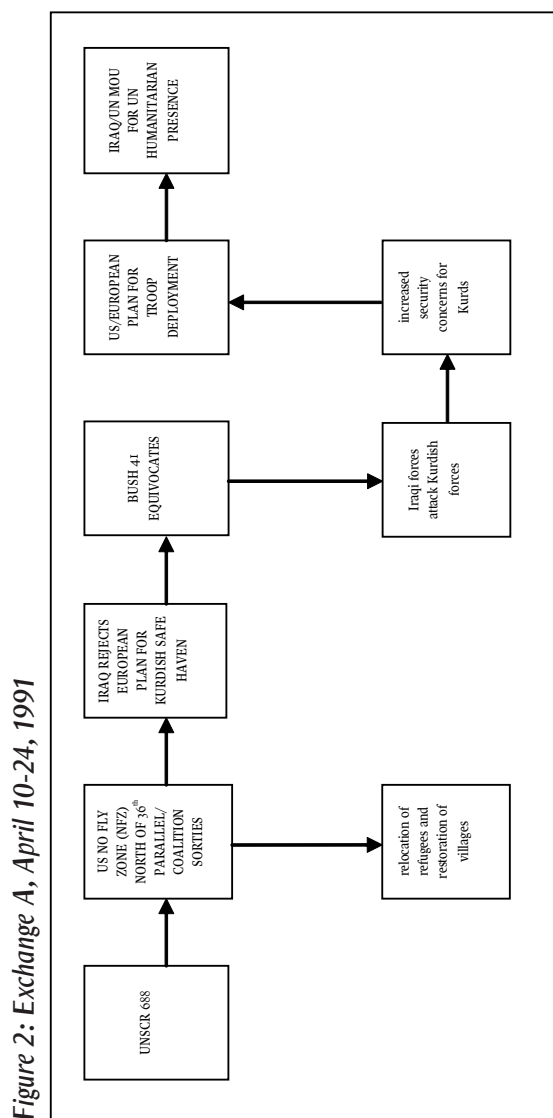


Figure 3: Exchange B, August 26, 1992, to January 19, 1993

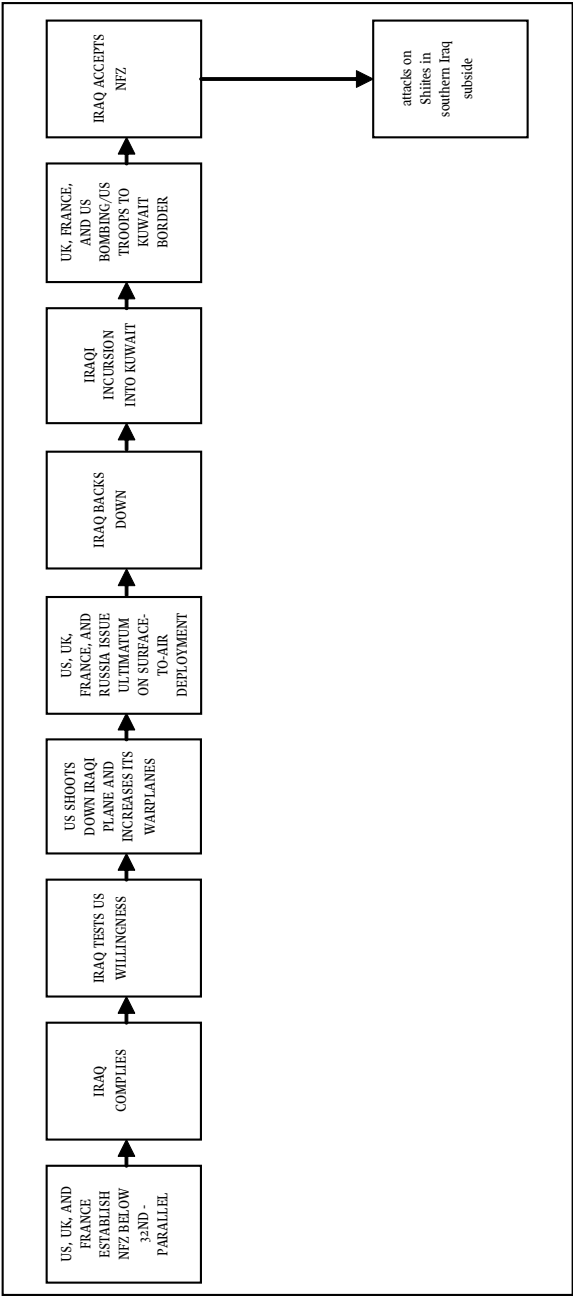


Figure 4: Exchange C, October 7-16, 1994

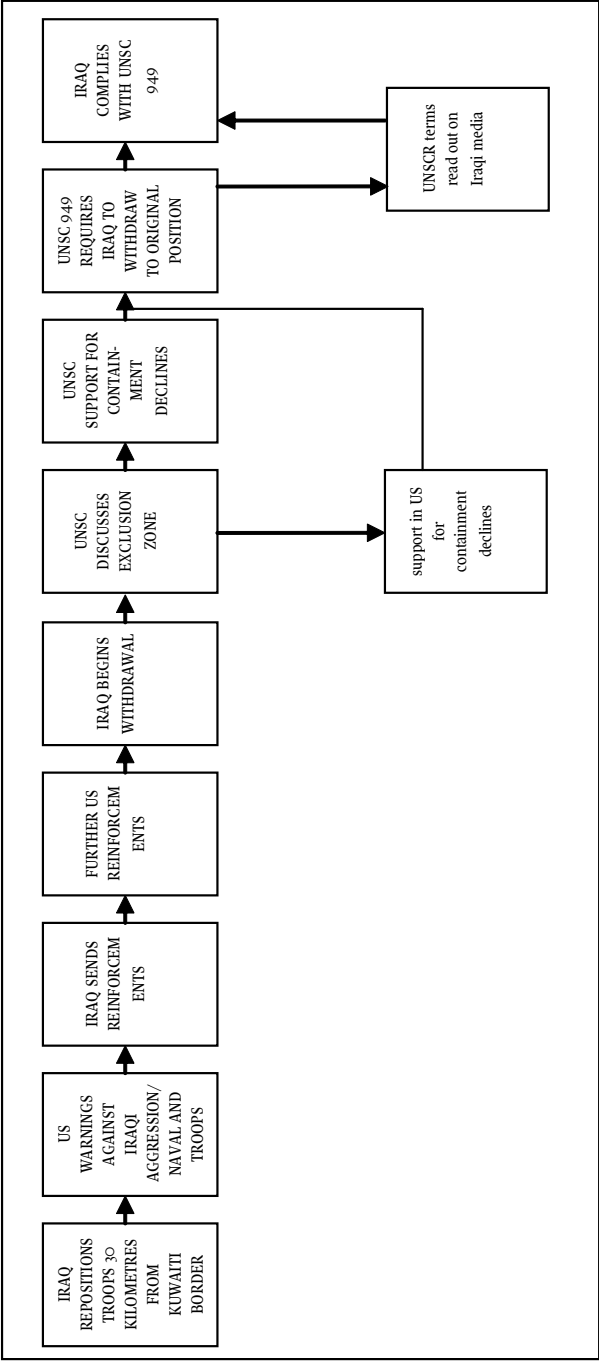


Figure 5: Exchange D, August 31 to September 13, 1996

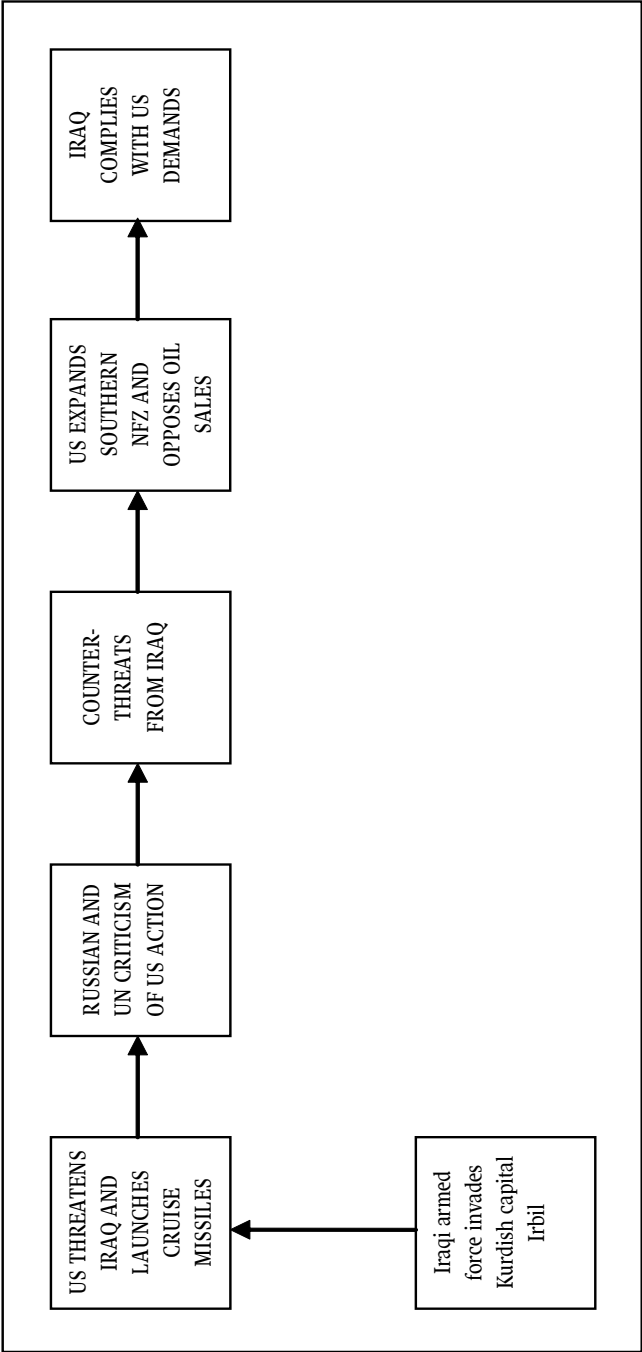


Figure 6: Exchange E. July to December 1996

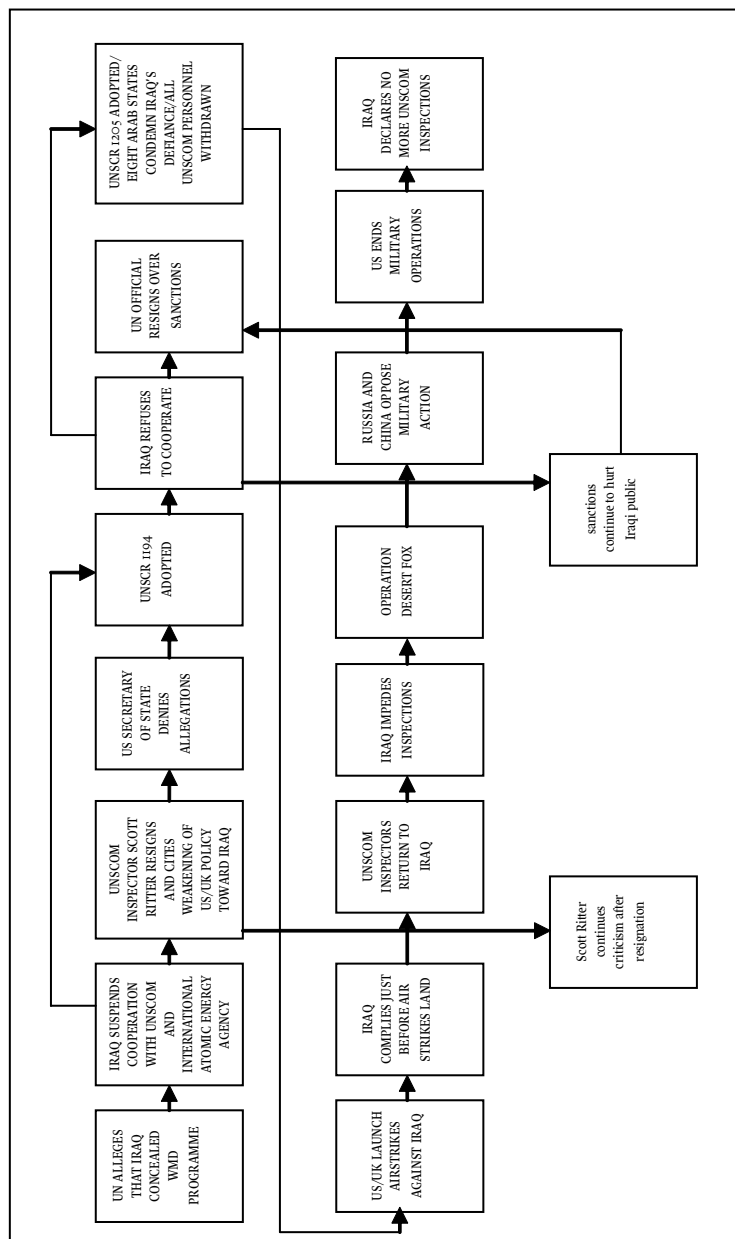
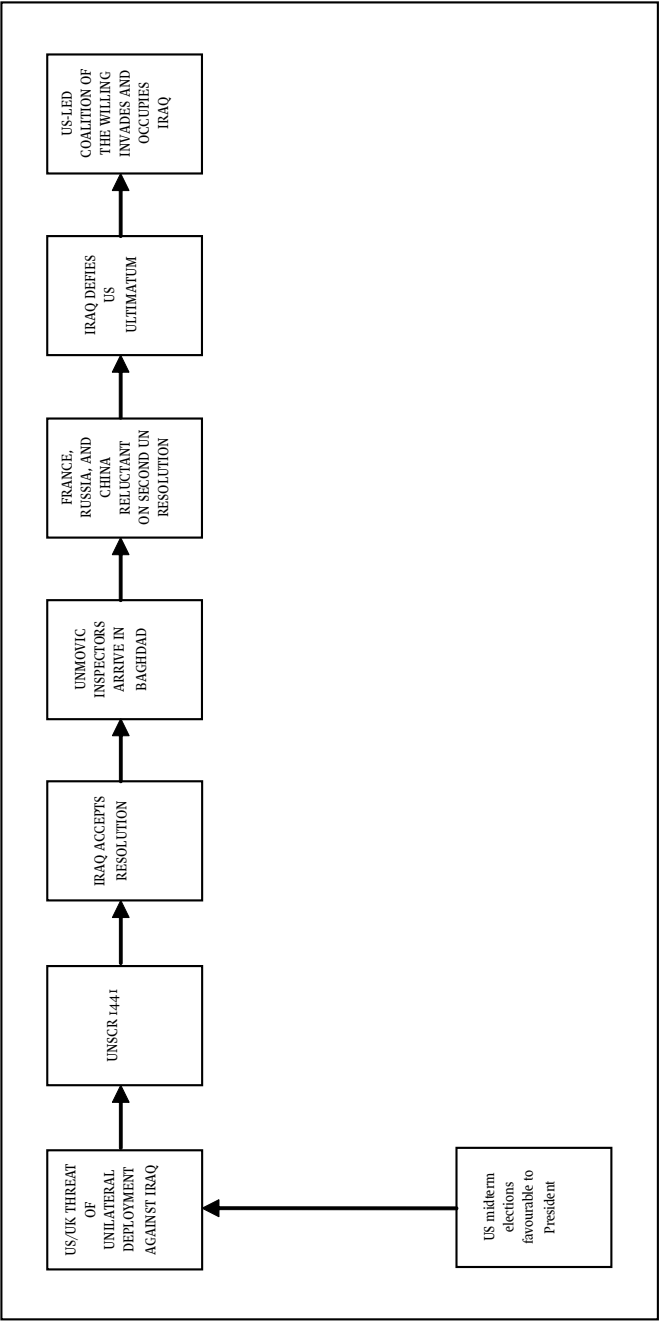


Figure 7: Exchange F, November 8, 2002, to April 2003



Visual presentation from Figures 2-7 triangulates and reinforces the point regarding deterrence unfolding primarily at the state level. Among fifty-nine linkages from the six exchanges summarized in Table 1, forty-five are macro-macro—either interstate or pertaining to states in conjunction with organizations composed of them. This is consistent with a standard realist account that stresses state-to-state interactions. Reinforcement of that result through the diagrammatic exposition is significant due to the degree to which the deterrence model is criticized in contemporary scholarship.⁴⁵ As Table 1 reveals, each of Figures 2 through 7 exhibits a minimum of four macro-macro linkages, with some much higher in number. Thus, even under conditions of complex deterrence it is possible to find continuity. Realist expectations about state-centrism are borne out.

Table 1: Exchanges and Linkages

Exchange	macro-macro	micro-micro	macro-micro	micro-macro	Total
A	4	I	2	I	8
B	8	○	I	○	9
C	7	○	2	2	II
D	4	○	○	I	5
E	16	○	2	I	19
F	6	○	○	I	7
Total	45	I	7	6	59

Also in line with a state-centric outlook on deterrence is the relative scarcity of purely micro-micro connections. In Exchange A, Iraqi forces attacked Kurdish forces, which increased security concerns for Kurds. This is the only micro-micro connection throughout the long and complex process depicted by the figures.

The variation in the point of origin and termination for the respective exchanges from Figures 2-7 is also consistent with a systemist outlook. Four exchanges start, and five conclude, as a state-centric account would anticipate: with a macro-macro connection. However, two exchanges begin with a micro-macro linkage and one finishes with a macro-micro linkage. These connections convey visually how most processes begin and end in macro-macro terms, but with significant representation involving links across levels as well. For example, Figure 3, which depicts Exchange B, concludes with Saddam Hussein accepting the southern NFZ, with attacks on Shiites in southern Iraq then subsiding.

Put forward decades ago by Gourevitch,⁴⁶ the idea of the system impacting on its units finds strong support through the existence of seven macro-micro linkages in Figures 2-7. Forces from the system level impinge upon the state level in four of the six figures. For example, in Figure 2 regarding Exchange A, the US designated a NFZ north of the thirty-sixth parallel and its coalition flew sorties that produced positive results: the relocation of refugees and restoration of villages in Iraq. Two other macro-micro connections appear in Figure 6, which depicts Exchange E. At one point, UN Special Commission (UNSCOM) inspector Scott Ritter resigned, citing weakening of US/UK policy toward Iraq, and further criticizing the deterrence coalition after leaving office. Later in the story, Baghdad refused to cooperate with UNSCR 1194, which caused sanctions to further harm the Iraqi public.

Six linkages in Figures 2-7 are micro-macro in nature. These connections support increasingly well-regarded theories emphasizing the impact of domestic politics on foreign policy.⁴⁷ Consider, in that light, the micro-macro connection depicted in Figure 7 regarding Exchange F. US midterm elections in 2002 came out favourably for the Republican Party and President George W. Bush. This, in turn, facilitated the US/UK threat of unilateral deployment against Iraq. The strategically significant consideration, here, is that the president gained major political capital from defying the odds; normally, the incumbent's party loses seats at the midterm. The strong Republican performance enabled Bush to take the lead in joining forces with his British counterpart, Tony Blair, to pursue a hard line against Saddam Hussein. This and other prominent micro-macro linkages are revealed through the series of diagrams as an overall property of the exchanges articulated by Harvey and James.

Interestingly, the one outright failure of deterrence, as assessed by Harvey and James, occurred during Exchange E. This penultimate exchange, as conveyed by Table 1, included nineteen linkages—eight more than any of the others. Figure 6, which conveys Exchange E, begins with a UN allegation that Iraq concealed its WMD program and ends with Baghdad declaring an end to UNSCOM inspections. In contrast, successful compellence in Exchange D starts with Iraqi armed forces invading the Kurdish capital of Irbil and ends with Baghdad complying with US demands in just five stages of interaction. Thus the figures and summary table combine to produce the hypothesis that success and failure, respectively, will tend toward shorter and longer sequences of interaction. This proposition is not articulated by Harvey and James but is derived from the summary table of a systemist-driven, diagrammatic exposition.

With its emphasis on diagrammatic presentation, systemism offers several benefits to the deterrence research enterprise, as well as that of other subjects: the integration of potentially diverse ideas into a common visual framework; the promotion of intra-theory logical consistency; and the exposure of key gaps in theorizing. Deterrence, as articulated today, is more complex than in the past. Efforts to deter or compel perceived aggressors, on the part of status quo-oriented states, take place within the global War on Terror (even if no longer conducted officially by the US under that name), as well as in the presence of a larger network of relevant states vis-à-vis WMDs.

Results from the analysis of the various processes leading up to the Iraq War reveal a difference of degree rather than kind regarding the practice of deterrence and compellence. A review of six exchanges identified by Harvey and James shows complex deterrence maintaining the basic traits of traditional deterrence: rationality, state-centrism, and conditions of rivalry. When capability, credibility, and communication are present, as with traditional deterrence, all but one of six exchanges produce either full or partial success.

Deterrence as a concept thus seems far from obsolete, even if its operation is more complex than in the past. As per Knopf's assessment of the fourth wave of deterrence research, noted at the outset of this study, deterrence remains "viable and relevant" and takes a "broader" form than in the past.⁴⁸ In the present study, for instance, deterrence is asymmetric—the US and its allies versus Iraq—and focuses not just on the prevention of attacks but other aspects of behaviour as well. These results are consistent with the fourth wave of deterrence studies as identified by Knopf.

Complex deterrence emerges from the case study of Iraq as multi-staged and challenging. As per Lupovici's reflections on the fourth wave,⁴⁹ efforts to "teach" Iraq utilizing deterrence have met with uneven results. The diagrammatic exposition based on systemism triangulates the narrative from Harvey and James, as noted above. Systemism also adds value through its visual approach, which can draw attention to aspects of a narrative that have escaped notice. The series of figures reveals the importance of domestic sources for security policy—i.e. the appearance of numerous and significant micro-macro linkages. A review of the figures also reveals that the one exchange leading to deterrence failure contains significantly more steps than the others.

In general, further research involving systemism and complex deterrence could follow a number of directions. Possibilities include extending the case at hand forward in time, exploring connections with contemporary events, focusing on more than just two levels of interaction, and pursuing the study of rising powers. This could include the expansion of the current study to analyze subsequent events in Iraq. For instance: what would exchanges from the era of occupation, insurgency, and counter-insurgency in Iraq look like as conveyed by systemism? Would the exchanges and components within them be more or less numerous? Could a higher proportion of micro-micro linkages be expected relative to what has been seen so far, given the recent experience of civil, as opposed to inter-state, war in Iraq? All of this awaits discovery.

Another avenue to consider is the possibility of connecting the long struggle in Iraq to recent events in the Middle East and North Africa as a whole. Is there a linkage between regime change in Iraq and the "Arab Spring"? The Arab Spring saw successful challenges to longstanding dictatorships in Tunisia, Egypt, and Libya, with important events still unfolding in Syria and elsewhere. Systemism could offer a visual and rigorous portrayal of the causes and effects of the Arab Spring.

While ruled out for an initial study, it is interesting to consider how the present case, and others, might look when viewed through more than two levels of analysis. Models based on the individual (e.g. cognitive psychology), components of the state (e.g. organizational process), regional (e.g. comparative regional studies), and other levels of analysis could be added to the current exposition to widen and deepen its contribution. Exactly how that research would take place through the usual mechanism of systemism, which emphasizes depiction of cause and effect through diagrams, is a challenge that remains to be addressed.

Also interesting to consider is the practice of deterrence in a future that includes rising new powers. Major questions await answers: What does deterrence say about the power transitions underway now? Will rising powers such as Brazil, Russia, India, and China be more likely to challenge deterrence in both regional and global systems? How is uncertainty about power positions likely to influence behaviour? All of these questions could be answered, in principle, through application of systemism.

This study merely begins the process of introducing systemism into security studies via application to deterrence theory in the context of a dozen years of experience in Iraq. It is hoped that the current theorizing, and results from the case study, will encourage further applications of systemism within security studies in particular and IR in general. ■

¹ I would like to thank Carolyn C. James for a helpful commentary and Indira Persad for excellent work on the figures.

² Jeffrey Knopf, "The Fourth Wave in Deterrence Research," *Contemporary Security Policy* 31 (2010): 1-33; Amir Lupovici, "The Emerging Fourth Wave of Deterrence Theory—Toward a New Research Agenda," *International Studies Quarterly* 54 (2010): 705-732.

³ Knopf, "The Fourth Wave in Deterrence Research," 1.

⁴ Lupovici, "The Emerging Fourth Wave of Deterrence Theory."

⁵ *Ibid.*, 722.

⁶ For an exegesis of systemism, see Mario Bunge, *Finding Philosophy in Social Science* (New Haven, CT: Yale University Press, 1996).

⁷ The remainder of this paragraph is based on Robert Jervis, *System Effects: Complexity in Political and Social Life* (Princeton, NJ: Princeton University Press, 1997), 12-21, 29-32.

⁸ Bunge, *Finding Philosophy in Social Science*.

⁹ This critique applies to the original exposition of structural realism from Kenneth N. Waltz, *Theory of International Politics* (Reading, MA: Addison-Wesley, 1979). Later efforts in the structural realist tradition have attempted to overcome such limitations; see, for example, Patrick James, *International Relations and Scientific Progress: Structural Realism Reconsidered* (Columbus, OH: Ohio State University Press, 2002).

¹⁰ The longstanding research enterprise on pluralism can be traced back to David Truman, *The Governmental Process: Political Interests and Public Opinion* (New York: Alfred A. Knopf, 1951).

¹¹ A prescient awareness of the potential importance of international factors for domestic political processes is apparent, however, in Peter Gourevitch, "Second Image Reversed: The International Sources of Domestic Politics," *International Organization* 32 (1978): 881-912.

¹² In Bunge's original presentation of systemism, *Finding Philosophy in Social Science*, an additional requirement for theoretical completeness is to specify a functional form for each linkage. For instance, is the presumed connection incremental or step-level? Unless otherwise indicated, it is assumed that all of the linkages conveyed here are incremental because it is beyond the scope of an initial systemist-oriented study of deterrence to achieve a higher degree of specificity regarding functional form.

¹³ The analytical purpose of division regarding system and state is explored



at length in J. David Singer, "The Level-of-Analysis Problem in International Relations," *World Politics* 14 (1961): 77-92.

¹⁴ One possible point of confusion concerns the notion of environment in terms of *issues* rather than location. The agenda of world politics includes a much wider range of issues than in the past; human rights, cyberwarfare, criminal syndicates, and the fate of the oceans would be just a few prominent examples. For a systemist approach, however, what matters regarding designation of the environment is not the content of interactions but instead the geographic boundaries. A study that focused on the Law of the Sea conferences, for instance, naturally would entail the entire globe as the system. By contrast, a review of international politics in the Balkans would require a more specific delineation of boundaries for that system, with all states and other entities located outside regarded as the environment.

¹⁵ Timothy Crawford, "The Endurance of Extended Deterrence: Continuity, Change, and Complexity in Theory and Policy," in *Complex Deterrence: Strategy in the Global Age*, eds. T. V. Paul, Patrick M. Morgan, and James J. Wirtz. (Chicago, IL: University of Chicago Press, 2009), 277-303.

¹⁶ *Ibid.*, 294.

¹⁷ On hegemonic stability theory, see Charles Kindleberger, *The World in Depression 1929-1939* (Berkeley, CA: University of California Press, 1973).

¹⁸ A path-breaking effort to identify variations of balance of power theory from the vast range of narratives in realism appears in Dina Zinnes, "An Analytical Study of the Balance of Power Theories," *Journal of Peace Research* 1, no. 4 (1967): 270-285.

¹⁹ Yasemin Akbaba and Patrick James, "The Evolution of Iranian Interventionism: Support for Radical Islam in Turkey, 1982-2003," in *Radical Islam and International Security: Challenges and Responses*, eds. Efraim Inbar and Hillel Frisch (London: Routledge, 2008).

²⁰ See Harold D. Lasswell, "The Garrison State," *American Journal of Sociology* 46, no. 4 (1941): 455-468.

²¹ The most enduring critique of the internal logic with respect to the realist paradigm appears in John A. Vasquez, *The Power of Power Politics: From Classical Realism to Neotraditionalism* (Cambridge: Cambridge University Press, 1999).

²² A more detailed argument in favor of applying systemism to evaluate theories of IR appears in Patrick James, "Systemism and International Relations: Toward a Reassessment of Realism," in *Millennial Reflections on International Studies*, eds. Michael Brecher and Frank P. Harvey. (Ann Arbor, MI: University of Michigan Press, 2002), 131-142.

²³ The standard critique of the idea that large groups such as the proletariat



will form naturally and realize their interests at the level of society is found in Mancur Olson, *The Logic of Collective Action: Public Goods and the Theory of Groups* (Cambridge, MA: Harvard University Press, 1965).

²⁴ The total of forty-two is reached in the following way: Among the six levels, connections from within can point in both directions, resulting in a total of twelve linkages. Across levels, fifteen combinations are possible; if each can go in either direction, this produces thirty possibilities. Thus the combination of linkage types within and across levels is forty-two.

²⁵ See David Easton, *The Political System: An Inquiry into the State of Political Science* (New York, NY: Alfred A. Knopf, 1953); *A Framework for Political Analysis* (Englewood Cliffs, NJ: Prentice Hall, 1965); and, *A Systems Analysis of Political Life* (New York, NY: Wiley, 1965).

²⁶ For a more extended treatment of the differences between the classic era of systems analysis and systemism today, see Patrick James, *Constitutional Politics in Canada After the Charter: Liberalism, Communitarianism, and Systemism* (Vancouver: University of British Columbia Press, 2010), 12-14.

²⁷ Knopf, "The Fourth Wave in Deterrence Research".

²⁸ T. V. Paul, "Complex Deterrence: An Introduction," in *Complex Deterrence*, eds. Paul, Morgan and Wirtz, 5.

²⁹ *Ibid.*, 2, 5-6.

³⁰ *Ibid.*, 2, 4-5.

³¹ *Ibid.*, 8.

³² *Ibid.*, 20.

³³ See Frank P. Harvey and Patrick James, "Deterrence and Compellence in Iraq, 1991-2003: Lessons for a Complex Paradigm," in *Complex Deterrence*, eds. Paul, Morgan and Wirtz, 222-256.

³⁴ *Ibid.*, 227.

³⁵ *Ibid.*, 231.

³⁶ *Ibid.*, 224.

³⁷ For purposes of clarification, systemism is *not* regarded as suitable for application to general deterrence. It focuses on actions and incorporates thought processes only through inclusion of verbal statements. For an assessment of scenarios involving thought patterns, game theory is the standard and clearly preferred alternative. Thus in the present case and for further applications of systemism, the domain is *immediate* rather than *general* deterrence.

³⁸ Harvey and James, "Deterrence and Compellence in Iraq," 249.



³⁹ Ibid., 248.

⁴⁰ Paul, "Complex Deterrence: An Introduction," 1-27.

⁴¹ Harvey and James, "Deterrence and Compellence in Iraq," 246.

⁴² Paul, "Complex Deterrence: An Introduction," 5-6.

⁴³ The preceding points are developed at greater length in Harvey and James, "Deterrence and Compellence in Iraq," 249.

⁴⁴ For ease of exposition, each figure in the series depicts the global system rather than Iraq within a system that includes an environment demarcated beyond its boundaries. The only possible outputs or inputs regarding the environment for a global system would have to concern extraterrestrials. By contrast, a regional system, as per the earlier example of the Asian subcontinent, would have the rest of the world as its environment.

⁴⁵ A summary of critiques regarding deterrence, some of which pertain to proliferation of relevant actors, appears in Paul, "Complex Deterrence: An Introduction," 1-5.

⁴⁶ Gourevitch, "Second Image Reversed," 881-912.

⁴⁷ Prominent examples regarding strategic interaction in particular include Robert D. Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," *International Organization* 42 (1988): 427-460; and Bruce Bueno de Mesquita, "Domestic Politics and International Relations," *International Studies Quarterly* 46 (2002): 1-9.

⁴⁸ Knopf, "The Fourth Wave in Deterrence Research," 2.

⁴⁹ Lupovici, "The Emerging Fourth Wave of Deterrence Theory," 721-722.



Reassessing the Taiwan-China Rapprochement: A Constrained Romance of the Two Kingdoms

HOO TIANG BOON¹

ABSTRACT

This article analyzes the Taiwan-China rapprochement, a significant development in the politics and security of the Asia-Pacific region, and has two principal aims. First, it addresses a gap in the scholarship by examining the reasons that gave rise to this rapprochement. Second, it provides a critique of assessments that are overly optimistic about the prospects of this development. Although the warming of Taiwan-Chinese relations represents significant progress in cross-strait relations, it is still fundamentally constrained by countervailing conditions that will undermine its progression. In essence, the Taiwan-China rapprochement is a bounded strategic embrace—one that has limited political promise.

Introduction

In recent years there has been a general sense of optimism about relations between Taiwan and the People's Republic of China (PRC). Many observers are of the view that developments since 2008 mark a significant watershed, and cross-strait relations are at their best period in history.² These developments include: the resumption of institutionalized dialogue between Taipei and Beijing; the restoration of direct shipping, air transport, and postal links after a gap of nearly sixty years; convergent rhetoric on both sides about a peace agreement; and the signing of the landmark Economic Co-operation Framework Agreement (ECFA) in 2010. In effect, we are witnessing the emergence of a *bona fide* rapprochement between Taiwan and China. Rapprochement, from the French word *rapprocher* (to bring together), is defined in this study as a situation of markedly closer relations between two polities, especially

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after a period of worsening or poor relations, and is characterized by a degree of mutual understanding between the parties.

Several scholars have argued that this rapprochement may lead to the resolution of cross-strait hostilities. As early as 2006 one analyst had already concluded that Taiwan “has become increasingly irrelevant as a major source of regional instability.”³ More recently, another assessment proposed that with the ascension of the Kuomintang (KMT) leader Ma Ying-jeou to the Taiwanese presidency there is “a real possibility that Taiwan and China could reach a peace agreement.”⁴ Such views, in my opinion, ignore or downplay certain important complications of the cross-strait dynamic.

This article advances a corrective to these optimistic projections of the rapprochement, arguing that confidence in its political promise is misplaced. Inasmuch as the rapprochement signifies considerable progress in Taiwan-China relations and Asian regional security, it is still constrained by deep-seated, enduring factors that will undermine its progression. This article highlights these structural factors and aligns with more skeptical views to demonstrate why the rapprochement is unlikely to lead to a resolution of the Taiwan question.⁵

This article makes a contribution to the literature on Taiwan-China relations in two ways. Firstly, it demonstrates why the Taiwan-China rapprochement may not lead to a cross-strait solution. Secondly, it provides an in-depth analysis of the causal sources of the rapprochement, which few studies have adequately done. While there have been writings that discuss recent cross-strait developments, these assessments mainly describe rather than explain the rapprochement.⁶ The rapprochement is a momentous juncture in the politics and security of the Asia-Pacific region, and the puzzle of its emergence deserves greater attention and analysis. The article proceeds in two parts: it examines the systemic and state-level explanations for the rapprochement, and then outlines the complications that may restrict its progression.

Explaining the Rapprochement

The first question to answer is: What factors account for the marked improvement in relations across the Taiwan Strait? Particularly, with regard to the timing, why did the rapprochement start to take shape only in 2008? This paper mobilizes a Waltzian “levels-of-analysis” approach to address these questions, focusing explicitly on the dual levels of the international system and the state.⁷

A reading from the level of the international system suggests three



potential, mutually non-exclusive explanations. First, the power gap between Taiwan and China may have widened to the extent that it has become strategically attractive for Taipei to pursue limited modes of bandwagoning towards China to assuage the growing security concerns of the island. One classical antecedent in support of this line of argument is the behaviour of Eastern and Central European polities during the interwar years.⁸

Secondly, deepening economic interdependence may have made the path of continued political hostility virtually untenable and too costly for both sides to persist. In particular, for the economically smaller Taiwan it may be a case of sheer pragmatism to seek better relations with its much larger counterpart, the PRC. Indeed, some observers have argued that it is a matter of survival, not merely pragmatism, for Taiwan to improve its relations with China.⁹

The third prospective explanation has to do with the changing dynamics of cross-strait triangular politics. The past decade has generally seen a strengthening of Sino-American relations, even as this relationship has witnessed its share of challenging moments. After the costly intervention experiences of Afghanistan and Iraq, Washington should strive to avoid another gratuitous distant theatre confrontation, particularly one involving an increasingly militarily formidable China. Furthermore, China's burgeoning international role means that in order for Washington to manage its global interests effectively, Beijing's partnership is increasingly indispensable. The hope from Washington is that Beijing will become a "responsible stakeholder" of the international system. The flipside of China's increasing centrality to US foreign relations and the US economy is that Taiwan is declining in comparative strategic importance to America. While this does not suggest that the United States will abandon Taiwan, changing trilateral dynamics makes it fitting for Taiwan to moderate its previously more confrontational cross-strait stance. It would do so for two reasons of strategic necessity: the degree of the actual US involvement in a Sino-American clash over Taiwan has become murkier due to the rising costs of such a confrontation; and Taiwan risks alienating Washington if it is perceived to be unilaterally making destabilizing moves.

A closer scrutiny of these system-level explanations, however, reveals that they are incomplete. The first argument of security bandwagoning is weakened when one notes that it downplays the role of the United States as an offshore balancer. Indeed, notwithstanding a policy of strategic ambiguity, the United States remains a genuine security patron of Taiwan.¹⁰ Chinese power capabilities have improved considerably over the years while doubts exist in Taipei over the level of US commitment

in a cross-strait war scenario. Still, from a strategic and psychological perspective, the US role in balancing China (even if partial) is critical. Thus, even as Taiwan has faced pressures of a more powerful China, it is unlikely to have pursued rapprochement solely as a result of security concerns.

The second and third explanations are analytically more cogent than the first, but there is still a considerable gap of reason that they fail to bridge. The question remains: *Why should they matter—i.e. have causal leverage on cross-strait political relations—only now?* Cross-strait economic linkages have been expanding steadily for the past two decades but have not been matched by a progressive political trajectory. The escalation of cross-strait tensions in 2004 is a notable example. Although the total value of Taiwan's trade with China for that year increased by US\$16.41 billion—a 33.3 per cent growth from the previous year—the relationship between the two sides deteriorated sharply in 2004.¹¹ There is, in other words, no straightforward causal significance between economic ties and the cross-strait political relationship. If that is so, the economic imperative is hardly a satisfactory reason for the rapprochement emerging.

A similar logic also applies to the “shifting trilateral dynamics” argument. It cannot explain why the Taiwanese government should be more sensitive to geopolitical dynamics in 2008 and pursue a rapprochement when only a year ago, Taipei was making moves that raised Washington's ire. For example, in 2007, Taipei's plan to hold a referendum on joining the United Nations with the name “Taiwan” was publicly criticized by then US Secretary of State Condoleezza Rice as “provocative.”¹² The changing trilateral equation may well have been a relevant consideration of Taipei, but it cannot sufficiently account for the rapprochement's timing.

Turning now to an assessment at the level of the state, the most obvious factor is the change of political regime in Taiwan. Until the KMT completed its capture of power from the Democratic Progressive Party (DPP) in 2008, Taiwan had been, for most parts of the decade, politically drifting away from China. Led by the independence-oriented former president Chen Shui-bian, the DPP's stint in power largely resulted in Taiwan being prodded along the route of *de jure* independence (*taidu*). The KMT's victories in the 2008 legislative and presidential elections, however, transformed the cross-strait picture. Not only has Taiwan's independence movement slowed down, its political trajectory seems to have reversed course and it now favours a promotion of closer ties with Beijing. In fact, *taidu* has been dealt a crippling blow ever since the KMT and its offshoot, the People First Party (PFP), established political communication with the Chinese Communist Party (CCP) in 2004 and

engineered a series of high-profile “peace” visits to Beijing, undermining the Chen administration.¹³ These “peace” visits, starting from 2005, culminated in unofficial trade and cultural agreements with Beijing and helped soothe cross-strait tensions that the Chen government seemed only too happy to fan. More importantly, they appeared to drive home the point that the then KMT-led opposition was the only political faction savvy enough to manage cross-strait relations effectively. In some ways, the origins of the rapprochement can be traced to the 2004–2005 period when the KMT started to build ties with the CCP.

Just how important is the KMT to the rapprochement? I argue that its role has been pivotal. Although the KMT’s motives for making overtures to Beijing encompassed an agenda to politically undermine the Chen government, the party has persisted in its China-friendly stance since its capture of power from the DPP. According to President Ma, Taiwan’s official direction now is to pursue closer relations with China, with economic normalization being the priority.¹⁴ But perhaps the strongest evidence of the significance of the KMT rests in the observation that the aforementioned system-level factors—cross-strait power pressures to bandwagon, economic interdependence and global geopolitics—have been relatively constant. The broader conditions of the cross-strait situation did not change significantly, even if Taiwan-China relations (the dependent variable) did evolve considerably. The dual trends of growing economic interdependence and changing geopolitical dynamics were already present during the time of the DPP administration; yet progress in cross-strait ties remained elusive. It was only after the KMT’s return to power in 2008 that KMT-CCP ties took further shape and materialized into a Taiwan-China rapprochement. From this perspective the impact of the KMT factor is palpable: roughly similar systemic contexts, but differing domestic conditions, with distinctly contrasting cross-strait outcomes.

We should be careful, nevertheless, not to overstate the KMT’s role. Two other important considerations should not be overlooked. The first relates to the role of Beijing. For some time now China has pursued a strategy of wooing forces in Taiwan that eschew the path towards independence. Beijing has demonstrated substantial pragmatism towards the KMT and expended considerable effort to court an erstwhile bitter opponent. Hence, when then KMT Chairman Lien Chan first visited China in April 2005, he was greeted in Beijing with a treatment reminiscent of those normally reserved for high-profile state leaders; Lien was also affectionately addressed as “Grandfather Lien” (*lian yeye*)



in various Chinese state media, and rewarded with trade deals to bring back to Taiwan.¹⁵ Beijing's proactive approach to status quo-oriented Taiwanese parties, when the opening presented itself, was notable in its own right. Thus, since 2005 Beijing has effectively started to "campaign for the KMT."¹⁶

However, the KMT's role should not be understood in isolation from system-level variables. Although domestic political considerations have been an impetus for the KMT's policy of seeking more favourable relations with China, system-level concerns have also played a part in informing the KMT's policies. To cite one example: KMT politicians have frequently opined that one reason behind the party's China policy has been to advance Taiwan's economic interests in an era of rising Chinese economic clout. There is also evidence that the shift in geopolitical dynamics, in particular the increasing frictions between Taipei and Washington, has not been lost on the KMT government. Under the DPP regime, Taiwan's relationship with the United States was affected, in part because Washington viewed Taipei's independence-oriented policies as being needlessly damaging to cross-strait stability, but also because such policies left Washington in a difficult diplomatic position vis-à-vis Beijing. The Ma administration has recognized this and believes that a more restrained China policy would help improve Taipei's bargaining power, and relations with Washington.¹⁷

In sum, the above analysis has attempted to illuminate the factors that underpin the Taiwan-China rapprochement, focusing on variables at the level of the system and the state. The evidence suggests the interplay of factors at both these levels. System-level explanations—power pressures, growing cross-strait economic interdependence, and geopolitical dynamics—cannot sufficiently account for the emergence of the rapprochement. These pressures were evident during the tenure of the DPP regime, but hardly motivated Taipei to seek better relations with Beijing. It was only with the KMT's return to power that a more China-friendly Taiwan policy was pursued and the rapprochement became a reality. Yet, it would be simplistic to essentialize the role of the KMT. Beijing is hardly a passive partner in the rapprochement process, and has been active in its courting of status quo-oriented Taiwanese parties. Moreover, system-level factors such as economic and geostrategic pressures do play a part in contextualizing the KMT's policy calculus towards China. It appears that, as compared to the DPP, the KMT is more responsive to these system-level concerns. It is ironic that the KMT has now evolved to become the CCP's biggest cross-strait ally.



A Romance with Limited Marriage Potential?

As mentioned earlier, there has been no shortage of broadly sanguine arguments concerning the prospects of the cross-strait trajectory. It is certainly true that the rapprochement represents an upturn in cross-strait relations. Even so, its impact should not be exaggerated (even if a more moderate KMT is steering the ship). Furthermore, as I will show, its role in resolving questions on Taiwan's future remains limited. A number of substantial challenges still constrain the rapprochement and will hinder its development into more politically concrete outcomes. Moreover, these are relatively enduring conditions that are not easily reversed. In appraising the rapprochement, these complications should not be overlooked.

Absence of Strategic Convergence

It is important to understand that the reason a cross-strait rapprochement could materialize in the first place is because both the KMT and CCP share the immediate goal of maintaining the status quo. The KMT's position is that a pro-independence policy is reckless and jeopardizes the security interests of Taiwan. For the CCP, their agenda in recent years has focused on the more immediate task of checking Taiwan's independence. Hence, there is broad confluence with regard to the near-term, lower-order priorities of the two sides. Yet, this equation remains fundamentally unbalanced because an overall strategic equilibrium of long-term, higher-order goals does not exist.

At Beijing's end, its ultimate aim is unequivocal: to bring about the reunification of Taiwan with the mainland. In fact, more than just a foreign policy objective, the Chinese see reunification as a *dà yě* (great cause), the capstone to finally end all traces of China's "century of humiliation." Beijing has never explicitly specified what constitutes reunification, and under the Hu regime, this goal has become less time sensitive and less demanding of leadership attention. Still, the reality is that no Chinese government can afford to compromise on the reunification ideal without losing significant political legitimacy and support. Simply put, reunification is the *raison d'être* of China's Taiwan policy and is non-negotiable in principle.

For Taipei, its long-term aim appears to be fundamentally different from Beijing's. To the extent that the Ma government's strategic vision encompasses some measure of ambiguity, it is about perpetuating, not just preserving, the status quo. Ma's policy dictum of "no unification, no independence, no war" (*bu tong, bu du, bu wu*) lends evidence to this.¹⁸ Although Taiwan established a National Unification Council in 1990 and

issued the seminal *Guidelines for National Unification* in 1991, these were respectively abolished and discontinued by the Chen government in 2006, and notably, the Ma administration has not made any attempt to reinstate them. While Ma has been cited as stating that the eventual goal of the KMT is to achieve unification with China, he has also openly qualified that the unification option is not likely to happen in his lifetime.¹⁹

The evidence from Taipei thus points to a basic divergence between both sides in terms of long-term objectives. This is not in itself problematic. However, it is thorny because the *modus vivendi* that underpins the rapprochement—ensuring the status quo—has differing connotations for the two sides. As it stands, the Ma administration views the status quo as an end in itself. The Chinese, on the other hand, view the status quo as a means to an end; it will only have meaning if it leads eventually to reunification. If the rapprochement only ends up entrenching or legitimizing the status quo—as some speculate is the Ma government's real agenda—then from a strategic perspective, the rapprochement has paradoxically hindered China's reunification cause.²⁰

The aims of the United States also deserve some scrutiny. Washington considers steps from either side of the Taiwan Strait that unilaterally alter the status quo to be provocative and destabilizing. In this regard, Washington had been concerned, and exasperated, by the efforts of the former DPP regime to steer Taiwan towards *de jure* independence. So when the KMT successfully captured power in 2008 and the Taiwan-China rapprochement ensued, the United States welcomed these changes. It declared the regime change in Taipei as a “fresh opportunity for both sides to reach out and engage one another in peacefully resolving their differences.” It also applauded the “three links” agreement and hailed Taiwan-China relations as “head[ing] in the right direction.”²¹ Thus as regards to the near-term goals, the United States concurs with the two cross-strait protagonists.

Concerning its long-term objectives, however, the United States is more ambivalent. While the official line from Washington is that it hopes to see a peaceful resolution of the Taiwan question, the idea of cross-strait unification has never received explicit US support. Indeed, the 1979 US-PRC Communiqué states that the United States “acknowledges,” rather than recognizes, the view that Taiwan is part of China, which suggests that it is aware of the Chinese position without necessarily agreeing with it.²²

There are a number of reasons why Washington might be disinclined to explicitly back the unification position. For a start, such a position would be politically difficult, especially in the US Congress, as it means supporting the idea of a democratic Taiwan in an undemocratic China.

Second, unification could mean a strategic reorientation of the People's Liberation Army, from a focus on the recovery of Taiwan to a more expeditionary, force-projection agenda. Such a shift would directly challenge the US role in the Asia-Pacific region. Third, the United States may have to give up the operational linkages (especially in terms of human intelligence) that it currently has with Taiwan.²³ Fourth, the United States would lose the strategic leverage that Taiwan brings to the Sino-American bargaining table. Post-unification, there would be less strategic incentive for China to cooperate with the United States in other areas of intersecting interests.

In highlighting these considerations, I am not suggesting that the United States is opposed to unification in principle; after all, such a scenario would help remove the primary conceivable reason for war between the United States and China. My point is this: there is yet to be a strategic convergence between the United States and China in regard to Taiwan. The United States neither supports Taiwanese independence, nor does it appear keen to endorse a unification outcome. The absence of a convergence in the long-term aims of the parties involved places limits on how far the rapprochement can develop.

Domestic Political Limits

Another constraint concerns the nature of domestic politics in Taiwan. Unlike the martial law period, Taiwanese leaders today cannot afford to navigate cross-strait politics without one eye on public sentiments. To a large extent the public demarcates the political boundaries that Taiwanese leaders manoeuvre within the cross-strait policy context. Of course, this observation is not new; but it is an important driver of the cross-strait dynamic and cannot be discounted. Thus, while domestic forces prevented the former DPP regime taking Taiwan too far down the independence route, domestic political pressures could equally rein in further advancement of the rapprochement.

Firstly, opinion polls in Taiwan have consistently demonstrated that the majority political preference is for the status quo to persist, rather than the extremes of formal independence or unification. Survey data from the Election Study Centre (ESC) (one of the main survey centres for the Mainland Affairs Council) for the period 1994-June 2011, show that support for the unification and independence scenarios average around 2.18 per cent and 5.11 per cent respectively, while the more indeterminate status quo options—maintain status quo indefinitely (18.85 per cent); maintain status quo, decide at a later date (33.97 per cent)—are the leading public preferences (see table 1).²⁴ As previously

mentioned, an enduring status quo would not be in Beijing's long-term strategic interests.

Table 1: Taiwanese Attitudes towards the Taiwan Question (1994 to June 2011)

Option	Percentage Average
Unification as soon as possible	2.18
Independence as soon as possible	5.11
Maintain status quo, move towards independence	13.01
Maintain status quo, move towards unification	13.63
Maintain status quo indefinitely	18.85
Maintain status quo, decide at later date	33.97
Non response	13.26

Secondly, although Ma's 2008 electoral victory reflects a considerable mandate in forging closer China-Taiwan ties, this mandate remains circumscribed by the continued political bifurcation of Taiwanese society. There continues to be a sizeable segment of the Taiwanese populace that remains unconvinced by the KMT and its China-friendly stance. As one analyst notes, this bespeaks a situation of "two Taiwans," not one.²⁵ A clear reminder of this "other Taiwan" was seen in October 2008, when reportedly half a million people took to the streets of Taipei to launch anti-China and anti-Ma protests.²⁶ Such anti-China voices have become less strident in recent times, but have not ceased to be a political force.²⁷

The Taiwanization Factor

Taiwanization is the phenomenon whereby the people of Taiwan identify themselves as a collective entity nationally and politically distinct from China. It entails the consciousness of a Taiwanese national identity that is distinct from Chinese identity. Under the regimes of local-born ex-presidents, Lee Teng-hui and Chen Shui-bian, Taiwanization accelerated and deepened. Taiwanization is not a trivial dynamic and needs to be included as a lens through which to appraise the rapprochement. This issue has had more focused examinations in the literature and so will not be discussed in depth here.²⁸

There has been little indication that the Ma government intends to be as active as its predecessors in encouraging Taiwanization. Yet it is unlikely that the Ma regime will take deliberate steps to arrest this trend. If anything, it has explicitly stated that a core tenet of its cross-strait policy is to “protect Taiwan-centric identity.”²⁹ Such a stance is not difficult to explain. Taiwanization has gained considerable ground in Taiwan, to the extent that it has become a political liability for a Taiwanese government not to embrace a Taiwanese identity.

Longitudinal survey results, meanwhile, suggest a general trend towards a growing Taiwanese identity. According to cumulative polls conducted by the ESC, the number of respondents who saw themselves as “Taiwanese” increased from 17.6 per cent in 1992 to 54.2 per cent in June 2011. In contrast, for the same period, the number of respondents who saw themselves as “Chinese” shrank from 25.5 per cent to just 4.1 per cent. The same longitudinal polls indicated that the interviewees who responded with a dual identity (both “Chinese” and “Taiwanese”) decreased only marginally, from 46.4 per cent to 39 per cent.³⁰ This implies that there remains a sense of identity ambivalence amongst a sizeable portion of the populace. Of course, survey data are by no means deterministic and should never be interpreted as such. The ESC surveys also employed the term “*zhongguoren*” (Chinese national) which might have elicited a different response from the more inclusive language of “*huaren*” (people of Chinese ethnicity).³¹ These caveats aside, the ESC data is potentially indicative and suggests that while a segment of the population retains a dual identity, the aggregate picture is one where the overall number of people with a primary Taiwanese identity has increased over the years.

If the trend of Taiwanization grows in Taiwanese society, it will produce identity pressures that will place constraints on the rapprochement’s expansion. Growing Taiwanese identity does not necessarily equate to rising Taiwanese independence, but it does imply difficulties for questions of political integration with China since a Taiwanese identity bespeaks the consciousness of a national self that excludes Taiwan from China, creating tensions in the idea of “one China.”

Most analysts do not deny the complications that Taiwanization brings. Where the assessments differ is the extent and pace of the Taiwanization. Some have pointed out that growing cross-strait people-to-people movement—for example, Taiwanese residents/workers in China and vice versa—will increase the number of people with a dual Taiwanese-Chinese identity, thereby moderating Taiwanization.³² By the same token, this implies that the rapprochement has the potential to help slow down, or even regress Taiwanization.

The argument above has validity, but its key assumption is disputable. It assumes that more cross-strait linkages automatically translate to a rise in dual identities in Taiwan. This is not necessarily so. In fact, increasing people-to-people exchanges may actually heighten any perceived differences between the two groups. Moreover, such interactions are not always positive and can dampen the formation of dual identities among the Taiwanese. For example, Douglas Fuller has noted that Taiwanese business people's experiences in China are sometimes unpleasant, while Shu Keng and Gunter Schubert suggest that their cross-strait impacts are more limited than commonly assumed.³³

Additionally, the inherent domestic conditions that help facilitate Taiwanization should not be underestimated. The demographic reality is that more than 80 per cent of Taiwan's populace are locally born. This suggests that it will be easier for most Taiwanese to naturally gravitate towards a Taiwan-centric identity. Even for "mainlanders" (referring here to those born in China) in Taiwan, the long socialization process has led many to come to see Taiwan as their future. While there are mainlanders who see themselves as primarily Chinese, their numbers have dwindled with time: many have passed away, or have permanently relocated to China. Thus, with time, Taiwan is increasingly populated by local-born Taiwanese who, left to their own devices, are less likely to identify with China.

Limits to Economic Integration

Since the late 1980s, the cross-strait economy has flourished. China is now Taiwan's principal trading partner, surpassing Japan and the United States. By the end of 2008, Taiwan's exports to China reached US\$73.98 billion while total cross-strait trade was US\$105.37 billion, a 295 per cent and 337 per cent increase on 2000, respectively. China is also the main destination of Taiwan's foreign direct investment (FDI), accounting for some 57.13 per cent of Taiwan's total approved FDI, reaching US\$75.56 billion between 1991 and 2008.³⁴ Around one million Taiwanese business people and their families also work and reside in China. With the signing of the Taiwan-China ECFA, these figures can be expected to rise even more dramatically.

Given this trend, it has been widely argued that economic linkages across the Taiwan Strait offer the most realistic route through which a cross-strait political solution may eventually materialize. This is the economic integration hypothesis, that intensifying economic integration between Taiwan and China might bind the two sides close enough, or modify Taiwanese preferences sufficiently, to contemplate a political union. The example of the European Union (EU), moving from a

primarily economic entity to a partially political one, is sometimes cited as support for the economic integration argument's plausibility.³⁵

Several scholars have found the economic integration argument to be persuasive. Some see economic integration as a barometer of political relations across the Taiwan Strait. In this view the level of economic activity represents an indicator of intentions between the two sides.³⁶ Others believe that deepening economic connections would eventually culminate in the emergence of a loosely federalized "Greater China" or lead to some variant of a *de facto* unification.³⁷ Not surprisingly, the economic integration route is Beijing's preferred strategy for repossessing Taiwan peacefully. Beijing hopes that increasing economic engagement will create favourable conditions commercially, functionally, and social-psychologically, thereby precipitating the genesis of eventual political integration.³⁸ As one Chinese official put it, "The economy is our best weapon. We won't attack them. We will buy them. It's very Chinese."³⁹

The economic integration argument may not be entirely applicable to the Taiwanese case. This is not to say that economic linkages do not play a constructive role in cross-strait relations; they certainly do. After all, one motive informing the KMT's pursuit of a rapprochement is to normalize and enhance the cross-strait economic relationship. Still, economics is not everything. There are inherent limits on the capacity of economic linkages to translate to substantive political progress in the Taiwan Strait.

One problem is that empirical evidence of a correlation between economic integration and political integration in the Taiwan Strait is weak. This is evident from the cross-strait trajectory in the past decade, where in spite of burgeoning economic relations, political tensions have remained high (the recent rapprochement notwithstanding). Even though China has become Taiwan's biggest trading partner, it is hardly moving closer to its reunification goal: instead of pushing for reunification, checking Taiwan's independence has become Beijing's overriding focus.

There is also little evidence of a relationship between economic integration and unification stances in Taiwan. Cross-strait trade figures for the past decade clearly reflect a trend of expanding economic linkages between China and Taiwan annually. Yet, if we track the political preferences of the Taiwanese public, the consistent and prevailing trend is that there is little support for the unification scenarios while the overwhelming preferences are for the status quo options (see the earlier ESC survey data).

There are at least two potential explanations why the economic integration argument is empirically tenuous here. One is that economic integration is, by itself, insufficient for greater political convergence; other conditions need to be in place before more politically substantive results can be expected. The other explanation is that, in cross-strait politics, economic considerations promote security more than they promote assimilation. In other words, economic integration is more likely to prevent military conflict between China and Taiwan (through raising the cost of conflict) than encourage political convergence between the two (through economic incentives).

Meanwhile, there are perceived costs to economic integration that might foster or exacerbate anti-China sentiments in Taiwan. The KMT government is of the view that closer economic relations with China will help create jobs and boost Taiwan's economy, imperatives that have become more exigent in recent years. This claim is not accepted by all segments of Taiwanese society. First, some argue that economic integration with China primarily benefits the larger transnational businesses while marginalizing the interests of the more localized small and medium enterprises (SMEs). While transnational corporations are able to capitalize on China's larger market and enjoy lower operational costs there, local SMEs face increased competition and the prospect of being squeezed out of the domestic market as a result of the growing entry of cheaper Chinese products and services. Second, there are fears that, far from creating jobs, some sectors of Taiwan's economy (such as manufacturing) may actually experience higher unemployment. As more Taiwanese industries are enticed to transfer their operational bases to China, the worry is that cheaper Chinese labour will displace Taiwanese workers or generate downward pressure on Taiwanese wages in these relocated sectors. Third, there are concerns that Taiwan's economy will become increasingly dependent on the Chinese economy. Although economic interdependence cuts both ways, the disparity in the sizes of the two economies suggests an asymmetry in vulnerability that is strategically more disadvantageous to Taiwan.⁴⁰

The aforementioned arguments are not without their critics, nor are they entirely justified. But the reality remains that these perceptions exist and have traction in Taiwan. The ECFA issue has drawn attention to such sentiments. Situated within the larger debate about Taiwan's economic direction, the ECFA has become a lightning rod for concerns about deepening economic linkages with China. It is noteworthy that in a recent survey by Taiwan's Mainland Affairs Council, only a little more than half of those polled (54.8 per cent) explicitly indicate that they support the ECFA.⁴¹

Conclusion

The purpose of this article has been twofold. Firstly, it has examined the reasons that gave rise to the Taiwan-China rapprochement. The analysis here suggests that the explanation lies in an interplay of systemic and state-level factors. Pressures relating to security, economy and geostrategic considerations featured in the thinking of Taiwanese political elites. Yet, these pressures seemed to matter less to the previous DPP regime than to the KMT government. It is not a coincidence that the rapprochement materialized only after the KMT's capture of executive power in 2008, a process that could be traced to 2004-2005 when the KMT and CCP began their political flirtation. It would be a stretch to describe Ma and the KMT as pro-China, but it would be fair to say that they are considerably more receptive to Beijing than the DPP. This suggests relatively healthy prospects for reduced tensions in the Taiwan Strait, at least in the near term. This relates to the article's second aim: to assess the likely impact of the rapprochement on Taiwan's political future.

As noted, there have been a number of what I consider to be overly hopeful prognostications of the rapprochement. These views trivialize continuing challenges that effectively delimit the boundaries of the rapprochement. This article is an attempt to respond to such views and, more importantly, to draw attention to the problematic elements that do exist. It may well be that the rapprochement represents the most significant reduction of cross-strait tensions in the past sixty years, but it would be presumptuous to assume a linear extrapolation from the existing circumstances. In fact, there is no a priori logic for time being an ally of the rapprochement. Taiwanization may become further entrenched in Taiwan over time. Additionally, if the rapprochement only legitimizes the status quo indefinitely, or appears to do so, pressure may mount on the Chinese leadership to take more drastic actions. With China's rising economic and military power, a more assertive Chinese cross-strait policy is not implausible. While the Hu regime is less given to talk about reunification than its predecessor, it is unclear if the arising fifth-generation leaders will be as patient. It is worth remembering that the controversial 2005 Anti-Secession Law is still in force in China, while the proviso stated in China's 2000 White Paper on the Taiwan issue—that an indefinite delay of reunification negotiations potentially justifies force against Taiwan—has yet to be rescinded by any Chinese leader. In spite of the rapprochement, the number of deployed Chinese missiles across the Taiwan Strait has increased.⁴² It is time to be more realistic about the Taiwan-China rapprochement and realize that in

itself, it is unlikely to address the most important questions of the Taiwan issue anytime soon. ■

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Notes

¹ I am grateful to Yee May Lin, Rosemary Foot and Brian Job for commenting on earlier versions of the article. I would also like to thank the general section editor, Nina Hall, and two anonymous reviewers for their helpful comments.

² For examples, see Jianwei Wang, "From 'Highly Dangerous Water' to 'Highly Tranquil Water'? Cross-Strait Relations after Taiwan's Presidential Election," *American Foreign Policy Interests* 31, no. 1 (2009): 23-40; Phillip Saunders and Scott Kastner, "Bridge over Troubled Water? Envisioning a China-Taiwan Peace Agreement," *International Security* 33, no. 4 (2009): 87-114; James Hsiung, "The Age of Geoeconomics, China's Global Role, and Prospects of Cross-Strait Integration," *Journal of Chinese Political Science* 14, no. 2 (2009): 113-133.

³ Robert Ross, "Taiwan's Fading Independence Movement," *Foreign Affairs* 85, no. 2 (2006): 141-148.

⁴ Saunders and Kastner, "Bridge over Troubled Water?" For a similar view, see Hsiung, "The Age of Geoeconomics."

⁵ On examples of such views, see Alan Romberg, "Cross-Strait Relations: First the Easy Steps, Then the Difficult Ones," *China Leadership Monitor* 26 (2008): 1-31; and Richard Bush, "Taiwan and East Asian Security," *Orbis* 55, no. 2 (2011): 274-289.

⁶ See, for example, Thomas Gold, "Taiwan in 2008: My Kingdom for a Horse," *Asian Survey* 49, no. 1 (2009): 88-97; Wang, "Highly Tranquil Water"; Romberg, "Cross-Strait Relations."

⁷ Kenneth Waltz, *Man, the State and War: A Theoretical Analysis* (London: Addison-Wesley, 1979).

⁸ Deborah Welch Larson, "Bandwagon Images in American Foreign Policy: Myth or Reality," in *Dominoes and Bandwagon: Strategic Beliefs and Great Power Competition in the Eurasian Rimland*, eds. Robert Jervis and Jack Snyder (New York: Oxford University Press, 1991), 85.

⁹ "Xin Liangan, Xin Taiwan," *Taiwan Guanghua* 6 (2008): 6-17.

¹⁰ Scott Kastner, "Ambiguity, Economic Interdependence, and the US Strategic Dilemma in the Taiwan Strait," *Journal of Contemporary China* 15, no. 49 (2006): 651-669.

¹¹ Mainland Affairs Council, *Liang'an Jingji Tongji Yuebao* 202, September 2009.

¹² The US position was that the proposed referendum "unnecessarily raises tensions in the Taiwan Strait" and "promises no real benefits for the people of Taiwan on the international stage." See Thom Shanker and Helene Cooper, "Rice has Sharp Words for Taiwan, as Gates Does for China," *New York Times*, December 22, 2007.

¹³ Saunders and Kastner, "Bridge over Troubled Water?" 93.

¹⁴ *Xinhua*, "Ma Ying-jeou Cheng Gaishan Liangan Xian Jingji Hou Zhengzhi," June 21, 2008.

¹⁵ *Xinhua*, "Xian Houzhaimen Xiaoxue Wuming Xiaojizhe Xianggen Lianyeye Shuo Xinlihua," April 29, 2005.

¹⁶ Robert Ross, "Explaining Taiwan's Revisionist Diplomacy," *Journal of Contemporary China* 15, no. 48 (2006): 443-458.

¹⁷ *Zhongguo Pinglun Xinwen*, "Ma Ying-jeou: Chufang Jiaqiang Jiyou De Guanxi Fei Zhizhao Diyi," August 9, 2008.

¹⁸ Mainland Affairs Council, "Zhengfu De Dalu Zhengce Weihe?" March 2010, <http://www.mac.gov.tw/ct.asp?xItem=56670&ctNode=5639&mp=1> (accessed April 3, 2011).

¹⁹ Jonathan Adams, "Conditions Aren't Ripe," *Newsweek*, December 26, 2005; *Lianhe Zaobao*, "Ma Ying-jeou: Tongyi Women Zhe Yisheng Buhui Fasheng," May 16, 2008.

²⁰ Wang, "Highly Tranquil Water," 35.

²¹ *Taipei Times*, "Bush Urges Hu to Reach Out to Taiwan," March 28, 2008; *Taipei Times*, "US Official Praises Cross-Strait Policy," June 2, 2008.

²² John Tkacik, Jr., "Taiwan's Unsettled Status: Preserving US Options in the Pacific," *Backgrounder* 2146, The Heritage Foundation (2008): 1-15. The second US-PRC Communiqué, dated 1 January 1979, was first announced on December 15, 1978.

²³ Nancy Bernkopf Tucker, "If Taiwan Chooses Unification, Should the United States Care?" *The Washington Quarterly* 25, no. 3 (2002): 20-24.

²⁴ Table 1 is tabulated from longitudinal poll data of the Election Study Centre, National Chengchi University, "Changes in the Unification-Independence Stances of Taiwanese as Tracked in Surveys (1994-2011.06)," <http://esc.nccu.edu.tw/english/modules/tinyd2/index.php?id=6> (accessed September 1, 2011).

²⁵ Loa Iok-sin, "Handle Sovereignty with Care, Ma Told," *Taipei Times*, December 4, 2008.

²⁶ *Ziyou Shibao*, "60 Wanren Nuhou Qiangma Wuneng," October 26, 2008.

²⁷ Indeed, the results of Taiwan's 2012 presidential and legislative elections underscore that deep political divisions remain in Taiwan. While Ma won re-election to Taiwan's presidency, his winning margin declined by a nontrivial 11 percentage points, from approximately 17 per cent in 2008 to around 6 per cent in 2012. Although the KMT maintained a majority in the Taiwanese legislature, the ruling party suffered a setback in the legislative elections, losing 17 seats while the DPP gained 13 seats. See Loa Iok-sin and Chris Wang, "2012 Elections: Ma Wins Re-election," *Taipei Times*, January 15, 2012; Loa Iok-sin, Lee I-chia, Chris Wang and Mo Yan-chih, "2012 Elections: KMT Maintains Majority," *Taipei Times*, January 15, 2012.

²⁸ See, for example, Carol Lee Hamrin and Zheng Wang, "The Floating Island: Change of Paradigm on the Taiwan Question," *Journal of Contemporary China* 13, no. 39 (2004): 339-349.

²⁹ Xingzhengyuan Dalu Weiyuanhui, "Zhengfu De Dalu Zhengce Weihe?"

³⁰ Election Study Centre, National Chengchi University, "Taiwanese/Chinese Identification Trend Distribution in Taiwan (1992-2011.06)," <http://esc.nccu.edu.tw/english/modules/tinyd2/index.php?id=6> (accessed September 1, 2011).

³¹ On the methodology of ESC surveys, see Election Study Centre, National Chengchi University, "Trends in Core Political Attitudes among Taiwanese—Data Collection Methodology," <http://esc.nccu.edu.tw/english/modules/tinyd2/index.php?id=6> (accessed September 1, 2011).

³² Ross, "Explaining Taiwan's Revisionist Diplomacy," 457. It should be clarified that even if people have a dual Taiwanese-Chinese identity, China does not recognize dual nationality.

³³ Douglas Fuller, "The Cross-Strait Economic Relationship's Impact on Development in Taiwan and China: Adversaries and Partners," *Asian Survey* 48, no. 2 (2008): 255-256. For a more detailed discussion of Taiwan business people's impact on cross-strait relations, see Shu Keng and Gunter Schubert, "Agents of Taiwan-China Unification? The Political Roles of Taiwan Business People in the Process of Cross-Strait Integration," *Asian Survey* 50, no. 2 (2010): 287-310.

³⁴ Mainland Affairs Council, *Liang'an Jingji Tongji Yuebao* 202.

³⁵ Chien-min Chao, "Will Economic Integration between Mainland China and Taiwan lead to a Congenial Political Culture?" *Asian Survey* 43, no. 2 (2003): 280-304.

³⁶ Steve Chan, "Commerce between Rivals: Realism, Liberalism and Credible Communication across the Taiwan Strait," *International Relations of the Asia-Pacific* 9, no. 3 (2009): 435-467.

³⁷ Linda Jakobson, "A Greater Chinese Union," *The Washington Quarterly* 28, no. 3 (2005): 27-39.

³⁸ Quansheng Zhao, "Beijing's Dilemma with Taiwan: War or Peace?" *The Pacific Review* 18, no. 2 (2005): 219.

³⁹ Tucker, "If Taiwan Chooses Unification?" 16.

⁴⁰ *Ziyou Shibao*, "Qianle ECFA Zhongxiao Qiye Youxin Quandao," September 14, 2009; *Ziyou Shibao*, "Xuezhe: Qian ECFA Taiwan Shiye Jiang Erhua," January 1, 2010.

⁴¹ Mainland Affairs Council, "Minzhong Dui Dangqian Liangan Guanxi Zi Kanfa: Minyi Tiaocha Jieguo Gangyao," September 24-26, 2009; <http://www.mac.gov.tw/public/Attachment/91031134916.pdf> (accessed April 3, 2011).

⁴² *Lianhe Zaobao*, "Zhongguo Duitai Daodan Chixu Zengjia," March 23, 2010.

Book Reviews

Gil Loescher, Alexander Betts, and James Milner.
UNHCR: The Politics and Practice of Refugee Protection into the Twenty First Century.

London: Routledge, 2008. 161 pp. £76.00 (pbk).

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Refugee protection and assistance is anything but a recent issue. Yet it was only in 2003 that the United Nations High Commissioner for Refugees (UNHCR) was made permanent. Sixty years after its inception, it still relies on voluntary contributions from states that often fail themselves to follow the 1951 Convention for the Protection of Refugees and the 1967 Protocol.

Alexander Betts, Gil Loescher, and James Milner's second edition of *UNHCR: The Politics and Practice of Refugee Protection into the Twenty First Century* provides an expanded overview of what precisely the UNHCR does under the current conditions of conflicting interests, uncertainty of the future, and constant changes. The book emphasizes the need for the UNHCR to be aware of the political reality within which it operates when strategizing ways to protect and assist refugees, whilst still maintaining its core mandate, principles, and moral authority. Security, development, environmental and other international regimes often overlap with the refugee regime to form a "refugee regime complex" (p. 127), where concerns for refugee rights are dismissed. Yet the authors argue that finding methods of coordination with these regimes can help these regimes compliment, rather than contradict, the goals of the UNHCR.

One of the central themes of the book is an examination of how UNHCR reliance on voluntary monetary contributions ultimately affects its mandate. Earmarking by donor states, the authors argue, leads to disproportionate influence from certain key states, primarily the United States. During the Cold War this led to special emphasis on asylum for those escaping communism and on the forced returns of refugees to areas of conflict. Following the Cold War there was heavy pressure by wealthy donor states to keep Internally Displaced Persons (IDPs) in their countries of origin. The demands of the Global North that refugees be prevented

from entering their borders, and the demands of the Global South for funds to provide protection for refugees, have led to deadlocked meetings in the Executive Committee, made up of member states that themselves often do not follow the Convention. In addition, trends in areas such as environmental protection and internal displacement, and pressure to appeal to a wider range of donor states—who often turn to other organizations to bypass UNHCR and state obligations to the Convention—have led to an expansion of the UNHCR mandate to include those who do not strictly fall within the Convention definition of a refugee. When turning to non-state alternative donors, the same issue arises—to stay relevant, the mandate needs to be expanded or even shifted.

The authors present an array of examples of how donor reliance and budgetary issues affect the organisation's mandate. Though the book's focus is not legal analysis, budget constraints and expansion provide a useful lens through which the reasons the UNHCR and states use certain legal mechanisms can often be best explained. For example, the authors discuss "mixed migrants"—those who may have fled for reasons other than Convention-defined persecution. The UNHCR's role in relation to "mixed migrants" is, in many instances, assisting states to design *prima facie* means of determining refugee status.¹ This is a Refugee Status Determination (RSD) process where only country of origin and time of fleeing must be proven to secure asylum. It is "a lower standard of proof than other RSD"² and is therefore often cheaper and faster—two values that the UNHCR may have in the face of an uncertain budget.

The authors also address "survival migrants," a category which includes those from Zimbabwe, Myanmar, North Korea, Democratic Republic of Congo, Iraq, and Haiti who may "fall outside the existing international refugee protection framework" (p. 142). In another section, the authors discuss the UNHCR's ability to adapt to and incorporate regional definitions of refugees, such as that found in the OAU Convention for Africa (p. 85). One could argue that the use of these regional definitions may expand the mandate of the UNHCR, but they are not uniformly applied, suggesting the presence of influences other than legal obligations in the policy process. For example, the UNHCR did not initially use the OAU definition for Sudanese in Egypt, but later did.³ Similarly, Eritreans were granted *prima facie* protection which was later removed, even though it was unclear that their return would be safe.⁴ These legal mechanisms, whose byproduct is often an expanded or a shifting mandate, can be perhaps traced to constraints from the budget limitations and the state. In this way, the book explains why certain legal routes are chosen.

The authors argue that the “refugee regime complex,” which includes security and immigration regimes, can be mutually complimentary. Governments can be persuaded that one policy which protects refugees also protects its other interests which fall under a different regime. In Israel, for example, asylum seekers, including many genuine refugees from Darfur, South Sudan, and Eritrea, escape deportation by providing major hotels with cheap labour. Aside from the human rights shortfalls in such a policy, this demonstrates that there is certainly room for finding ways that seemingly disparate interests can be made to partially assist refugee protection.

9/11 is considered by the authors to be the point at which states began to reject an increasing number of asylum applicants and took measures to prevent their spontaneous entrance. Even here, however, it might be possible for the security regime to compliment the refugee regime. States may choose to expedite their RSD process in order to do background checks of asylum seekers for security reasons. This is hardly a humanitarian gesture to protect those fleeing persecution, but the idea of finding ways that regimes can be complimentary may be crucial in strategies for refugee protection, even though they may appear counter-intuitive. At the same time, however, a plan that appears to benefit multiple regimes may be implemented in a way that only assists one. RSD may be implemented in the hope that all non-refugees be deported to better assist those who are actual refugees; in practice, refugees may be deported as well.

Perhaps the greatest challenge to the original mandate of the UNHCR is the difficulty in separating the factors that lead an individual fleeing. “Climate change displacement” is often not just about climate, but a “complex interaction...with state fragility” (p. 145). Similarly, those fleeing North Korea or Zimbabwe may be motivated by indirect results of persecution, rather than direct oppression. Interestingly, the authors argue that protecting those displaced by climate change can increase the good will of host governments toward the UNHCR, which may assist in protecting Convention-defined refugees when the need arises (p. 138). Therefore, many instances of supposed expansions in the mandate can be viewed as still following the original Convention definition.

The book provides a necessary illumination of the pressure the UNHCR faces from governments, as well as the both successful and abysmal choices made by the organisation as a result. There is a short discussion of the criticism received by the UNHCR when refugee status determination is based on criteria other than the claim of the refugee. Yet the UNHCR, as noted elsewhere, must work with governments or risk being expelled by the state, as in the case of Libya in 2010 and Uzbekistan in

2006.⁵ State support for the UNHCR, even when the state itself does not protect refugees, is crucial. However, this also raises questions regarding the ethical and pragmatic problem of relying on the very governments that may be persecuting populations within their own borders. The authors do not address human rights activism, but the pressure on the UNHCR to adapt state policy has led many human rights groups to protest its policy as much as that of governments: thousands of asylum seekers camped out in front of the UNHCR offices in Cairo in 2005, for example, leading the Egyptian government to open fire on the protesters, killing dozens.⁶

While not hesitating to be critical of the UNHCR, the book also provides the institutional and historical context of particular decisions, which can provide potential explanations for the existence of certain legal frameworks. Because the UNHCR acts at the nexus of immigration, defence, diplomacy, environment, and other agendas, this book comfortably spans a variety of international public policy concerns. It provides fresh insight into the relationship between the agencies, agendas, and actions surrounding a body that only became permanent in 2003, but which will increase in relevancy in the decades to come. ■

Notes

¹ Michael Kagan, "The Beleaguered Gate Keeper: Protection Challenges Posed by UNHCR Refugee Status Determination," *International Journal of Refugee Law* 18, no. 1 (2006): 1-29.

² Matthew Albert, "Governance and Prima Facie Refugee Status Determination: Clarifying the Boundaries of Temporary Protection, Group Determination and Mass Influx," *Refugee Survey Quarterly*, 29 no. 1 (2010): 66.

³ Katarzyna Grabska, "Marginalization in Urban Spaces in the Global South: Urban Refugees in Cairo," *Journal of Refugee Studies*, 19 no. 3 (2006): 295.

⁴ Hélène Thiollet, "Refugees and Migrants from Eritrea to the Arab World: The Cases of Sudan, Yemen and Saudi Arabia 1991-2007," paper prepared for The Forced Migration & Refugee Studies Program at The American University in Cairo, Egypt (October 23-25, 2007).

⁵ "UNHCR Expelled from Libya" Associated Press via *The Guardian* (8 June 2010), <http://www.guardian.co.uk/world/2010/jun/08/un-refugee-agency-libya>; "UNHCR Expelled from Uzbekistan." BBC (20 March 2006), <http://news.bbc.co.uk/1/hi/world/asia-pacific/4826278.stm>.

⁶ Hala W Mahmoud, "Shattered Dreams of Sudanese Refugees in Cairo," *Forced Migration Review*, 27 (2007).

Phil Clark, *The Gacaca Courts, Post-Genocide Justice, and Reconciliation in Rwanda*.

Cambridge: Cambridge University Press, 2010. 400 pp. £70.00 (hbk).

ISBN: 0521193486

and

Scott Straus and Lars Waldorf, ed. *Remaking Rwanda: State Building and Human Rights after Mass Violence*.

Madison: University of Wisconsin Press, 2011. 320 pp. £23.50 (pbk).

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The polemic in writing on Rwanda is nearly inescapable. While Rwanda is by no means the first country in Africa to attract fellow travellers and vitriolic critics, the almost Manichean divide in the media between “friends and enemies” of the current regime rivals the imagined existential struggle between the Rwandan Patriotic Front (RPF) and its opponents. Published writing on Rwanda often seems incommensurably divided between those for whom Rwanda is a shining exemplar of the African Renaissance, the RPF heroic saviours who rescued Rwanda from genocide, and Paul Kagame, every donor’s dream, and those for whom Rwanda is ruled by a vicious, authoritarian clique bent on entrenching the dominance of one ethnic group at the cost of functioning democratic institutions, true reconciliation, and regional stability. The publication of the Trevidic-Poux report regarding the shooting down of Juvenal Habyarimana’s plane is unlikely to temper this controversy. Each of these castings of Rwanda is more a reflection on its authors than the realities of contemporary Rwandan politics. Together, they foster a debased discourse in which on the one hand, anything less than full support of the current dispensation is considered genocide denial, and on the other, noting anything at all positive about the current regime is tantamount to supporting crimes against humanity.

Against the backdrop of this unbalanced debate, the first virtue of each of these books is their firm refusal to take the dominant narratives

of either the friends or enemies at face value. Both Clark in *The Gacaca Courts* and Straus and Waldorf in *Remaking Rwanda* are steadfast in their commitment to Rwanda's complexity, the ambiguity of historical record of the RPF, the nature of the present political situation, and the prospect for the stability of Rwanda's constitutional settlement in the near future. In both cases, this is because both these works, in their different ways, open up four key "black boxes" that characterize much of the literature on Rwanda. Each book unpacks the localism and *variation across geographic space* within Rwanda. Secondly, both books highlight *sectoral variation*: the functioning of the Rwandan military can and should be distinguished from agricultural policy, the workings of the Kigali political scene, and the justice process. Thirdly, both works clearly recognize that contemporary Rwanda is not a static unchanging edifice, and incorporate analysis of dynamic change over time. Finally, both open the biggest black box of all: the Kagame regime itself. One of the most interesting parts of *The Gacaca Courts* is the detailing of the disputes within the regime on how to deal with crimes of genocide in the wake of 1994—our understanding of the RPF is immeasurably enriched as a result. Similarly, many of the writers in *Remaking Rwanda*, notably An Ansoms and Timothy Longman, present us with a more complicated picture of the RPF elite than the dominant monolithic representations.

The key difference between the works is one of *form*. Clark is presenting a *totality*: the first truly comprehensive account of the *gacaca* process from beginning to end (which goes some way to being the first comprehensive fair-minded account of post-genocidal society in general). Straus and Waldorf, by contrast, describe *Remaking Rwanda* as a "challenge [to] what had been the prevailing positive assessments of Rwanda's post genocide recovery" (p. 6), but the volume encompasses much difference of opinion. Indeed, there is something enjoyably post-modern about the eclecticism and degree of dispute tolerated between the writers included. One of the brilliant consequences of this decision is the inclusion of analysis of aspects of contemporary Rwanda usually sidelined to specialist journals: not just the analysis of the political elite, democracy (or its absence), and the justice process, but also the high modernism of the *collines* outlined in a very elegant chapter by Catherine Newbury. This also, in part, explains the controversy *Remaking Rwanda* has attracted. Not many academic works in the Critical Human Rights series can expect to have a dedicated section on a government website "rebutting its claims", calling it "a book that is anti-Kagame from the first to the last page, that entirely fails to mention, let alone record, the miracle of reconstruction that has taken place in the country in the seventeen years since the genocide", going on to call the contributors "eighteen foreign scholars

and eight human rights activists, supplemented by two Rwandans, all of whom share a deep loathing for Paul Kagame and his government".¹ These claims, it must be noted, are unjust, as, for instance, various aspects of the reconstruction are described as successful, and the *ad hominem* does not even merit response. That said, it is not at all unexpected that a volume including the work of prominent critics of the government as Susan Thompson, Carina Tertsakian, and Filip Reyntjens would prompt such a reaction (as do hyperbolic chapter titles such as "All Rwandans are Afraid of Being Arrested One Day"), and one wonders whether the more measured contributions would have received a gentler reception had they not been put together in this manner. It is difficult to see, for example, how the Rwandan government could possibly take offence at the chapter by Eugenia Zorbas.

Indeed, the most critical chapters are also the weakest: some of them read like the key goal of the chapter is not to explain anything, but to offend. This point is made not with the intention of advocating academic self-censorship, but to speculate as to the merits of "lobbing grenades" into the debate rather than deepening the analysis, particularly if it comes at the cost of a broader reception and audience for other contributions. Finally, one wonders where, beyond the "Concluding Observations" of Joseph Sebarenzi and Aloys Habimana, the Rwandan academics are in this volume. The claim that they do not exist will not wash: *Remaking Rwanda* stands in stark contrast with, for example, *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond*,² which included the work of several Rwandan scholars. Whilst *Remaking Rwanda* does an excellent job in collecting so diverse a group of scholars, that diversity only makes the absence of Rwandans more striking. Nonetheless, this is a minor criticism of what is in general an excellent volume.

The Gacaca Courts is a very different book. In contrast to the *bricolage* of *Remaking Rwanda*, Clark presents a detailed history of *gacaca* drawn from six years of fieldwork and over five hundred interviews encompassing an extraordinarily diverse set of actors. Clark's empirical contribution alone to our understanding of *gacaca* is irreplaceable. Like *Remaking Rwanda*, the work confronts a dominant narrative, that of those who "interpret *gacaca* primarily as a judicial institution that can be analysed through its governing legal documents and are highly critical of the process" (p.4). Against such analyses, Clark sees *gacaca* as "legal statutes and a socio-legal practice" (p.5), in which the lived experience of ordinary Rwandans is central to our understanding of this institution. The analysis is extraordinarily deep (459 interviews over almost a decade with a hugely diverse array of actors), but Clark does not sacrifice a

clear theoretical argument for this level of empirical depth. He has not merely sat in Rwanda collecting anecdotes, but builds an impressive case for his key claim: that *gacaca* is neither a failure, nor a mere instrument for the extension of state power, but has had both pragmatic (such as prison overcrowding) and profound (such as reconciliation and psychosocial reconstruction) successes. This is an extremely nuanced presentation of *gacaca* that seriously challenges the somewhat simplistic accounts which abound in other quarters.

However, after finishing *The Gacaca Courts*, one wonders whether the dispute presented in the introduction between Clark and writers like Bert Ingalaere is somewhat overdrawn. Ingalaere's account of how *gacaca* is sometimes used to extend state power, collectivise guilt, and coerce ordinary Rwandans may be—on Clark's analysis—too categorical, but it is perfectly compatible with the story Clark wants to tell about the huge degree of variation within *gacaca* over time and space. Further, it is not clear how much of this dispute is semantic: it is not immediately obvious that, at least in some cases, Clark's "psychosocial reconstruction" is so far away from the top-down imposition of normative consensus documented by Ingalaere. I am unconvinced that the degree of exclusivity is as large as Clark sometimes implies. Finally, there seem to be places *The Gacaca Courts* could go but doesn't. Clark clearly has some of the best data in existence on the sociology of the Rwandan elite, and the way their policies are formed, implemented, reformed, and so on. One expects that there must be more to say about the ideology and organisational logic of the RPF (a subject on which current academic knowledge is somewhat lacking). Clark's in-depth study of how *gacaca*'s legal existence became a social reality is also a window into Rwandan governmentality at the local level, which speaks to a broader set of questions regarding the strength and effectiveness of the Rwandan state apparatus. Having such considerations addressed more explicitly would have been excellent, because this is an excellent book. At any rate, one hopes this is not Clark's last book about Rwanda.

Both of these works deserve to garner a wide audience. They are both, in quite different ways, part of a movement away from the study of post-genocidal Rwanda towards the post-genocidal study of Rwanda. Which is to say, one no longer quite so Manichean, and that is a very good thing indeed. ■

Notes

¹ Gerald Caplan, "Rwanda 17 years later: what is the truth in the eyes of uncritical critics," Rwanda Embassy in Washington, DC, <http://www.rwandaembassy.org/>

the-embassy/165-rwanda-17-years-later-what-is-the-truth-in-the-eyes-of-uncritical-critics.html (accessed 29 January 2012).

² Phil Clark and Zachary D. Kaufman, ed. *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond*, New York: Columbia University Press (2009).

Thomas Bruneau. *Patriots for Profit: Contractors and the Military in U.S. National Security.*

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In recent years, the field of security studies has witnessed a proliferation of texts examining the crucial issue of private security contractors (PSCs). The issue has taken on additional importance since the advent of the United States' missions in Iraq and Afghanistan, where contractors have been deployed in unprecedented numbers alongside coalition forces. Rather than relying on the United States Armed Forces to provide logistics, base security, convoy security, weapons maintenance, or transportation, the Department of Defense (DOD) has frequently looked to private contractors. In Iraq, the number of private security personnel peaked at 163,000 in September 2008, more than the 146,800 uniformed troops deployed there.¹ The number of contractors in Iraq has steadily declined since then, but as the Obama administration shifted its focus to Afghanistan, the number of contractors in theatre grew to approximately 74,000 by March 2009, substantially higher than the 52,300 regular troops (57 per cent of the DOD workforce in Afghanistan).² With such staggering rates of contracting personnel being employed in US missions overseas, this is clearly a phenomenon that deserves systematic examination.

The burgeoning literature on PSCs includes texts that explore the development of the norm against the use of mercenaries³ and the operational effectiveness of private contractors.⁴ In *Patriots for Profit: Contractors and the Military in US National Security*, Thomas Bruneau tries to fill a gap in this literature by examining the phenomenon of contracting through the lens of civil-military relations. Bruneau's explicit aim is to "propose a framework grounded in civil-military relations that can be used to analyze the main issues surrounding current US force effectiveness and the contracting out of security, focusing mainly on the private security industry" (p. 5).

In practice, however, *Patriots for Profit* reads as if Bruneau is pursuing two separate projects: first, outlining an institutionalist theory of civil-military relations, and second, conducting an analysis of the effectiveness of the private security industry. Combining these projects may represent an effort to appeal to both academics and policy-makers; un-

fortunately, both audiences are likely to be disappointed with Bruneau's efforts.

For most of the book, Bruneau's primary concern is to outline his institutionalist theory of civil-military relations, which he believes best enables readers "to understand the centrality of institutions in the US system of civil-military relations [and] the ways in which they suppose democratic civilian control but at the same time impede effectiveness" (p. 9). He contends that the field of civil-military relations myopically focuses on the issue of civilian control of the armed forces and neglects other important dimensions of the relationship, including the effectiveness of the armed forces in fulfilling roles and missions, and on their efficiency in terms of cost.

Bruneau is correct that the overwhelming focus on control in the US civil-military relations literature means that important facets go unexamined, but fails to adequately explore a comparable trend in the private security literature. The question of whether or not the emergence of private military contractors erodes the state control of force has preoccupied analysts since the industry first attracted academic notice. A body of pessimistic literature claims that the turn to private security threatens to undermine the state monopoly of violence.⁵ More optimistic scholars, however, argue that private companies can operate according to the values shared by the international community and without eroding the authority of the state and its civilian leaders.⁶ Bruneau fails to engage with this debate, which would have enriched his analysis and helped situate the private security industry—the ostensible focus of the book—more firmly within his framework.

Despite its lack of grounding in the private security industry, however, Bruneau's institutionalist theory of civil-military relations deserves to be assessed on its own terms. It revolves around the "functions" that institutions exercise: the formative impact on actors, congruent preference formation, economizing on transaction costs, frictionless self-coordination, and continuity (p. 8). These functions, despite his inelegant language, essentially repackage the uncontroversial insights to emerge from the International Relations institutionalist scholarship over the last decade. Even so, it might still provide a useful framework for clarifying US civil-military relations were Bruneau to apply it to PSCs in a systematic manner. He fails to do so. In Chapter 3, during a discussion of the Goldwater-Nichols Defence Reorganization Act, only two of the functions—the formative impact on actors, and continuity—are discussed, even though others were clearly relevant (p. 51). The functions are only revisited in a systematic manner in the Conclusion (p. 151).

Moreover, Bruneau makes no attempt to take into account the work in institutionalist scholarship which examines institutional pathologies and asks why deviations from effectiveness occur.⁷ Thus, while Bruneau does an adequate job of reviewing and challenging some of the orthodoxies of the civil-military relations literature, his framework is clumsy and academics well-versed in the institutionalist literature are likely to find it unsatisfying.

Besides outlining this framework, Bruneau's project in *Patriots for Profit* is to explain how to successfully integrate PSCs into military doctrine and planning. This part is undoubtedly the one of greater interest to policymakers. Unfortunately the relevant analysis only appears in the penultimate chapter. The preceding material focuses more on analyzing the impact of defense reform initiatives over the past thirty years—a discussion into which private military contracting clearly could have been incorporated, but is not.

When it finally appears, Bruneau's analysis is lucid and interesting. He contends that while democratic civilian control of the military in the United States is not in doubt, there is little public control over PSCs due to the restricted current interpretation of what constitutes an "inherently governmental function" and hence limited legal authority. In response, he argues, we need to formulate doctrine for the use of personal security contractors and carefully integrate their employment into military planning and budgeting processes (p. 154). While interesting, this section is too short. The discussion of the challenges and dilemmas that private military contractors pose for traditional notions of civil-military relations is important, and deserves greater space than is allocated to it here.

In the final analysis, it seems that Bruneau is unsure if he wants it to be read by practitioners (who will not be interested in his institutionalist analysis of thirty years of defence reform initiatives) or academics (who will frown at the clumsy models). Combined, the recycled theoretical insights and cursory analysis of the policy challenges are unlikely to impress either audience. ■

Notes

¹ Moshe Schwartz, *The Department of Defense's Use of Private Security Contractors in Iraq and Afghanistan: Background, Analysis, and Options for Congress*, Congressional Research Service Report R40835 (September 29, 2009).

² Ibid.

³ Sarah Percy, *Mercenaries: The History of a Norm in International Relations* (Oxford: Oxford University Press, 2007).

⁴ Mollie Dunigan, *Victory for Hire: Private Security Companies' Impact on Military Effectiveness* (Palo Alto, CA: Stanford University Press, 2011).

⁵ Abdel-Fatau Musah and J. Kayode Fayemi, *Mercenaries: An African Security Dilemma* (London: Pluto, 2000); Ken Silverstein, *Private Warriors* (New York: Verso, 2000); Ken Silverstein, "Privatizing War: How Affairs of State are Outsourced to Corporations Beyond Public Control," *The Nation* (28 July 1997).

⁶ David Shearer, *Private Armies and Military Intervention*, Adelphi Paper 316 (Oxford: Oxford University Press, 1998); Eliot Cohen, "Defending America in the Twenty-First Century," *Foreign Affairs* 79, no. 6 (2000): 40-56.

⁷ Michael Barnett and Martha Finnemore, "The Politics, Power, and Pathologies of International Organizations," *International Organization* 53, no. 4 (Autumn, 1999).

Nils Gilman, Jesse Goldhammer, and Steven Weber, ed. *Deviant Globalization: Black Market Economy in the 21st Century*.

New York: Continuum, 2011. 256 pp. £18.99 (pbk).

ISBN: 1441178104

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This book is composed of a disparate collection of scholarly and journalistic articles which the editors have grouped together under their idea of “deviant globalization.” The premise is that deviant globalization is the “unpleasant underside of transnational integration” (p. 1) networks that are involved in the trade of narcotics, rare wildlife, stolen precious goods, dirty money, toxic waste, and human beings. “What distinguishes these deviant economic transactions is the simple fact that they are an affront to mainstream Western morality” (p. 2). However, this is not simply a question of legality: some illegal activities are not deviant, while some deviant activities are legal.

After a hasty introductory section that sketchily sums up some of the discourse on globalization, the authors adumbrate their core argument: “deviant globalization is inextricably linked to and bound up with mainstream globalization. Both are market-driven economic activities” (p. 2). They argue that the economic infrastructure that has enabled globalization should be seen as “dual use and value neutral”, having spawned, along with its regular activities, a “conjoined, deviant twin” (p. 3). This parasitic economy is a necessary part of the global economy and, they argue, only strengthened by the “moral outrage” that sustains it (p. 3). While the global rich have benefitted from regular globalization, the global poor have not, and their opportunities to thrive have appeared in the cracks of the official system and on the edges of legal, officially approved activity. Deviant globalization therefore “disrupts mainstream views of power” (p. 5). It is not a “removable cancer” but “a massive, permanent phenomenon” (p. 5).

The phrase “deviant globalization” is much repeated in the introductory and concluding sections of this book, rather like a branding exercise in social science terminology, but the concept suffers from a serious lack of theoretical depth. Critical globalization theory is largely bypassed: David Harvey, Naomi Klein, and Noam Chomsky are footnoted but there is no deep engagement with their work, while the work of other key theorists from Justin Rosenberg to Mark Duffield and Samir

Amin is ignored. As a result, obvious questions are left unasked: is there evidence that “deviant” economic activity is increasing across the world? The evidence presented in this book goes both ways: even if illicit trade flows, black markets, and drug trafficking have increased, undocumented Chinese migration to the US, for example, has decreased. How might one embark on a comparative study of the extent of such activity across time and space? Given its often covert nature, how does one reliably measure it? There is no reason to dispute that economic and political developments have spawned organised crime, but why is it, as the authors claim, a *necessary* and *intrinsic* part of such a process? It is conceivable that a functioning state-capitalist system could repress such activity. This occurred with the breakup of the North American Mafia organisations, for example. In such cases, is the explanation that globalization has stopped, or that such societies have become *less* capitalistic? After all, there are some parts of the world where the police are reliant on the black market economy to generate their incomes, while in others that is not the case. If there is a pattern, how do we detect and measure it, how do we determine correlation and causation, and how do we theorize it? No answers are provided here.

The biggest problem is with the phrase “deviant globalization” itself, as it largely emerges from a refusal to offer a substantive critique of globalization theory. Even if such a thing as “mainstream Western morality” (p. 2) could be said to exist which is difficult to assess since no evidence is provided is it useful to break up all economic activity into two broad “regular” or “deviant” streams? To take a small but relevant example, all the editors of this volume work for the Monitor Group, a global management consulting firm that worked for Muammar Gaddafi’s regime in Libya.¹ Was this an example of regular or deviant globalization? Is there a connection between the editors’ work for the Monitor Group and their keen interest in government regulation of the black market economy as shown here?

Despite these crippling theoretical problems in the introduction and conclusion, many of the volume’s articles are instructive and illuminating. Patrick Radden Keefe’s discussion of undocumented Chinese immigration to the US, discussing the role of “snakeheads” who manage this migration, is an excellent introduction to the topic. Sean Flynn’s article on the sex trade, based on a stint in the Philippines, is readable and interesting, but it hews closely to the sex-work-as-human-traffic discourse that has been contested in recent years.² And at times, unwarranted clichés seep in: he writes of “stories ... of foolish girls who actually *want* to be prostitutes because they’ve seen a bootleg of *Pretty Woman*” (p. 44). His prose is engaging but also regularly hyperbolic.



The volume's highlights are the articles by Stephen Ellis on the West African international drug trade and by Sebastian Junger on the black market built up around Nigeria's oil fields. Ellis quotes Mark Shaw in noting that Nigerian drug dealers are of the "view [that] the black market [is] the only way to redistribute wealth from the north to the south, arguing that mainstream commercial channels are effectively occupied" (p. 119). It hints at a promising method of exploring the subjective experiences of the drug trade, but although the editors make similar suggestions the volume does not explore this any further. Meanwhile, Junger notes, "Under the current system, everyone involved in the oil business—from corrupt government officials to military commanders to the militants themselves—makes vastly more money than they would in a transparent economy" (pp. 207-8). Junger's work suggests an even more promising avenue for research, but it also shows the limitations of journalism which, even when it is very good—as Junger's is—cannot provide the rigorous methodological and theoretical treatment these topics deserve. ■

Notes

¹ See Andrew Solomon, "Letter from Libya: Circle of Fire," *The New Yorker*, May 8, 2006; Thomas Crampton, "Qaddafi son sets out economic reforms: Libya plans to shed old and begin a new era," *The New York Times*, January 28, 2005.

² See for example Melissa H. Ditmore, Antonia Levy and Alys Willmann, *Sex Work Matters* (London: Zed Books, 2009).



Feinstein, Andrew. *The Shadow World: Inside the Global Arms Trade*.

New York: Farrar, Straus and Giroux, 2011. 704 pp. £25.00 (pbk).
ISBN: 0241144418

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In 2001 Andrew Feinstein resigned from his seat in the lower house of the South Africa parliament. As the ranking African National Congress (ANC) member of the National Assembly's Public Accounts Committee, he had argued for a thorough investigation into the 1999 BAE Systems-SAAB arms deal. About US\$300 million had been paid in commissions and bribes by Britain's BAE Systems and the Swedish conglomerate SAAB to ANC officials and members of parliament to win a tender they were in no way qualified to win, for a product South Africa could not afford to maintain. Ten years later, Feinstein presents a comprehensive work on the global trade of weapons, with the BAE-SAAB case being just the tip of an iceberg that includes an international network of arms dealers, defence agencies, defence companies, royalty, corrupt politicians, and their offspring.

The book is loosely divided chronologically and regionally, starting off after World War II with the formation of a German intelligence ring in which Gerhard Mertins, a committed Nazi, would eventually serve and gain the connections to establish his enterprise, Merex. The company would violate arms embargoes and ignore ethics, selling to both India and Pakistan in the 1960s, as well as to the Bolivian dictator Hugo Panzer. The book chronicles the development of Merex, BAE, SAAB, and other defence companies, including the agents who work for them, the leaders who buy from them, and the politicians who are bribed by them. It points out how the lack of arms regulation within countries and between them facilitates the corruption of policymakers which in turn results in defence contracts that are overvalued and deliver products of less than optimal quality. It also allows militias and dictators to buy weapons that are later used to commit human rights abuses. Finally, Feinstein claims, money wasted because of the corruption takes tax dollars from health, education, and other human welfare services. The end result is both a more unequal and insecure world.

Feinstein provides a comprehensive description of how weapons are traded. One tactic, especially popular in dictatorial regimes, is accepting concessions from mines and farms in return for providing weap-

ons, as was done by Ukrainian-Israeli Leonid Minin for Charles Taylor in Liberia (p. 107). Other approaches include a provision of fraudulent end-user certificates (EUCs) by officials to arms dealers who wish to ship to an embargoed country: the Ivory Coast received half of all weapons delivered by Minin to Liberia in 2000 in return for EUCs (p. 112), while Mobutu of Zaire and President Eyadema of Togo both provided fraudulent EUCs to arms dealers for UNITA in Angola in the 1990s (p. 463-464). The *hawala* traditional Muslim system of transferring money, which involves no paper work, was used by al-Qaeda when providing weapons for Charles Taylor and is still used today by arms dealers and pirates in Somalia (p. 472). Other dealers use off-shore slush funds and shell companies or simply pay a bribe through a different country. In that way, specific countries selling or buying the weapons may all claim the crime was outside of their jurisdiction. Bribes and sales of weapons can also be presented as “aid.” In 1973, the US Department of Defense’s Director of International Sales Negotiations dismissed billions in bribes paid to Saudi princes by Northrop as “an inexpensive economic aid program” to build up economic infrastructure (p. 268). Meanwhile, an Israeli entity called New Horizons Consultants developed a service to help the democratization of African countries: they consult leaders on how to start a political party, run an election campaign, and provide the necessary arms to manage any potential instability (p. 385).

Most arms deals seem to include a number of these and other tactics. This makes the money trail difficult to follow, both in reality and in the book. Yet Feinstein’s character descriptions and narrative style add an appealing flow to the text that makes for an extremely engaging read, even as it presents a seemingly endless web of connections and transactions.

The cast of characters is colourful. An “archetypical arms dealer” is Basil Zaharoff, founder of BAE who traded with all sides in World War I and World War II. He had “an aura of mystery, flamboyance and high living...the charm, ability and bloody-mindedness to sell anything to anybody” (p. 5). Saudi Prince Bandar bin Sultan not only helped supply brutal regimes such as the UNITA force in Angola and raised tens of billions of dollars in bribes for the Saudi royal family, but he has also transported weapons on a military aircraft painted in the colours of the Dallas Cowboys, his favourite team (p. 96). Some celebrities also make appearances. Saudi Prince Turki Bin Nasser’s mistress, a model and an actress, Anouska Bolton-Lee has had her rent, acting classes, and a Fendi bag paid for through an off-shore slush fund filled with bribes from BAE. Arrests provide additional insight into lifestyles of these weapons dealers. Minin was arrested in his hotel room, where he was found nude

with four prostitutes, passing around a drug vial (p. 113). It remains unclear, however, whether the archetypical arms dealer really is loud, flamboyant and likes “high living” or if these are merely those who have got caught.

While his vibrant portraits certainly make for a gripping narrative, Feinstein occasionally goes too far in his colourful language. He claims that a neoconservative world domination ideology led to a model of defence spending where private companies were trusted to the point where no tender was necessary. He writes that this, in addition to a “near-religious faith in...the unfettered free market” (p. 401), resulted in exorbitant outsourcing to private companies with contracts that required no bid. Yet, surely the free market is no longer “unfettered” if companies are given no-bid contracts. An economic conservative would support tenders and oppose companies becoming what Feinstein describes as “welfare queens” (p. 261). A supporter of American world military domination would support an America of maximum military capacity, and not the type of wasteful spending on poor quality weapons associated with ear-marked no-bid contracts. Furthermore, it is unclear from his own examples that a particular political ideology is connected to providing unchecked military aid and contracts. He notes that Obama, not a neoconservative, continues to make such ear-marked no-bid contracts possible. We are also told that John McCain pushed for more regulation and reform of the system. Even if the status quo is lucrative for American leaders who call themselves free market neoconservatives, the current situation is anathema to an ideologically-committed neoconservative.

One point that the book drives home effectively, however, is that regulations pertaining to arms trade are almost non-existent. Feinstein describes cases in which prosecution efforts are limited and punishments minuscule in the face of strong evidence. He argues that the small number of convictions is caused by intelligence agencies and politicians who block prosecution, as well as a lack of clear jurisdiction. This fact is smoothly presented in a where-are-they-now textual montage at the end of the book. While we are informed that Minin is now in a “semi-vegetative state” from long drug use, he remains free, as do almost all the dealers and corrupt politicians described in the book.

Feinstein’s suggestions for policy reform are brief. They include greater transparency of payments, preventing the export of arms which may fuel conflict and lead to human rights abuses, and a need for an international monitoring and enforcement body. While more detail here would be useful, even Feinstein’s cursory recommendations indicate challenging issues particularly regarding how one can avoid contributing to on-going “conflicts”. Providing weapons for self-defence could fuel con-



flict, but it could also provide defence against human rights abuses. The arms dealer Viktor Bout broke arms embargoes when supplying arms to Muslim Bosnians defending themselves against Serbian nationalists and to Northern Alliance forces to assist them in securing their region against the Taliban (p. 115-116). The armed Rwandan Patriotic Front committed human rights abuses in Congo, but also ended genocide in Rwanda. An international enforcement body could prevent different sides from gaining weapons, but a mechanism for protecting those who hope to defend themselves may be a challenge worth addressing.

Regardless of these issues, *The Shadow World* succeeds in showing the problem and its roots. Feinstein demonstrates, through an engaging narrative, how arms dealing works in grey and black international markets, with corruption that diminishes global security and increases human rights abuses, economic inefficiency, and inequality. It is a reference book, a gripping read, and a persuasive argument for substantially increasing regulation in a way that allows for transparency, effective punishment, and an end to a paradoxical status quo where the most corruption seems to surround the world's most dangerous products. ■





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