

RANA ABDUL-AZIZ
DR. GRAHAM ALLISON
ALEXANDER BUSSE
MATAN CHOREV
JONATHAN GREENBLATT
BENJAMIN HARBURG
KYLE HIATT
MIE INOUYE
SAMUEL JAMES
DR. MUKESH KAPILA
MAYA KARWANDE
PADDEN GUY MURPHY
AARON MARKOWITZ-SHULMAN
SENATOR SAM NUNN

THE TUFTS
INTERDISCIPLINARY
JOURNAL

DEDICATED TO
THE POWER OF
REASON AND
THE EXCHANGE
OF IDEAS

DISCOURSE 1/01 . SPRING 2008

DISCOURSE



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DISCOURSE

Discourse provides an inclusive platform for reasoned discussion and prescriptive analysis of issues of both international and domestic concern, while also including poetry, fiction, art and photography to illuminate the human condition. Its emphasis is on exploring a diversity of thought and perspectives from students, scholars, and practitioners. The purpose of *Discourse* is to provide an open forum for discussion of contemporary dilemmas, not as a vehicle with any specific political or intellectual agenda. The perspectives represented are solely those of the authors.

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Tufts' students and faculty are known for their ability to engage critically with the central questions in intellectual and public life. An idea, however, only has currency if it is shared. I welcome the appearance of *Discourse* as an opportunity to extend the intellectual and civic commitments of our students and faculty in a vital public forum.

Discourse has announced its dedication to the power of reason and to a respectful but vigorous exchange of ideas. These commitments already inform the work that takes place on all of Tufts' campuses. It is my hope and expectation that this new magazine will offer a valuable framework for discussion and debate within and beyond the Tufts community.

WELCOME LETTER

I am grateful to Sherman Teichman and his colleagues at the Institute for Global Leadership for encouraging and supporting this publication. Most important, I commend Padden Guy Murphy and his editorial colleagues. Launching a new venture such as this takes not only good ideas but also an entrepreneurial spirit and lots of hard work. I hope that this inaugural issue of *Discourse* encourages you, its readers, to become participants in active dialogue about the important questions facing our world.

Larry Bacow,
President, Tufts University



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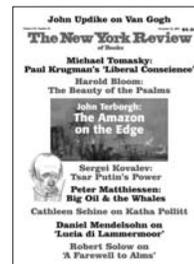


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DIRECTOR'S FOREWORD

With this journal, the editors of *Discourse* have created an eclectic framework for a spirited exchange of ideas and a forum for publishing student research, faculty reflections, and significant campus presentations. In *Discourse*, they fulfilled the aspirations of Tufts students who for years approached the Institute for Global Leadership for support in creating a non-partisan, interdisciplinary student publication.

In *Discourse*, Tufts' wonderful intellectual community of young scholars and thinkers, its photographers, its artists, its engineers, its creative writers, its scientists, will have a forum to help fulfill the potential of how disciplines can enhance one another. It is my personal hope that publishing a journal will prove to be an ideal crucible for reflection and intelligent deliberation, and that it will stimulate thinking and ways for our students to escape what noted political scientist James Rosenau, an IGL mentor, has described as "the traps of our conceptual jails."

The community of the Institute's Synaptic Scholars program, designed to enable students interested in intellectual exploration across diverse disciplines to realize their potential and to enrich the University's intellectual life and programming, has proven to be an ideal incubating aegis for *Discourse*. Padden Murphy, a Synaptic Scholar now studying in China, assumed the role of founding editor of *Discourse*, and we acknowledge him for his vision and tenacity. He has the wonderful support of his peers, and it has been a privilege to witness the collaboration.

It is intriguing to me that Padden chose Robert F. Kennedy as his muse. The year of 1968 — with Kennedy's assassination; the killing of Dr. Martin Luther King, Jr. and the ensuing urban riots; the Orangeburg massacre and the Poor People's March of the Civil Rights movement; the Tet offensive in Vietnam and LBJ's decision not to run; the chaos and repression of the Chicago Democratic Convention — marked a highly turbulent year for this country. In 2008, we face another contentious Presidential electoral year, hopefully a far less traumatic one. Padden and *Discourse's* editors and contributors have created this journal to help promote a campus-wide climate that will honor a search for intelligent common ground rather than yield to the temptation to engage in the polarizing vortex of mimetic partisan exchanges — *discourse*, not reductionist debate.

While much of this initial volume's content has its origins in Synaptic research and Institute programming, *Discourse* is intentionally designed as an independent forum, understood as a "public good" of the University, and enacted by an independent student editorial board.

One of *Discourse's* emphases will always be on exhibiting the significant scholarly achievements of Tufts students. Case in point, the cover story — Sam James' essay and photographic work on urban dystopia — is derived from the inaugural Synaptic research trip to Lagos, Nigeria and marks the beginning of his four-year plan of study on *megacities*.

We are indebted to IGL Board member, Oby Ezekwesili, then Nigerian Federal Minister of Education, now the senior Vice President of the Africa region of the World Bank, for enabling that trip.

Maya Karwande's research on justice in Bosnia was enhanced by long time Institute contacts with International Criminal Court judges and prosecutors. We are indebted to Dr. Svetlana Broz, Tito's granddaughter, who hosted Maya in Bosnia. Dr. Broz, an Institute adviser and the author of *Good People in an Evil Time: Portraits of Complicity and Resistance in the Bosnian War*, left the sanctuary of Belgrade during the horrific civil war in the former Yugoslavia to provide emergency medical care in Sarajevo throughout the siege.

The war in Iraq is rendered here by a range of treatments, from Rana Abdul-Aziz's poignant essay of personal loss to Kyle Hiatt's critique of counterinsurgency, written for a Tufts' Peace and Justice Studies seminar. Future issues will feature an ongoing dialogue on the war and other security issues between Institute ALLIES members from Tufts and the students at the U.S. military academies, the USMA at West Point, the USNA at Annapolis, and the USAFA in Colorado.

Discourse's initial literary editor, Synaptic Mie Inouye, studying abroad in Chile, has penned a sensitive reflection on neighborhoods and identity. Padden's interview with ETHOS Water's Jon Greenblatt signals a regular feature, presenting distinguished Tufts alumni. Photographic essays, such as Sam's on Lagos and Padden's on Montana's Blackfeet and Cree Reservations, will also be regular features.

"The Sovereignty Exchange" is the yield of interviews extending over four years with leading thinkers and influential global leaders, from Noam Chomsky to Mary Robinson, conducted by IGL's Education for Public Inquiry and International Citizenship (EPIIC) students, who have continued their collaboration and close friendship after graduation. We are indebted to Tim Phillips, a former Institute Scholar and Practitioner in Residence (INSPIRE) Fellow and the co-founder of the Project on Justice in Times of Transition (PJTT), for introducing our students to many of these leaders. (The PJTT, a long time Institute strategic ally, now has its offices at the Institute.)

Matan Chorev, who spent many extraordinary years with the IGL while at Tufts and Fletcher, perhaps most notably as the co-founder of the New Initiative for Middle East Peace (NIMEP), expands our insight into sovereignty with his reflection on the phenomenon of *semistates*. Matan, a Conservatory student and performance cellist, might as easily have written here on music, as Sam James, a Museum School student, could easily contribute on photography, and one day I hope they both will.

Discourse will also feature contributions by world-renowned thinkers and practitioners. This issue includes the lecture given by Dr. Mukesh Kapila, who was awarded the Institute's Dr. Jean Mayer Global Citizenship Award for exposing the atrocities of Darfur; and an exchange on nuclear proliferation between another Mayer Award awardee Senator Sam Nunn and Harvard's Kennedy School of Government Professor Graham Allison

(presented before national high school student leaders at the annual simulation on global issues of the Institute's Inquiry program).

This journal will provide a vigorous environment for feedback and criticism. It will benefit from both a Tufts faculty and an external professional Advisory Board. It has already benefited from wonderful editors and advisers: David Taffel, Ph.D., author of *Nietzsche Unbound: the Struggle for Spirit in the Age of Science* and recipient of the Hans Jonas Memorial Prize for Philosophy from the New School for Social Research; Benjamin Pogrund, a 2007 INSPIRE Fellow, the former deputy editor of the *Rand Daily Mail* in Johannesburg, and the former chief foreign sub-editor of *The Independent*, London; and Douglas Glandon, MPH, a former International Relations Borghesani Scholar, and the Institute's Program Coordinator. I would like to extend my special thanks to them for their sensitive editing exchanges with our students, acknowledging them as students, accepting their wonderful imperfections, and demanding the best of them.

We are pleased to acknowledge our collaboration with Columbia University's Helvidius Group, which initially published the Tufts IGL "Sovereignty Exchange" in its *Columbia University Journal of Politics and Society* (Spring 2007). Columbia's editors understood this project "as a model for the academic dialogue and synthesis that the Journal (CUJPS) hopes to foster amongst undergraduate scholars." The original full interviews of the "Sovereignty Exchange" can be found on the Institute's web site www.tuftsgloballeadership.org.

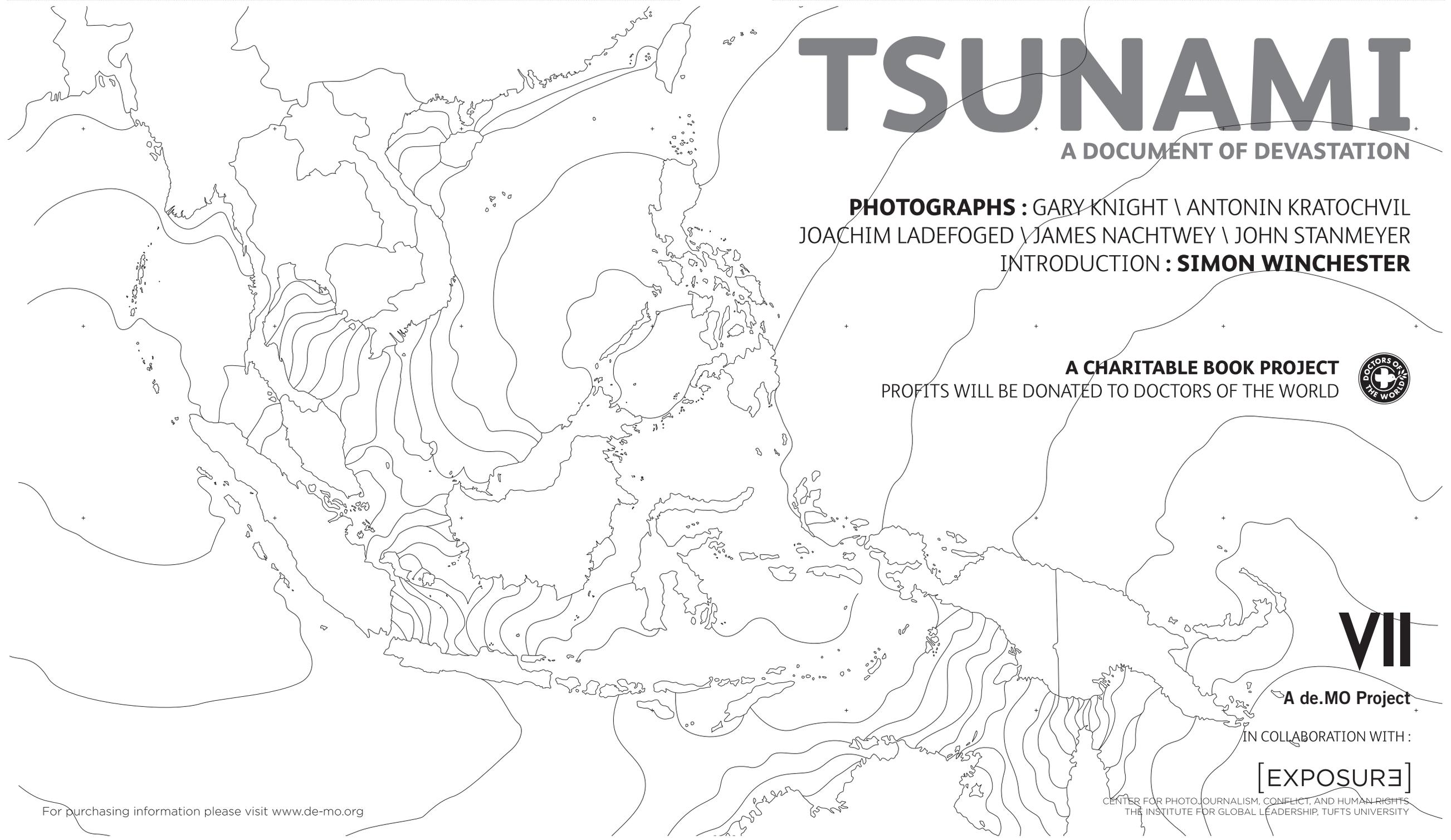
Aesthetics is a critical aspect of *Discourse*. The very talented designer and humanist, Giorgio Baravalle, founder of de.MO (www.de-mo.org), deserves special mention. Since his deep involvement with the Institute's photojournalism and human rights program, EXPOSURE, he has been an extraordinary friend to the IGL and a mentor to our students. Our deep thanks to Megan Hall for caring so much about this publication.

In time, *Discourse's* printed version will be augmented by an electronic "University Commons." Synaptic Laura Fong, now abroad at Oxford, began to develop this concept during her summer internship at the Berkman Center for Internet and Society at Harvard. *Discourse* will benefit from other Institute promoted University consortia, including an international collaboration with students from Peking University (BEIDA) in Beijing and the cadets and midshipmen of the United States Military Academies.

We are very pleased to have the support of the Office of the President, the Office of the Provost, and the collaboration of The Center for the Humanities and the International Relations Program.

A very special thank you is due to members of our Institute's External Advisory Board for their generous support, especially The Merrin Family, Mr. Ed DeMore and Mr. Glenn Bergenfield.

Sherman Teichman
Director, Institute for Global Leadership, Tufts University



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RAISON

D'ETRE

Our brief history shows us that mankind's brightest days often follow on the heels of our darkest hours. Time and again, humanity rises from tragedy, innovation from catastrophe, and promise from despair. We, as national and global citizens, need that resilience now more than ever.

We are faced with a new generation of challenges and our national and global political systems are growing increasingly divided, dysfunctional, and incapable of addressing the crises. The United States, along with other nations, is in a dialogical crisis. The political discourse in the U.S. has degraded into the white noise of mass media and shouting on the blogosphere. In this context, as *Discourse* is launched, I feel both frustration at the state of affairs and hope for the future. I am proud to welcome the first issue of this publication and hope this small but powerful journal will do its part to encourage a greater political and social conversation.

I write first as a citizen of the U.S. but also as a global citizen with the understanding that, in our increasingly shrinking world, the policy of one country affects many countries. For this reason, the breakdown of the U.S. political system poses both national and global dilemmas. Too often our public dialogue is polarized into Manichean talking points, and now more than ever the vitality of our country, democracy, and the world rests on finding reasoned solutions to our greatest crises. Too often, the vital issues are not substantively discussed, and this comes at a high cost to all those who stand to be affected by U.S. policies. However, the U.S. is in the midst of a presidential election cycle that has the potential to unite the country once again and to begin to repair its international relationships.

In a time of a rapidly-warming planet, formaldehyde saturated FEMA trailers, global environmental degradation,

education inequality, a shrinking middle class, a nine trillion dollar national debt, cronyism in government, un-warranted wiretaps, renditions, a seven billion dollar Chinese trade deficit, destabilization across the Middle East, a global AIDS epidemic, and an ongoing genocide, our ideals and our future rest on a strong national and international dialogue.

We must reject the notion that we are so greatly divided, both as Americans and as people of this ever-shrinking world. I have been lucky enough to have the opportunity to call home the bluest state in the union, Massachusetts, the reddest, Utah, and the dearest to me, my home swing state of Montana. What is striking to me, in contrast to the widespread portrayal of polar opposite red and blue Americas, is how similar the people of those three states are. Certainly, I feel slightly more conservative in Massachusetts, slightly more liberal in Utah, and more at home in

EDITOR'S INTRO
HANGZHOU, CHINA / MARCH, 2008

Montana, but by and large the differences are far less than we are led to believe. At the end of the day, all adults worry about putting food on the table, protecting their families, and doing their part to better their small piece of humanity. These commonalities are true not only of most Americans but of most people. Our real differences are few, but our fears and frustrations have made us forget our commonalities, and divisive politics has sought to exploit these fears.

The obstacles we face are not distinctly Republican or Democratic issues. Our one billion brothers and sisters living on less than a dollar a day do not care whether you wear a donkey or an elephant on your lapel. When the oil runs out and our skies and rivers are as polluted as China's, it will not matter whether your tie is red or blue — or, for that matter, whether you are American or Chinese. Nuclear proliferation and loose nukes in terrorist hands pose urgent threats, global as well as national. Similarly, the fact that genocide is still occurring somewhere on the planet should keep everyone up at night.

Such issues have the potential to destroy us all — or to unite us in common cause.

It is both macabre and strangely appropriate to recall a campaign speech made 40 years ago during the 1968 presidential election. The day after Dr. Martin Luther King, Jr. was gunned down, Robert F. Kennedy, the likely Democratic nominee, gave a speech entitled, *On the Mindless Menace of Violence*. He spoke from Cleveland to an America similarly torn apart when he said bluntly, “This is a time of shame and sorrow. It is not a day for politics.” It was an America divided by violence and a seemingly unending war in Vietnam. It was an America living in fear of the spread of Communism. He spoke of the need for national dialogue with urgency, saying :

– We seemingly tolerate a rising level of violence that ignores our common humanity and our claims to civilization alike. We calmly accept newspaper reports of civilian slaughter

We seemingly tolerate a rising level of violence that ignores our common humanity and our claims to civilization alike. We calmly accept newspaper reports of civilian slaughter in far-off lands. Too often we honor swagger and bluster and wielders of force; too often we excuse those who are willing to build their own lives on the shattered dreams of others. Some look for scapegoats, others look for conspiracies, but this much is clear: violence breeds violence, repression brings retaliation, and only a cleansing of our whole society can remove this sickness from our soul. / Robert F. Kennedy

**WE CANNOT
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**WE
RESURRECT OURS
AT HOME**

in far-off lands. Too often we honor swagger and bluster and wielders of force; too often we excuse those who are willing to build their own lives on the shattered dreams of others. Some look for scapegoats, others look for conspiracies, but this much is clear: violence breeds violence, repression brings retaliation, and only a cleansing of our whole society can remove this sickness from our soul.

– Today, the U.S. is engaged in another war, with limited and dwindling support from international partners. Thousands of Coalition soldiers and hundreds of thousands of civilians have died in the war in Iraq, and yet, by and large, college campuses across this country are deafeningly silent. Afghanistan, which provided al-Qaeda sanctuary, continues to be a footnote, except for those families that have sons and daughters, fathers and mothers serving there. In homes across America, from Massachusetts to Mississippi to Montana, we are living our lives with a business-as-usual mentality. It is not the purpose of this publication to argue for or against the war in Iraq, but rather to insist that these national conversations must exist beyond temporal vanity.

I do not believe that this dialogical crisis is a result of apathy, but rather of assumed political paralysis. Although the information is constant and the chatter loud, discourse quickly breaks down into reactionary irrelevance. Modern media allows us to experience the Iraq war in real time, to visually witness the polar ice caps melting, to see the national failure in New Orleans — all of which presumably should result in our being more engaged and powerful as an electorate. However, the constant inundation of information, and at times deliberate misinformation, has led many to disengage from a predicament that seems simultaneously intolerable and insoluble. The result is that we stop discussing and blame the other half of the country or world. Reactionary media is strengthened by the breakdown while thoughtful media receives less focus due to its slower pace, its lack of reliance on sound bites, and its willingness to look at the complexities. The discourse favors reductionism and sensationalism without reflection.

Yet, the media is not the only player. As national and international citizens, we are responsible and accountable both for the politicians we elect and the solutions they select. We

Please join us in starting this exchange. We fully welcome work from students, professors, politicians, and professionals alike. We are interested in all mediums of thought, whether they take the form of analytical research, policy analysis and recommendations, perspective pieces, poetry, prose, art, or photography.

are now in need of the same “cleansing” RFK called for nearly half a century ago. We can either find reasoned solutions to our immigration crisis or allow fear to push the discourse to xenophobia. We can engage the world to work together in the fight against radical ideologies or we can allow fear and vengeance to guide our foreign policy. We must recognize our commonalities and our shared fate in the outcomes of today’s threats. The world has become too small for us to ignore the horrors on the other side of the globe or to pretend to be able to fight them on our own. But we cannot expect to have effective dialogue abroad until we resurrect ours at home.

Though from a different era, RFK’s appeal for unity is as necessary today as it was when it was made in 1968 :

–

We must admit the vanity of our false distinctions among men and learn to find our own advancement in the search for the advancement of others. We must admit in ourselves that our own children’s future cannot be built on the misfortunes of others. We must recognize that this short life can neither be ennobled nor enriched by hatred or revenge. Our lives on this planet are too short and the work to be done too great to let this spirit flourish any longer in our land. But we can perhaps remember, if only for a time, that those who live with us are our brothers, that they share with us the same short moment of life; that they seek, as do we,

nothing but the chance to live out their lives in purpose and in happiness, winning what satisfaction and fulfillment they can.

–

These words are still both sobering and hopeful. RFK was lost to the very violence he spoke out against, America continued to be torn apart by race, and U.S. foreign policy was often misguided by fear. At times it may seem like we are moving toward a darker age. Racism and bigotry are still at times seen at even the most respected American universities, and racism like that seen in the Jena Six case quietly yet sometimes blatantly dominates much of obscure and popular American blog culture. Similarly, the same sort of fear that not so long ago led us to accept evil as deliverance from evil is leading us today down a dangerous path of foreign policy in response to fundamentalist totalitarianism. Yet for every example of failure, there are several examples of progress. Most symbolically in the context of RFK’s speech, among the most viable candidates for president of the United States in the 2008 election are a woman and an African-American. The war in Vietnam is becoming a distant nightmare for both that nation and the U.S., and, of course, the era of Cold War polarities is over.

I have faith that today, just as when RFK addressed the people of Cleveland and the world, the obstacles we face are great but surmountable. I hope that this publication

can, at least in a small way, serve as a forum for rebuilding the much needed cooperation of thought that can productively influence our efforts at building a sustainable future. *Discourse* is committed to challenging conventional wisdom, investigating the most difficult topics, and testing new and old ideas in the light of day.

Please join us in starting this exchange. We fully welcome work from students, professors, politicians, and professionals alike. We are interested in all mediums of thought, whether they take the form of analytical research, policy analysis and recommendations, perspective pieces, poetry, prose, art, or photography. We promise to explore popular and unpopular ideas while remaining dedicated to the pursuit of an intelligent, reasoned, civil *Discourse*.

I would like to express my sincere gratitude to our contributors for the insights their work offers and the urgency that it demands. I would like to personally thank our Senior Editorial Advisors, Douglas Glandon and David Taffel. Their dedication to this journal can be seen on every line. *Discourse* owes its material existence and powerful design to Giorgio Baravalle and his colleagues at de.MO. On behalf of *Discourse*, I would also like to thank *The Atlantic*, *The Chronicle of Higher Education*, *Foreign Policy*, *The Paris Review*, *The New York Review of Books*, and *Social Research* for supporting us in this endeavor. Finally our greatest thanks go to Director Sherman Teichman and Associate Director Heather Barry at the Institute for Global Leadership at Tufts University. Their support, guidance, and unshakable dedication to the power of reason and the exchange of ideas established the foundation for this publication.

Thank you,
Padden Guy Murphy
Founding Editor, *Discourse*

the PARIS REVIEW

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Samuel James is a junior at Tufts University in the combined degree program with the School of Museum of Fine Arts Boston. He is a member of the inaugural class of Synaptic Scholars of the Institute for Global Leadership, Tufts University, as well as a member of the Institute's photojournalism and human rights group EXPOSURE. In January 2007, Samuel traveled to Lagos, Nigeria to research the megacity as his Synaptic project.

URBICIDE /

LAGOS AND THE CRISIS OF THE MEGACITY

Descending upon Murtala Muhammed International Airport, one can see where the jungle ends and the city begins. Gradually, the green turns brown or blackened gray. For miles, the plane hovers above a seemingly endless urban expanse, whereby the city grid disappears into a chaotic matrix of informal settlements. From above, Lagos appears not so much a city as a leviathan, devouring the bush and spewing out an incessant expanse of smoky shantytowns.

Six hundred thousand people pour into Lagos from West Africa and the Nigerian countryside each year. In the second half of the twentieth century, the city grew at a rate of more than six percent annually, catapulting a modest seaport with a 1952 population of 252,000 to a colossal conurbation of over 17 million. (No one really knows exactly how many people are packed into Lagos.) Already the largest city in Africa, Lagos is widely recognized as the world's fastest growing *megacity* (a city with more than eight million people). Within the next 15 years, Lagos is predicted to rank among the three largest cities in the world.

As the financial epicenter of West Africa, Lagos attracts a daily influx of families and young entrepreneurs in search of “the good life” and the excitement of the big city. However, the streets of Lagos are not paved with gold. More often they are caked with refuse or simply not paved at all. Most newcomers are greeted by a deteriorating urban landscape and a miniscule margin for success. Formal employment is scarce, work is menial, and housing is substandard. Most residents are forced to live in informal slum settlements that often spill into dumpsites, floodplains, and swamps. Pollution is omnipresent. The surrounding lagoon, once the city's central source of social, commercial, and ecological nourishment, is now stagnant and polluted. Semiannual floods inundate more than half the city with swamp water. Everything slowly bakes under thick, low-lying smog. These filthy facets of everyday life in Lagos have prompted some to label it the dirtiest city in the world.

Despite the deteriorating quality of life, the city is undoubtedly alive. The streets throb. Tangled coils of electrical wires hang like vines from buildings, providing power for blaring street speakers. Every physical crevice and economic niche in the city has been divided and subdivided. Every space is used for something. Navigating the city requires a perpetual state of heightened awareness. “Area boys” — gangs of local youth — prowl the corners. Mosquitoes prey from garbage heaps. Commercial bus drivers bombard streets and highways with bright yellow vehicles that are known by names such as Moule (literal translation, “I go beat you”) and Bolekaja (“come down, we make fight”). Lagos roads are host to what is widely recognized as the most dangerous and congested traffic on the planet. Each day, Lagosian drivers dice with death.

... most demographers watching urban trends believe that 2007 marked the first time in history when the global population scale shifted from a rural to urban majority.

Throughout the city, the traces of implosion are evident. Collapsed buildings line the Lagos skyline. Many structures are sinking into swampy soil. In the center of the Lagos Island commercial district, a 21-story bank building sits with its top nine stories completely caved in. More ominous, perhaps, is the city's tendency, literally, to explode. In one recent event, an entire portion of the Abule Egba neighborhood was incinerated by a gas pipeline explosion that killed hundreds of people. Nevertheless, the city grows constantly.

Perhaps more so than any other city on earth, Lagos, Nigeria epitomizes the emerging face and challenges of global urbanization.

: The New Urban Order / Southern Urbanization

Urbanization is an enduring trend in history. As the world's single greatest global migration, humanity's steady march from rural to urban spaces has proceeded for centuries. In recent decades, however, the global deluge of people pouring into cities has accelerated considerably. A mere half-century ago, there were 86 cities in the world with more than one million people; by 2015, there will be approximately 550.¹ Although the exact moment will be impossible to pinpoint, most demographers watching urban trends believe that 2007 marked the first time in history when the global population scale shifted from a rural to urban majority.

Defining this epochal urban transition is the fact that the locus of intense urbanization has shifted south. The UN Center for Human Settlements (UN-Habitat) projects that rural populations will begin to decrease after 2015 as urban growth continues in Latin America and becomes more intense in Asia and Africa, two regions set to host the world's largest urban populations by 2030. It is estimated that cities of the developing world will account for 95 percent of urban growth in the next two decades and by 2030 will be home to almost four billion people.²

Although the majority of this growth will be absorbed by small towns and intermediate cities with populations of less than one million, the developing world will also host the majority of the world's largest cities. According to the

UN Urban Indicators Database, there are currently 23 megacities located in the Global South, the latest geographic designation for the world's poor and developing nations. By 2030, all but four of the world's largest cities will be in developing regions.³ As most of these megacities continue to expand, *metacities* — agglomerations of more than 20 million people — are steadily eating up rural areas, towns, and even other cities throughout the Global South.

Examples of this spectacular urban growth transcend continental boundaries. In Latin America, the Rio / Sao Paulo Extended Metropolitan Region (RSPER) is currently on the verge of engulfing a 500 kilometer transport corridor between Brazil's two largest metropolises. Similarly, the persistent growth of Mexico City (current population, 22 million) is creating a network of satellite cities and towns that will eventually engulf much of central Mexico. In Asia, the next 20 years could see the emergence of ten metacities, with Beijing, Manila, Jakarta, Dhaka, Karachi, Kolkata, Shanghai, Delhi, Seoul, and Mumbai all set to cross the 20 million threshold (with Mumbai estimated to peak at an unprecedented 33 million).⁴ In West Africa, Lagos, Nigeria (set to reach metacity status by 2015) is currently the center of explosive urban growth along the Gulf of Guinea. By 2020, an Organization for Economic Cooperation and Development study estimates that the 600 kilometer strip of land running between Accra and Benin City will have a population comparable to the U.S. east coast (60 million) and five cities with more than one million people.⁵

The world's largest-scale urban agglomeration is in China. The urban-industrial megalopolises along the Pearl River Delta, the Yangtze River Delta, and the Beijing-Tianjin corridor have been compared to the Lower Rhine or New York-Philadelphia. The Shanghai Economic Zone is widely recognized as the biggest sub-national planning entity in the world, and includes the metropolis and five adjoining provinces with a combined population almost as large as that of the United States.

However, whereas China's phenomenal urban growth will surely promote “global cities” competing with Tokyo, London, and New York in their control of global flows of capital and information, the majority of Southern megacities will

serve as “global slums,” with unprecedented scales of urban poverty and disparity.

The current high rates of urbanization are similar to those in Europe during the industrial revolution, and echoes of the past resound. As author and analyst Jeremy Seabrook explains, “The pressure on small and subsistence farmers in the South today is identical; the sorrowful departures from the home-place on migrations to towns and cities in search of livelihood which the landscapes of home can no longer supply.”⁶ The main difference, however, is the speed and size of the current transformation. When Britain began its progression nearly 250 years ago, there were only eight million people in the entire country. Today, many developing countries are experiencing a transformation similar to England’s in the span of only four or five decades, while carrying populations of 100, 200, or 300 million people. Not surprisingly, existing legal, political, and economic institutions have been quickly overwhelmed.

As globalization has expanded the number of these journeys, the global migration to the growing cities of the South is contributing to a scale of poverty and decay unprecedented in human history. Whereas the growth and expansion of Northern cities during the eighteenth and nineteenth centuries typically went hand in hand with industrial advancement and economic development, Southern urbanization has generally proven quite the contrary. For the past half-century, urban growth rates throughout the developing world (excluding China) have continued to skyrocket in spite of stagnant urban employment, shrunken public sectors, and recessive urban economies. An explanation of the seemingly contradictory growth may well lie not in the factors pulling people to cities, but rather in the factors pushing people from the countryside.

Migration is, of course, the key factor in urban growth in most developing countries. The cause of migration, however, varies regionally. For the past half-century, countries throughout the developing world have been subject to a disproportionate number of wars, agricultural crises, failed agrarian reforms, debt-imposing structural adjustment programs, terrorist and guerilla movements, and foreign embargos on international trade. Thus, even while cities are suffering from underemployment and economic depres-

sion, political turmoil and rural poverty are literally forcing people into urban centers. The result has been extremely high urban population growth rates which far outstrip the existing coping capacity of legal and political institutions and socio-economic infrastructures. In other words, the stage is set for a global urban suicide.

Although studies demonstrate that highly urbanized countries tend to have “higher incomes, more stable economies, stronger institutions, and [be] better able to withstand the volatility of the global economy,” the megacities of the South carry with them grave political, socio-economic, and environmental implications.⁷ Evidence strongly suggests that the sprawling cities of the “new urban order” will not fulfill the possibility of economic advancement, but will instead serve as sites of growing inequality, underemployment, rising violence, social unrest, and environmental degradation.

The Growth of Illegality

As the endless tide of migrants from isolated communities flows into the ever more crowded centers of economic and intellectual exchange, unofficial forms of adaptation have been forced to evolve. This process of adaptation has accordingly led to the burgeoning of the Third World urban informal sector. In *The Mystery of Capital*, Hernando de Soto explains, “The failure of legal order to keep pace with this astonishing economic and social upheaval has forced the new migrants to invent extralegal substitutes for established law.”⁸ Thus, where shortages in the housing market render home ownership nearly impossible, squatters build shanties any place they can get a foothold. Likewise, where formal employment is unavailable, people start businesses and make a living in the informal economy. Excluded from the legal system, the migrants’ only guarantee of economic justice lies in their own hands.

Several main processes have led to the steady rise of urban informal activities. One is the failure of the formal sector to provide adequate jobs for rapidly growing populations. As explained, most Southern cities continue to grow in spite of stagnant urban employment bases. In many cities, the intense growth of the informal sector is spurred by the

reductions in public spending, declining real wages, and overall public sector retrenchments accompanying IMF-imposed structural adjustment programs. Further promoting this trend has been the fact that the formal sector is steadily forging links and contracting services to secondary labor markets which are mainly in the informal sector. Because the informal sector has swelled beyond the formal sector’s absorptive capacity, these links (which are often extremely exploitative) have provided the only means for enabling the formal sector to deal with the economic crisis. As a result of such processes, throughout the developing world there has been a steady trend towards the “informalization” of the urban economy, meaning that increasing shares of income are being earned in unregulated employment.

According to the International Labor Organization (ILO), informal employment accounts for one-half to two-thirds of non-agricultural employment in the developing world. In Sub-Saharan Africa, the informal economy accounts for an estimated 78 percent of non-agricultural activity. In Asia and Latin America, it is 65 percent and 51 percent, respectively.⁹ Essentially, because formal institutions have failed to keep up with population growth, the informal sector in Southern cities has been forced to absorb a ceaseless stream of migrants.

The Global Slum

As Mike Davis asserts in *Planet of Slums*, “Rather than being made out of glass and steel as envisioned by earlier generations of urbanists, cities of the future are instead largely constructed out of crude brick, straw, recycled plastic, cement blocks and scrap wood.”¹⁰ Just as 2007 was expected to see the global scale shift from a rural to an urban majority, this year will also see the number of slum dwellers cross the one billion mark.¹¹ Currently, nearly one third of all city dwellers live in slums, and Southern urbanization has become almost indistinguishable from slum proliferation. In many cities, slums are no longer small, marginalized communities; they are in fact the dominant type of human settlement. Cities such as Mumbai, Mexico City, Dhaka, Cairo, Karachi, Lagos, Kinshasa, Sao Paulo, Shanghai, and Delhi all have *megaslums*, with over six million people (some with more 12 million).¹² UN-Habitat predicts the global

MIGRATION IS, OF COURSE, THE KEY FACTOR IN URBAN GROWTH IN MOST DEVELOPING COUNTRIES.

number of slum dwellers will double by 2030 if immediate action is not taken.¹³

Not all urban poor live in slums, nor are all slum-dwellers poor. However, the two categories do largely overlap, with slum prevalence serving as a reliable proxy for urban poverty. According to UN-Habitat, a slum is a contiguous settlement that combines to various extents the following characteristics: “inadequate access to safe water, inadequate access to sanitation and other infrastructure, poor structural quality of housing, overcrowding, insecure residential status.”¹⁴ Throughout the world, living conditions in slums are strikingly similar, reflecting scenes of entrenched poverty, disease, filth, crime, flooding, and the absence of basic social and economic infrastructure. Disparities in access to services, housing, land, education, health care, and employment opportunities reinforce the grim reality that slum dwellers “die earlier, experience more hunger, have fewer chances of employment in the formal sector and suffer more from ill-health than the rest of the urban population.”¹⁵

Although the specific economic and political trajectory promoting the growth of slums varies from city to city, the UN-Habitat-issued *Challenge of Slums* report cites failed policies, bad governance, corruption, inappropriate regulation, dysfunctional land markets, unresponsive financial systems, and a fundamental lack of political will as typical causes of slums throughout the South.¹⁶ In many cities, market and government failures render access to adequate and affordable housing limited, even for the middle classes. Housing distortions are further exacerbated by limited land supply, immense population densities, and entrenched systems of neglect and government corruption.

Most slums are informal settlements where the vast majority of residents lack legal rights to the land on which they live. Consequently, squatters trade access to municipal services and physical safety for security against eviction. Poor solid waste management and inadequate sanitation services often create mountains of refuse and excrement. Houses are often overcrowded and unsanitary, and access to clean, affordable water is limited. Social infrastructure (such as school and health care facilities) is severely lacking, and crime and prostitution are often prevalent. Compounding existing health hazards is the fact that slums are typically situated on the most environmentally unstable spaces in a city. Throughout the world, slum dwellers have been described as the “pioneer settlers of swamps, floodplains, volcano slopes, unstable hillsides, rubbish mountains, chemical dumps, railroad sidings and desert fringes.”¹⁷ Consequently, flooding, earthquakes, mudslides, and other natural disasters wipe out thousands of slum dwellings each year. In addition to biological and environmental hazards, slum dwellers are also subject to government-incited violence, whereby “the state intervenes regularly in the name of ‘progress,’ ‘beautification,’ and even ‘social justice for the poor’ to redraw spatial boundaries to the advantage of landowners, foreign investors, elite homeowners, and middle-class commuters.”¹⁸ Consequently, the global slum exists as an amalgam of permanent transients trapped in a kind of nomadic urban purgatory.

In short, as UN-Habitat researchers clearly express, slums are not only the “manifestation of poor housing standards, lack of basic services and denial of human rights, but they are also a symptom of dysfunctional urban societies where inequalities are not only tolerated, but allowed to fester.”¹⁹

: [Nigerian Urbicide / The Curse of Oil](#)

Although megacities and megaslums are indeed global phenomena, in Sub-Saharan Africa their rate of growth is particularly rapid and their impact on society, especially dire. According to UN-Habitat, Sub-Saharan Africa has both the highest annual urban growth rate and the highest slum growth rate in the world (4.58 percent and 4.53 percent respectively — each more than twice the world average).²⁰ Likewise, Sub-Saharan Africa also has the highest prevalence of slums in the world, with nearly 72 percent of its urban population living in slums.²¹ A 2006 UN report indicates that since 1990, the population of Sub-Saharan Africa slum dwellers doubled from 100 million to 199 million. Current trends indicate that this number will again double in the next fifteen years.²²

A spectacular example of this growth, Lagos, is globally recognized as the epitome of the world’s “urbicidal” descent. The current Lagos megacity crisis can best be understood against the historical background in which its expansion took place. Originally a Yoruba settlement of Awori people, Lagos began as a modest village of farmers and fishermen who lived in simple accord with the surrounding creeks and lagoons. Over time, Eko Isle, as it was known to the original Awori settlers, was reinforced by Benin warriors, other Yoruba factions, and Portuguese traders. From 1704 to 1851, Lagos served as an important slave port

... what Koolhaas refers to as “self-organization” can perhaps more accurately be described as collective adaptation to extreme hardship.

The complex socio-economic organization in Lagos is simply a testament to a city that is growing without adequate social, economic, and legal institutions.

ruled by Yoruba kings. Formally annexed as a British colony in 1861, Lagos was a principal point for British control over trade in the region. The remainder of modern day Nigeria was seized by Britain in 1886, and when the Colony and Protectorate of Nigeria was established in 1914, Lagos was declared the capital. Though Lagos has served as a pivotal trading port for more than three centuries, extreme population growth has been a recent phenomenon. Examining current challenges thus requires an in-depth look at the past 50 years of political and economic transformation in Africa’s most populated country.

The origins of the megacity crisis can be traced back to 1956 when oil was first discovered in the Niger Delta. Despite Lagos’ status as the economic epicenter of West Africa and its alluring (yet largely elusive) promise of a comfortable lifestyle, the most important factor in its supernova growth has undoubtedly been the reckless decimation of Nigeria’s agricultural sector caused by the discovery of oil. Prior to 1956, Nigeria had a largely agricultural-based economy, with cocoa, peanuts, rubber, and palm oil serving as the major export goods. The agricultural sector was not only a major provider of sustenance; it was also the nation’s largest employer. The discovery of oil, however, presented a dramatic new opportunity for wealth accumulation previously unknown to that portion of the world.

One consequence of the wealth generated from crude oil was that it created a largely perverse set of economic incentives that discouraged investment in non-oil sectors. The agricultural sector took the biggest hit. In 1970, oil accounted for 33 percent of Nigeria's trade stock, as opposed to a 67 percent non-oil trade stock.²³ In 2002, oil represented 94.95 percent of the country's export earnings, as opposed to 5.05 percent non-oil export earnings.²⁴ Lacking necessary agricultural inputs such as seeds, fertilizers, pesticides, irrigation facilities, tractors, and other modern tools and machinery, many people who had been successfully employed in the agricultural sector were forced to abandon their occupations. Furthermore, as oil revenues built up, Nigeria's other exports became increasingly unprofitable. Exemplifying a process known as "Dutch Disease," Nigeria's dependence on one export commodity subsequently caused its currency to rise in value against other currencies, rendering other export activities uncompetitive. This economic pathology effectively sealed the casket on Nigeria's agricultural economy. Thus, in less than 30 years, Nigeria went from having an agriculture-based economy and being self-sufficient in staple food production to an entirely oil-dependent economy. Nigeria now has to import the majority of its food.

The untimely demise of Nigeria's agricultural economy, coupled with the emergence of a new class of oil merchants, speculators, and skilled and unskilled oil industry workers, set the stage for Nigeria's monumental rural to urban migration. Since 1970, Nigeria has maintained an urbanization rate of nearly 5.5 percent, one of the highest in the world.²⁵ Already the most urbanized country in Africa, in 2007 Nigeria crossed the 50 percent urban mark, making its urban population the second largest among low-income countries, after India's.²⁶

In the 1980s, Lagos grew at a rate twice as fast as the Nigerian national population, while its urban economy was in deep recession.²⁷ As previously mentioned, this was largely caused by the rise of an oil economy that effectively forced an immense surplus of rural labor into city centers across the country. However, this paradoxical trend was also a result of International Monetary Fund (IMF) and World Bank-enforced policies of financial austerity. Under the military dictatorship of General Ibrahim Babangida, Nigeria adopted IMF and World Bank structural adjustment programs

in order to relieve its \$30 billion debt. In addition to slashing agricultural subsidies and rural infrastructure, the country deregulated finance, stripped education provision, and shut down or sold off all inefficient state-run enterprises. This included construction industries, port facilities, oil refineries, and textile and steel mills. Also, electricity, water, and telephone services were privatized. As a result, civil service jobs gradually disappeared and the profits of privatized services went directly to politicians. Remaining savings went directly to corrupt military regimes. Up until the mid-nineties, billions of dollars went unaccounted for each year. Additionally, in 1986, the world price of oil crashed, and Nigeria's Dutch Disease proved fatal. Although the World Bank hailed Nigeria as a "model African economy" at this time, the swing from big oil and borrowing to little oil and repayment reduced the standard of living by half. The country's levels of extreme poverty went from 28 percent in 1980 to 66 percent in 1996.²⁸ Consequently, this process has resulted in an enormous concentration of wealth in the hands of a small number of ruling elites and a growing chasm between rich and poor.

As trends from around the world indicate, intense urban growth in the face of structural adjustment and political turmoil has produced what Davis calls the perfect "recipe" for slum growth.²⁹ Nigeria currently has the largest slum population in Africa (42 million) and the fourth largest slum population in the world.³⁰ By 2030, more than 50 percent of Nigeria's poor (as defined by income) will live in cities. Accordingly, the Lagos megacity has emerged as the quintessential product of Nigeria's oil-driven, developmental trajectory.

A Cycle of Neglect

Although Lagos is one of the fastest growing cities in the world, it remains one of the least understood and certainly one of the least planned. As its growth persists, the Lagos megacity is steadily producing a social, political, and environmental crisis that has only begun to register within traditional governing structures. For some observers, however, the term "megacity crisis" is an inaccurately mild description. According to Felix Morka, Executive Director of the Lagos-based Social and Economic Rights Action Center,

"To say that Lagos is a city in crisis is to understate the severity and enormity of the challenges that confront its residents and managers."³¹ This is primarily due to the city's lack of planning and infrastructure and its history of bureaucratic inefficiency and systematic neglect.

Despite its dominant economic status in Nigeria's non-oil sector, Lagos is a "poor" city with an annual budget of only \$650 million. This is a very small sum relative to the resources necessary for adequate infrastructure and service delivery. It is also significantly lower than cities of comparable size (Delhi — \$2.6 billion; Mumbai — \$1.6 billion; Jakarta — \$1 billion).³² Due to the fact that most of the city exists outside the realm of formal taxation, Lagos's enormous slum population has also factored significantly into the city's overall lack of resources. But given the poor quality of almost all public services, taxation can hardly be justified. The city's financial deficiency is better explained in terms of entrenched corruption and neglect, which have successfully suppressed the city's capacity to adapt to its enormous population.

In the mid-seventies, at the height of the oil boom, military oligarchs decided to move the capital from Lagos to Abuja, closer to their northern political base. This diverted hundreds of millions of dollars in federal funds away from Lagos and into the construction of the "glittering towers and air-conditioned office buildings" of Abuja.³³ Even today, federal allocations, which are distributed according to population, reflect the incessant power struggle between northern and southern Nigeria. In January 2007, the federal government issued an "official" population census for the country. According to the federal census, the largest city in Northern Nigeria, Kano, stood at a population of 9.4 million whereas Lagos lagged behind with only 9.1 million.³⁴ This blatant act of disregard for the facts by the federal government was immediately countered by a parallel census taken by the Lagos State Government, the administrative body through which Lagos is governed, which placed the population of Lagos at more than 17.5 million.

Because Lagos' rate of population growth far outstrips the rate at which facilities and services can be provided to meet minimum needs, many residents simply go without. Morka explains, "The rapid population growth of Lagos has not been matched by the provision of social and economic in-

frastructure such as housing, healthcare facilities, schools, roads, transportation, water, solid waste disposal and drainage facilities."³⁵ Given the inadequate funds and management of Lagos, this has strained existing infrastructure to the point of near collapse.

Furthermore, "where plans or development initiatives have been launched, they have generally been haphazardly implemented or not at all."³⁶ Over the years, Lagos has witnessed the failure of successive state and federal governments to carry out large-scale development plans. In the late 1970s, the Lagos Master Plan was drafted with the intention of guiding the growth of the city into the twenty-first century. With the support of the United Nations Development Program (UNDP), the Master Plan provided a framework for addressing challenges concerning the provision of housing, expansion of economic activity centers, improvement of transportation infrastructure, and upgrading of informal slum settlements. The growing city was to be divided into 35 self-sufficient districts, each with its own commercial, industrial, and residential zones, to disperse pressure and population concentration on existing city centers. However, in 1983, a bloodless coup overthrew civilian rule in Nigeria and the Lagos Master Plan was abandoned. For the next 16 years, military dictators from northern Nigeria used Lagos' commercial activity as a source of personal enrichment. Plans for investing in the infrastructure needed to absorb millions of migrants were subsequently abandoned.

This cycle of neglect and corruption set the stage for the increasing socio-economic disparities, deteriorating environmental and public health, and highly volatile political situation currently confronting the city.

Settling the Swamp

Although the majority of Lagos' problems stem directly from a lack of formal employment and infrastructure in the face of a vast population influx, the area's waterlogged natural terrain has also proven a significant factor in exacerbating the megacity's poor living conditions.

Encompassing a series of islands and adjacent mainland areas, Lagos sits on an extensive swamp basin along the

Atlantic coast. Swamps, lagoons, creeks, sand ridges and depressions constitute the four main landform types in the Lagos metropolitan region. The city's earliest settlements occurred on coastal sand ridges, which run parallel to each other and follow the same east-west trends as the creeks. With an average elevation of three to five meters, underlain by unconsolidated sands, the ridges have a very low load-carrying capacity and are extremely susceptible to flooding. The bottom layers of the sand depressions remain waterlogged throughout the year because drainage into the lagoon is very slow and the underground water level is high. Drainage is further slowed by semiannual flooding that occurs during the wet seasons. Although the poor drainage and pools of brackish water discouraged settlement by early area residents who used the depressions as dumps, drainage canals began to be constructed in the 1930s. As the demand for land increased, developers began to build on the sand depressions and across drainage canals, blocking the already poor drainage routes and subsequently increasing flooding.

Surrounding the sand ridges and depressions, the area's swamps form a flat terrain extending from the waterfronts. With high underground water levels and scattered pools of salinity, the swamps are generally inaccessible and extremely difficult to exploit for human needs. They are also a major

Because the majority of the city remains peripheral to the global economy...it is doubtful whether the world would feel the resonating effects of a Lagos implosion. However, Lagos is not singular. It is part of a global urban future that will be increasingly impossible to ignore.

breeding ground for mosquitoes. Nonetheless, as sand ridge land has become scarce, reclamation efforts have begun building into the swamps. This requires draining swamps and building on the highly compressible soil, often resulting in the cracking and collapse of structures as they sink into the unstable ground. In poorer areas, some use household waste for reclamation — a slow and unhygienic process that yields very poor results.

Lagoons also constitute a large portion of the metropolitan Lagos terrain. Deeper than swamps, lagoons are perhaps the least habitable landform in the area. However, with new hydraulic sand-filling technology, even the lagoons are no longer exempt from development. Also, in the most extreme efforts to carve out living spaces in this soggy environment, lagoon and swamp development often occurs through the creation of floating slum villages, which are informal establishments that actually perch on stilts in the water. Although dry land is clearly a limited commodity in Lagos, formal and informal efforts to reclaim swampland and expand inland have significantly extended the borders of the urbanized area. Today, metropolitan Lagos extends over an area of nearly 787 square kilometers.

While this makeshift physical growth has created some room for the influx of migrants, Lagos' continued expansion into such exceedingly inhospitable terrain has resulted in

further limiting the city's infrastructural capacity and exacerbating its flooding problem. The disadvantages of the water-saturated soil have hindered the development of many public services, especially in the areas of water management and sewage facilities. Efforts to create an efficient public transportation system have been impeded by the disjointed, unstable topography. As a result, Lagos has become world-renowned for its colossal traffic jams and, consequently, suffocating air pollution. Space limitations also prevent proper waste disposal, creating open dumps in residential communities and drainage canals. Every year during the wet seasons, flooding inundates more than half the city with refuse-filled water, destroying property, hampering transportation, and posing extreme health and sanitary risks.

: [The Lagos Megacity / Amorphous Urbanism](#)³⁷

Lagos is chaotic. Its boundaries are unclear, its activity is frenetic, and its elements appear to function independently, not only from one another but also from the efforts of city planners. Urbanist Matthew Gandy uses the term "amorphous urbanism" to describe the sprawling urban conundrum. In his essay, "Learning From Lagos," Gandy writes, "Lagos is a city that is simultaneously growing, dividing, polarizing and decaying."³⁸ With so many people, Lagos indeed harbors all types: corrupt politicians, wealthy businessmen, movie stars, honest workers, opportunistic entrepreneurs, area boys, con men, students, gangsters, trash pickers, the hopeful, the hopeless, the rich, the poor, the hardworking, the lazy, the intelligent, the dejected, the walking corpses. Because of Lagos' status as the financial center of Western Africa, most major Nigerian companies have their headquarters there. As one of the most culturally vibrant cities in Africa, Lagos nightlife flourishes seven days a week. The world's third largest movie industry, Nollywood, is also located in Lagos. Lagos commands the most sought after markets for everything in Nigeria. Many businesses do thrive. Additionally, Lagos is home to one of the world's largest and most aggressive informal economic sectors, which accounts for more than 70 percent of the city's business activity, employment, markets, settlements, and neighborhoods.³⁹

Young men selling stolen oil from plastic containers line the Mushin thoroughfare. Residents of Olusosun, the largest dump in Nigeria, sort through garbage for recyclable materials. Weaving in and out of traffic, women sell water from buckets balanced on their heads. Shepherds graze herds of sheep between freeways, and businessmen set up operations within highway cloverleaves. Squatters settle even the most perilous interstices, creating shantytowns that edge up to train tracks, sit in swamp marshes, and perch precariously over the lagoon. Every inch of the city is used for something. Lagosians have learned to embrace the chaos.

In many ways, Lagos fulfills the apocalyptic forecast of the developing megacity: a swampy agglomeration of crowded, substandard housing, flooding, and disease, with no facilities or sanitation, receiving an incessant stream of migrants from depressed rural areas who expect little and receive less. While it is true that Lagos is a city in crisis, the everyday reality

is more complex. Despite the crippling effects of congestion, pollution, and crime, Lagos remains a vivacious, dynamic place, inhabited by socially mobile individuals pursuing the hope of a better life. Slums are often a starting ground for people moving to the city, a place where people can live cheaply until they establish themselves. Most slum dwellers have a long-term aim to make money and move on to a better place. Some succeed. Most do not.

Begging in Lagos is rare. Without a formal employment base, Lagos has become home to millions of small-time entrepreneurs who are forced to engage in a ruthless day-to-day struggle of improvisation and adaptation. Commercial activity aggressively springs forth upon both public and private spaces. Informal markets line nearly every street. After each of the frequent floods, people rush to set up booths for washing muddy feet. Even the immense “go slow” traffic jams have become thriving commercial centers, where children as young as eight dodge cars and buses to sell everything from sunglasses to kitchenware, cell phones, and soccer balls. As testament to its burgeoning black market, Lagos is also the world’s hotbed for con men, fraud, and Internet scams.

There is not a dull street in Lagos. The entire city pulsates with the frenzied activity of millions trying to make ends meet. However, what appears to be anarchic activity is actually governed by what journalist George Packer describes as “a set of informal and ironclad rules.” In his essay, “The Megacity: Decoding the Chaos of Lagos,” Packer describes the informal economy as a hierarchical system of patronage and obligation. He explains, “Although the vast majority of people in the city are small time entrepreneurs, almost no one works for himself. Everyone occupies a place in the economic hierarchy and owes fealty, as well as cash, to the person above him — known as the *oga*, who in turn provides help or protection.”⁴⁰ Thus, most of the money collected by the people selling merchandise on the street is transferred up through a hierarchy of *ogas*, eventually reaching the wholesaler who receives the largest portion. Accordingly, “wealth accrues not to the most imaginative or industrious, but to those who rise up through the chain of patronage.”⁴¹

Although this system has allowed the megacity to absorb the constant influx of migrants for who the formal economy has no room or use, the informal economy rarely results in wealth accumulation. Essentially, as UN-Habitat’s *The Challenge of Slums* concludes, “Instead of being a focus for growth and prosperity, the cities have become a dumping ground for a surplus population working in unskilled, unprotected and low-wage informal service industries and trade.”⁴² The average Lagosian earns less than a dollar a day. In the daily struggle to make ends meet, many neighborhoods rely on networks of families and friends who cooperate in building shelters, maintaining basic amenities, and managing markets. Given the intense competition for space, these neighborhood networks often overlap, creating rivalries over turf and resources that can easily erupt in violence.

The Megaslum

As a prototypical example of Sub-Saharan urbanization, the expansion of Lagos was simultaneously a process of intense slum production. A recent study carried out by the

World Bank estimates that 70 percent of the population of Lagos lives in informal slum settlements. Currently, out of an estimated 200 distinct slum districts, 100 have been identified as severely blighted.⁴³ Whereas the growth of many Southern cities, such as Sao Paulo and Manila, has spawned distinct satellite cities to house the urban destitute, the whole of Lagos is permeated by their presence. Consequently, almost the entire city functions as a megaslum.

As previously noted, the astounding slum population in Lagos can be understood as a direct result of the economic and political conditions under which the city grew. However, current slum growth can also be attributed largely to market and government failure. Distortions in the housing market in Lagos limit access to adequate and affordable housing, even for the middle class. As explained in the provisional document for the Lagos Metropolitan Development and Governance Project, “Housing prices are due to the non-availability of long-term finance, high transaction costs for obtaining land titles and / or certificates of occupancy, regulatory and planning controls for building and construction that constrain the efficient utilization of the land, as well as high inflation rates in the Nigerian economy.”⁴⁴ These distortions are further exacerbated in Lagos by the city’s limited land supply and immense population density.

However, as Morka argues, the most important factor in Nigeria’s housing crisis has been the “gross misapplication of the Land Use Act of 1978, and the resulting denial of access to land to the poor.”⁴⁵ Implemented primarily to open land for new development, the Land Use Act vests the power of eminent domain over rural and urban lands in Nigeria in the government. The Act provides that “all lands in the urban areas shall be under the control and management of the Governor of that State and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of this Act.”⁴⁶ The Act grants immense powers to the State Governor and local government to determine, regulate, and manage lands and to compulsorily acquire lands and revoke any right of occupancy.

Enacted “in the public interest [so that] the rights of all Nigerians to the land of Nigeria [could] be asserted and preserved by law,” the Act has further excluded the poor and other marginalized groups by the discriminatory application of its provisions, which allow preferential treatment to the government and affluent private developers.⁴⁷ The housing dilemma in Lagos is thus defined by a combination of constraint on existing land supply and the giving of high priority in land acquisition to an elite. Because planning officials do little to prevent illegal developments or to provide low-income residents with legal alternatives, the growing poor segment of Lagos finds refuge as squatters in slum settlements.

By definition, squatting is the possession of land without official sale or title. However, nothing in Lagos comes without a fee. Corrupt policemen arbitrarily hold up traffic until small remittances are paid. Local *ogas* collect market earnings. “Area boys” will quickly resort to violence against people seeking to work, live, or even pass through their blocks without paying. Likewise, squatting in Lagos seldom comes without up-front costs. Politicians, gangsters, and police often coerce squatters into paying considerable bribes to gain

access to sites. Many are forced to continue paying informal “rents” for years. Much of the city operates under a system in which slumlords, racketeers, and other corrupt or criminal networks exploit marginalized people and communities through informal systems of obligation and implied threat.

In addition to being subject to these informal codes of coercion, slum dwellers face the constant threat of government violence. For decades, the Lagos State Government’s primary method for “dealing” with slums has been through forced evictions, and the plight of the Lagos slum dwellers has frequently been punctuated by instances of extreme government malfeasance. In 1990, 300,000 people were forcibly evicted from Maroko, a swampy slum settlement on the Lekki Peninsula of Lagos Island. After only a seven day warning, the entire community was demolished as residents frantically rushed out from under the Lagos State Government bulldozers. Several people were killed and many were injured in the process. Maroko residents were not granted compensation, and the multitudes left homeless were forced to find housing on their own. Since 1995, in Lagos alone, more than 500,000 people have been forcibly removed from their homes.⁴⁸

Urban Laboratory

After decades of neglect, Lagos has recently become the focal point of intense scholarly interest — attracting not only African scholars and development specialists, but also Western intellectuals, for who Lagos provides a fascinating case study of alternative urban organization. Lagos has also been a featured subject at several international art shows, such as *Century City* (2001) in London, *Africas: the Artist and the City* (2001) in Barcelona, and *Documenta 11* (2002) in Kassel, Germany. The Harvard School of Design’s Project on the City, led by Dutch architect and urban theorist Rem Koolhaas, is currently producing a book entirely devoted to Lagos.

Given its overall lack of basic amenities and public services, most Western planners would agree that Lagos hardly has the infrastructure needed even to support a much smaller population than its current one. Yet somehow the city still “functions.” As an ongoing work on modern urbanism, the Project on the City has a mission of understanding contemporary developments in global urbanization. Lagos has served as the latest installment of this study, in which it represents the growing number of cities with huge populations and severely underperforming urban systems.

Instead of being a focus for growth and prosperity, the cities have become a dumping ground for a surplus population working in unskilled, unprotected and low-wage informal service industries and trade. / UN Habitat’s *The Challenge of Slums*

Instead of dwelling on the city’s shortcomings, however, Koolhaas celebrates the “continued, exuberant existence of Lagos and other cities like it... [and the] ingenious, alternative systems which they generate.”⁴⁹ For Koolhaas, Lagos is not a pending disaster, but rather an exciting “announcement” of the future’s new urban form. In an interview, he explains :

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What is now fascinating is how, with some level of self-organization, there is a strange combination of extreme underdevelopment and development.... What particularly amazes me is how the kinds of infrastructure of modernity in the city trigger off all sorts of unpredictable improvised conditions, so there is a kind of mutual dependency that I’ve never seen anywhere else.⁵⁰

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Koolhaas and his team of students visited the city several times. Upon their first visit, Koolhaas explains, “partly out of fear, we stayed in our cars.... Lagos seemed to be a city of burning edges.... At first sight the city had an aura of apocalyptic violence; entire sections seemed to be smouldering as if it were one gigantic rubbish heap.”⁵¹ On their second visit, they ventured out of their cars to find that “the activity taking place was not actually a process of dumping, but more a process of sorting, dismantling, reassembling and potentially recycling.”⁵² By their third visit, they rented a helicopter which allowed them to swoop in comfort over the swarming activity of the city’s slums. From this vantage point, Koolhaas explains :

–
The apparently burning heap of garbage turned out to be in fact, a village, an urban phenomenon with a highly organized community living on its crust.... What seemed at ground level an accumulation of dysfunctional movements, seemed from above an impressive performance, evidence of how well Lagos might perform if it were the third largest city in the world.⁵³

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With striking aerial photography and elegant diagrams, the Project on the City team presents severe traffic congestion in terms of “elaborate organizational networks” and burn-

ing garbage dumps as sites of “an impressive performance” of organized community. Though such theories are perhaps interesting in abstract terms, what Koolhaas refers to as “self-organization” can perhaps more accurately be described as collective adaptation to extreme hardship. The complex socio-economic organization in Lagos is simply a testament to a city that is growing without adequate social, economic, and legal institutions. Likewise, the vivacity of the squatters is merely the desperate activity of people excluded from the global economy, with no safety net and tenuous hopes of moving up.

Gandy levels a scathing rebuke to Koolhaas saying, “Like other admirers of the informal economy, Koolhaas seems to ignore its highly hierarchical, often coercive structures and does not differentiate between mini entrepreneurs and traders on its summits and the mass of those barely surviving.”⁵⁴ For although the informal sector does serve as a source of employment and income for the poor, it is simultaneously an anomaly, often subjecting people to severe health risks, insecurity, and exploitation. Also, although the informal economy does have the capacity to redistribute resources among those excluded from the formal sector, rarely does it lead to any wider process of accumulation and growth. Essentially, as Gandy further argues, “to treat a city as a living art installation, or to compare it to the neutral space of a research, is both to dehistoricize and to depoliticize its experience.”⁵⁵

To this can be added the fact that the informal economy celebrated by the Project on the City reflects the results of the policies of military dictatorships which, under the auspices of the IMF and World Bank, decimated the urban economy and ushered in widespread poverty. Hovering over the city, one may claim that the frenetic mass of traders crammed beneath the flyover is proof that the city “works”. However, the scale of the city and its extreme poverty signal growing social and environmental crises that have only begun to materialize.

Slum Ecology⁵⁶

Throughout the world, natural hazards are severely magnified at the intersection of poverty and the environment.

Additionally, largely artificial environmental problems are created as urban poverty interacts with deficient and corroding infrastructure. Without the financial means to address environmental risks and manage waste, poor cities are both more vulnerable to natural hazards and more prone to environmentally destructive behaviors. As one of the world's poorest megacities, Lagos is susceptible to both.

While the average population density for Lagos as a whole is 260 people per hectare, population densities in the slums range between 790 and 1,240 people per hectare.⁵⁷ Because the vast majority of slum dwellers lack the legal right to the land on which they live, in order to gain security against eviction, squatter settlements tend to colonize the most environmentally volatile spaces in a city. Consequently, much of Lagos remains literally mired in an ecology of poverty and disease. In Ajegunle, Lagos' largest slum (estimated to be the fifth largest slum in the world),⁵⁸ 1.5 million people are contained in ten square kilometers of swampland, where drainage canals are often so caked with sludge that even light rainfall quickly inundates entire communities, sweeping raw sewage into homes. In Badia, shacks edge up to highways and active train tracks. Although communities such as Ajegunle and Badia are subject to official municipal neglect, some slums are situated in areas where services simply cannot reach. Makoko, a slum of between 150,000 and 200,000 residents, has expanded nearly a quarter mile into the polluted waters of the Lagos Lagoon, spawning an entire city of huts perched precariously on stilts.

One element where the fusion of infrastructural deficiencies, environmental limitations, and urban poverty has been particularly destructive is water. Of the many problems associated with the Lagos metropolitan area, water contamination ranks as perhaps the most ecologically damaging and biologically precarious.

As a result of inadequate waste management infrastructure and poor drainage systems, many of the surrounding lagoons, swamps, coastal seawaters, and ground water supplies of Lagos are now highly contaminated. This contamination not only severely limits water availability for domestic, industrial, and commercial use, it also presents a vast array of health, sanitation, and aesthetic problems. It has been extremely detrimental to the surrounding aquatic environment

and biota, resulting in significant ecological disturbances and many species die-offs.

Fewer than five percent of households have direct access to municipal water supplies.⁵⁹ This leaves the majority reliant on boreholes, stand pipes, and illegal connections which are typically controlled by gangs. Private vendors also sell water at exorbitant prices. Currently, municipal services providing drainage, solid waste removal, and wastewater collection and treatment struggle to meet the needs of as little as 40 percent of the city's population (an extremely liberal estimate).⁶⁰

The collection, treatment, and disposal of sewage and wastewater remain primary concerns. Few residential areas in Lagos have access to traditional pit latrines and water closet septic tanks. Human excreta, along with other commercial and industrial wastewater, are usually discharged directly into open drains or directly into the Lagos lagoon system. The Sewage and Water Department of the State Ministry of Environment has yet to organize an efficient system for disposing of the seepage from septic tanks. Because the underground water table is very high and near the surface in many areas, the risk of wastewater infiltrating the porous soil and polluting groundwater and well water is great. Increased urbanization has also increased flood run-off by adding more impervious surfaces to land already subject to poor infiltration.

Further degrading the city's wastewater infrastructure are the woefully inadequate facilities available for proper disposal. Formal landfill sites are scarce and regular collection is virtually nonexistent in many areas. As a result, mountainous garbage heaps have spontaneously emerged throughout the city, often in dangerously close proximity to residential neighborhoods. Many residents simply throw waste into the Lagos lagoon system. In and around designated landfill sites, leachate — the polluted liquid that drains from a dumpsite — presents a major problem. Many Nigerian landfills lack the proper technology to collect leachate. As a result, in many landfills near the city, leachate from the decomposition of biodegradable matters in the waste eventually infiltrates the soil, contaminating groundwater.

The health and environmental implications of the unhealthy

OH ME A WATER-O
NO GO FIGHT AM, UNLESS
YOU WAN DIE
I SAY WATER NO GET ENEMY
NO GO FIGHT AM, UNLESS
YOU WAN DIE
O ME A WATER-O. / FELA KUTI

water situation are grave. Water contaminated by human excreta contains vectors of water-related diseases. Likewise, industrial wastewater contains chemical pollutants that destroy marine life, disrupt ecosystems, and kill off valuable aquatic food sources. Fish that do not die contain chemicals that bioaccumulate when eaten by humans. As a result of contamination, water resources for domestic, industrial, and commercial use are becoming increasingly scarce. Furthermore, open garbage dumps draw rodents and stagnant drainage canals breed mosquitoes and a whole host of disease-carrying animals. In short, water pollution in Lagos has created a colossal breeding ground for new and reemerging diseases. Every year untold numbers of infants, children, and adults are killed by illnesses caused by Lagos' tainted water.

In his legendary 1975 recording, "Water No Get Enemy," Lagosian Afro-beat superstar Fela Kuti uses water metaphorically in a warning to the military government. He sings:

Oh me a water-o
No go fight am, unless you wan die
I say water no get enemy
No go fight am, unless you wan die
O me a water-o.⁶¹

Written during a time of severe corruption and human rights violations at the hands of an oppressive military regime, Kuti uses water as a metaphor for the common people of Nigeria. Just as nothing exists without water, Nigeria does not exist without its people. Thus, he cautions the government, it is dangerous to make enemies with a country's most essential resources. If you "fight" (i.e. contaminate) the water, you will die. Likewise, if you renounce the people, they will turn on you. More than three decades after its release, this song still serves as an urgent warning about Nigeria's volatile political climate. However, today, the song can also be heard for its literal meaning. As Lagos continues to fight its water with inadequate treatment technology, unsanitary management practices, and insufficient drainage infrastructure, the health and environmental situation is becoming increasingly perilous.

[A City on Fire](#)

—
LAGOS, Nigeria (CNN) — At least 200 people were killed in Lagos, Nigeria, in a massive explosion and fire that ignited as crowds carried away buckets of refined fuel from a tapped oil pipeline.... Extreme heat has prevented rescue workers

from recovering bodies, and they fear the death toll could rise significantly.

— *CNN.com, 26 December 2006*

As a poor African nation endowed with enormous natural wealth, Nigeria has the potential makings of an uplifting success story. However, on almost every level, Nigeria's oil has subverted its progress and development. As the distortions created by the oil boom were worsened by widespread "corruption and patronage, political arbitrariness and lawlessness, and human rights violations,"⁶² the catastrophic consequences for the economy and the Nigerian people only increased. In 2006, corruption siphoned off an estimated 70 percent of annual oil revenues, and Nigeria falls behind every major oil nation in alleviating poverty.⁶³ Since 1990, Nigeria's per capita income and life expectancy have fallen. Currently, Nigeria's annual per capita income is \$1,400 and most Nigerians live on one dollar a day.⁶⁴ Poverty, armed conflict, disease, and failed governance continue to plague the nation.

The horrific oil explosion that engulfed the Lagos neighborhood of Abule Egbe the day after Christmas 2006 exemplifies the Nigerian paradox of poverty and plenty. Despite its ranking as the world's eighth largest oil exporter and Africa's top producer, fuel for everyday usage remains one of the country's scarcest commodities. The constant breakdown of Nigeria's dysfunctional refineries has forced the country to import most of its fuel. Frequent fuel shortages throughout the country leave gas stations dry for days. Placed in the context of abject poverty and inadequate fuel infrastructure, such shortages explain the frequent (and often deadly) illegal tapping of gas lines throughout the country. Since 1998, over 2000 Nigerians have been killed in explosions caused by the illegal tapping of gas lines.⁶⁵ In Lagos alone, three major explosions have killed an estimated 600 people since 2004.⁶⁶

In his aptly titled essay, "Oil Inferno," Michael Watts, Director of the Center for African Studies at the University of California, Berkeley, asserts that such terrifying explosions say "less about vandals who hot-tap the exposed pipelines running through the city's slum world than the venality, waste and corruption of a Nigerian petro-capitalism fuelled by windfall profits and modernity's addiction to the automobile."⁶⁷ Nothing emphasizes the consequences of poverty,

neglect, and resource mismanagement quite like the complete incineration of an impoverished residential community. The fact that the very substance fueling the pipeline fire is also fueling Nigeria's national decline only adds to the irony. It is no wonder that Bola Tinubu, governor of Lagos State, referred to the Abule Egbe catastrophe as the "shame of our nation." Although scenes from the explosion quite literally display the devastating effects of oil on Nigeria, Lagos pipeline explosions evoke yet another telling metaphor: a city on fire.

In Lagos, one can look directly at the sun throughout the day without squinting. Even at high noon, the thick, low-lying blanket of smog hovering over the city protects the eyes from the glare. Yet the heat remains, trapped in the haze. Within this urban incubator, the city slowly bakes. Refuse slowly smolders in open dumps. Dilapidated vehicles wheeze out dirty, black exhaust. The slums burn with thousands of cooking fires. At night, the whole of Lagos glows with candlelight. The city is coated with layers of black dust and soot.

However, the consequences of a slowly burning city are not solely ecological. The notion of a city on fire conjures up increasingly foreboding social and political visions. Despite its prominence in Nigeria's non-oil sector, Lagos' economic success is enjoyed only by a handful. The few available jobs "pay less than they did twenty-five years ago, they are less likely to be salaried and they are more likely to be menial."⁶⁸ Without an established industrial base, the poor have generally been denied the opportunity of regular employment. Simultaneously, the cost of food, housing, and fuel has soared. Though parts of Lagos are prone occasionally to explode, the majority of the city steadily simmers in the mire of poverty and neglect.

As *The Challenge of Slums* reveals, the new urban population will be almost completely cut off from industrial growth and the supply of formal jobs. Although studies have shown the informal urban economy to be an extraordinary renewable resource with the capacity to absorb millions excluded from the formal labor force, the fact remains that millions of Lagosians are forced to "further subdivide the peripheral economic niches of personal service, casual labor, street vending, rag picking, begging, and crime."⁶⁹ Subsequently,

In Lagos, one can look directly at the sun throughout the day without squinting. Even at high noon, the thick, low-lying blanket of smog hovering over the city protects the eyes from the glare. Yet the heat remains, trapped in the haze. Within this urban incubator, the city slowly bakes.

the conditions within the Lagos megaslum are becoming increasingly isolated from the global economic order. As Mike Davis, the noted urban theorist, explains in his essay, "The Urbanization of Empire: Megacities and the Laws of Chaos," "This outcast proletariat... is the fastest-growing and most novel social class on the planet,...a mass of humanity structurally and biologically redundant to global accumulation and the corporate matrix."⁷⁰ In terms of globalization, the destitute poor of Lagos are indeed peripheral and, as the Abule Egbe pipeline explosion grimly indicates, expendable.

Yet the population is steadily growing. Throughout the global slum, issues of social violence and political control are becoming ever more problematic. In his essay, "War and the City," geographer Stephen Graham describes how the burgeoning cities of the South — especially their slum outskirts — are now imagined as the distinctive battle space of the future. Pentagon doctrine is being reshaped accordingly to support a low-intensity global war of unlimited duration against criminalized segments of the urban poor. He explains, "Western military strategy was long premised on the avoidance of urban combat, with air strikes the preferred method of subduing large conurbations...but today cityscapes of the global South have emerged as the paradigmatic conflict zones."⁷¹ Whereas the centralized infrastructures of Northern cities such as Belgrade or Manhattan were easily crippled by air strikes and terrorist attacks, rapid urbanization in developing countries "results in a battlespace environment that is decreasingly knowable since it is increasingly unplanned."⁷² In *Aerospace Power Journal*, Air Force theorist Captain Troy Thomas specifically cites the slum peripheries of Lagos as a "potential nightmare battlefield" where :

"Restless young men fight over limited resources and control of the government. Desperation and anger are core motivators, and they are alarmingly persistent and resilient.

What will become of this new urban order? Will its members achieve solidarity and carve a collective path to justice and economic progress? Or will they continue in cesspools of neglect and squalor, ultimately to explode in ways we cannot imagine?

Airmen who enter to fight in a clan-based urban system will find it difficult to distinguish friend from foe or to identify patterns of activity and points of leverage to manipulate.”⁷³

Although some have come to describe this forecast as signaling a “clash of civilizations,” perhaps this potential battle is best described by Davis as “an oblique clash between the American imperium and the labor-power it has expelled from the formal world economy.”⁷⁴

In any case, violent crime plagues much of Lagos. Throughout the city, the rule of law holds little sway. Without effective forms of social control, roving gangs of armed robbers frequently terrorize neighborhoods and markets. Often police only perform their duties if they are paid off. Many communities have resorted to vigilante justice. Perhaps the notion of Lagos as the host of an apocalyptic global clash is extreme, but the city’s pending fate will continue to look acutely bleak if current levels of social and environmental degradation persist.

Urban Suicide

Lagos is certainly a leviathan, an urban monstrosity. To describe the city only in this way does injustice to its cultural vivacity, and to the millions of Lagosians who persevere day by day to preserve themselves and their families. Yet the realities cannot be ignored. Within the corridors of the Lagos slum world you know the belly of the beast. In areas like Badia,

you hear the city moan. You smell the mix of human refuse and rotting goat meat. You see the sludge coated mounds of garbage and the stagnant black water where hordes of mosquitoes hatch. You hear the pulsating bass beat as passing trains graze shanties. All the while, the city bakes under smoky grey clouds and, like zombies, countless silhouettes sway back and forth to the pounding rhythms of Gehenna.

Bola Disu, Managing Director of the Sino-Nigerian Lekki Free Trade Zone, describes Lagos as a mouse cage. With only a few mice and plenty of cheese, the cage stays clean and the mice stay healthy. However, as more mice are added and the cheese is taken away, the mice are soon forced into cannibalization.

In this same way, Lagos’ social, political, and environmental trajectories point toward various modes of “urban suicide,” where the city might be “tamed” by the Malthusian means of epidemic disease, natural disaster, and endemic violence. Because the majority of the city remains peripheral to the global economy, if not excluded entirely, it is doubtful whether the world would feel the resonating effects of a Lagos implosion. However, Lagos is not singular. It is part of a global urban future that will be increasingly impossible to ignore.

What will become of this new urban order? Will its members achieve solidarity and carve a collective path to justice and economic progress? Or will they continue in cesspools of neglect and squalor, ultimately to explode in ways we cannot imagine? / END

WATER GET NO ENEMY

A PHOTO ESSAY
FROM LAGOS, NIGERIA
SAMUEL JAMES &
PADDEN GUY MURPHY

Samuel James is a junior at Tufts University in the combined degree program with the School of Museum of Fine Arts Boston. He is a member of the inaugural class of Synaptic Scholars of the Institute for Global Leadership, Tufts University, as well as a member of the Institute's photojournalism and human rights group EXPOSURE. In January 2007, Samuel traveled to Lagos, Nigeria to research the megacity as his Synaptic project.

Padden Guy Murphy (A&S 2009) is *Discourse's* founding editor and an IGL Synaptic Scholar majoring in International Relations and Chinese. He also co-founded the civil-military relations initiative ALLIES (Alliance Linking Leaders in Education and the Services), and is a member of Tufts University's improvisational comedy troupe Cheap Sox. His home and family are in Great Falls, Montana.















SOCIAL
ENTREPRENEURSHIP
AND THE
WORLD WATER CRISIS

AN INTERVIEW
WITH TUFTS GRADUATE
AND FOUNDER
OF ETHOS WATER,
JONATHAN GREENBLATT

Jonathan Greenblatt graduated from Tufts University with honors in 1992. After Tufts, he spent more than five years developing international economic policy in the Clinton Administration, where he served in the White House and the U.S. Department of Commerce. In 2002, Greenblatt co-founded Ethos Water with his business partner, Peter Thum, to help children around the world gain access to clean water. Launched in the U.S., half the profits of Ethos bottled water directly support humanitarian water programs in developing countries. Ethos was sold to Starbucks Coffee Company in 2005. Greenblatt managed the bottled water business as vice president of global consumer products for the company and, as a board member of the Starbucks Foundation, helped develop the principles to guide water-related investments around the world. Today, Ethos is sold in more than 6,000 Starbucks locations, and it has achieved record performance for the company in bottled water sales. Through a strategic partnership with PepsiCo, Ethos will expand its distribution to an additional 100,000 more retail outlets across North America in 2008. Ethos will invest more than \$10 million through 2010 to bring clean water to children and communities in need around the world. It is already doing so in Africa, Asia, and Latin America. In August 2007, *Discourse's* Padden Murphy sat down with Jonathan Greenblatt to talk about Ethos, the world water crisis, and social entrepreneurship.

WATER

Padden Murphy

Thank you for taking time to talk with us today. The accessibility of alumni is vital to a university, so we are grateful that you made a point to meet with us.

Jonathan Greenblatt

Thank you, Padden. One thing I should note up front, in case I don't have the chance to say it during this interview, is that Ethos really owes a big debt of gratitude to Tufts. When Ethos first started, there were only two people — Peter and me — and it was a struggle to raise money. We were first-time entrepreneurs, and we were just selling water that wasn't scientifically re-engineered or some exotic sort of thing. It was just plain water. We were competing for shelf space with big multinational corporations like Coke, Pepsi, and Nestle. And our ambition was to help children get water — which we aspired to accomplish by donating 50 percent of our eventual profits. That was the model.

As you might imagine, prospective investors thought this was a fairly preposterous idea. *We pitched to everyone imaginable*: venture capitalists, institutional investors, commercial lending sources, angel investors, corporations, and foundations. All of them sort of said, "Good luck with your project." They all thought it was a fool's errand.

Padden Murphy

So how did the business take off? Was Tufts involved?

Jonathan Greenblatt

Tufts was core to our initial lift-off. Among all the people we engaged, two of my friends took a chance and invested a bit of money to supplement our quickly depleting savings accounts. One of those two angel investors was Steven Koltai, a Tufts alumnus who also serves on the Board of Trustees of the University. Steven is an incredibly active alum and his support of Ethos was a key component of our early success.

Even as we started to attain scale, most investors didn't get it, but consumers did. So, Peter and I started making the product by ourselves. We made our own little supply chain with Scotch tape and Dixie cups, so to speak. We would go to cafes, coffee shops, natural food stores, and trade shows. We would show consumers and retailers our bottle and explain what we were doing. Many times, you could just see

the light bulb flicker on as someone would say, "Hey, wait a sec, when I drink this water, you mean somebody gets clean water? I get it. Why would I drink anything else?" And they would make that link. The cause was relevant to the product. They believed.

Padden Murphy

So it was a cause marketing play.

Jonathan Greenblatt

No, I think there is an important distinction to make here. "Cause marketing" is not new. We see a lot of short-term promotional tactics, when a company will tie a completely unrelated product to a cause *de jour*, but connecting consumers to those in need and embedding the mission in the DNA of the brand — this was a totally new concept in the category.

Getting back to Tufts, Ethos initially happened in part because of Steven's seed capital. A second Tufts connection that was critical to our success took place after we started to ramp up our operations. We were present at the annual TED Conference in March 2004, where I first met Pam and Pierre Omidyar. I was manning a table at the event, and they just came up and we started to talk, not about Ethos but about ourselves and our experiences at Tufts. If I remember correctly, Pam lived in Miller, Pierre and I both lived in Carmichael. We literally started with that sort of rudimentary discussion, which broke the ice before we ever started to talk about Ethos. Eventually the Omidyar Network invested in the business and helped us in many ways beyond the money. It was a great relationship that benefited our business enormously.

Pam and Pierre clearly are committed to the notion of strengthening civic engagement and empowering people. I think that they have demonstrated this passion through numerous Tufts-related activities, such as starting the Tisch School or launching the micro-finance fund. I think their support of Ethos seems aligned with these investments.

Padden Murphy

Did you grow up in an environment that was *globally* focused?

Jonathan Greenblatt

I came to Tufts after spending my entire life in a little town in Connecticut, but Tufts opened my eyes to the promise of

The countries where Starbucks sources its coffee and tea, what the company refers to as its "countries of origin," such as Ethiopia, Indonesia or Colombia,

all these countries and others lie along the Equator and suffer from chronic water scarcity. And the process of getting coffee beans — growing them, cleaning them, roasting them, and then creating the handmade beverages that you purchase at the store — it takes massive amounts of water to conduct this process.

engagement and participation. Exposure to programs like EPIIC or my junior year abroad challenged me to think beyond New England, beyond boundaries and beyond borders. I guess you could say that gave me a more global view.

While I was a senior at Tufts, I became engaged in politics during the presidential cycle of '92. Tufts really served as an intellectually stimulating environment that left a long imprint on me, something that continues to stay with me. It started in 1988 and has stayed with me beyond 1992, for the rest of my life.

Padden Murphy

And that's when, in '92, you went to Little Rock?

Jonathan Greenblatt

I had the good fortune to see and to learn about the candidates when they were coming through Boston on their way to New Hampshire, when the New Hampshire primary really mattered. I am not sure whether it is as important today with the new lineup of primaries. But anyway, I saw the candidates in person or on television, read interview transcripts in the *Globe* — [Bob] Kerrey, Harkin, Tsongas and Clinton — and

you know, I just really liked Clinton. His messages deeply resonated with me.... I liked what Clinton said about Bosnia, about health care. I particularly liked what he said about national service because I was working at Hotung Café and washing dishes in Carmichael to make money to pay for school. So I was taken with this concept of national service after graduation to pay down your loans. I started to volunteer for the campaign. Had I not been at Tufts, had I never been involved, I might have never known it was possible. The campus allowed me that opportunity.

Padden Murphy

Are you still engaged with Tufts?

Jonathan Greenblatt

Yes, I spoke at the first annual CSR [Corporate Social Responsibility] conference that was held on campus in the spring. That was a great event. Pamela Goldberg and the Gordon Institute are doing great things.

Padden Murphy

So, from an outsider's perspective, at least on the surface it appears Ethos is successful in its mission right now. Correct

me if I'm wrong, but there are projects in Bangladesh, the Democratic Republic of Congo, Ethiopia, Honduras, India, Indonesia, and the goal was ten million by 2010, and...

Jonathan Greenblatt

That was the minimum.

Padden Murphy

And you just broke through to Starbucks in all of North America and signed with Pepsi?

Jonathan Greenblatt

That's correct. We actually negotiated a distribution deal with Pepsi in the summer of 2006, right before I left the company. It will be implemented during the first quarter of 2008. So basically stepping back, when we were approached by Starbucks in 2005, we proposed that they sell our water in their stores. From a business perspective, it clearly made a lot of sense for us. They could provide massive reach in all the right locations; they serve our target customers; as with

all their products—unlike a grocery store—there is no direct competition in the store. For all these reasons, it seemed like an ideal location to build our brand. Secondly, we were excited about the prospect of serving one customer versus a fragmented market of many customers. As you could imagine, this is much easier, much more efficient. I also should note that, while Starbucks are positioned as premium outlets, they didn't carry a high-end water.

We said to them, "It makes sense for us, but it also makes a lot of sense for you. First, 98 percent of a cup of coffee is water. Water matters across your value chain. The countries where Starbucks sources its coffee and tea, what the company refers to as its 'countries of origin,' such as Ethiopia, Indonesia or Colombia, all these countries and others lie along the Equator and suffer from chronic water scarcity. And the process of getting coffee beans — growing them, cleaning them, roasting them, and then creating the handmade beverages that you purchase at the store — it takes massive amounts of water. Lastly, the company sees its future in emerging markets such as China, India, Brazil — countries where water is an essential issue every day. Finally, no corporation seemed to own the issue." At that time, there were companies staking claims on issues like the environment, cancer, education, and lots of causes, yet no one owned water. We explained that water could provide Starbucks with an opportunity to undertake thought leadership and meaningful action on a global scale. So we said it matters, it's a core product, it matters to your value chain, and nobody else can do it. After some consideration, they responded positively to our arguments. They specifically reflected that they liked the brand, the issue, and the two of us — but that we needed additional resources to support their needs as a customer.

Padden Murphy

At that point you were still just a start-up, right?

Jonathan Greenblatt

Yes, we were a small company. We were selling less than 1,000 bottles a day across all our accounts, but the day that we launched in Starbucks stores across the U.S., we sold over 55,000 bottles. So, their perspective that a small west coast-based brand needed capital and resources to serve them was quite logical. At that point, they suggested the prospect of

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buying our business whereby they would be in a position to help grow Ethos as a brand and increase our ability to help children get clean water.

Padden Murphy

Were you expecting an offer?

Jonathan Greenblatt

Its timing was a surprise to us. When you start a business that aspires to donate 50 percent of the profits, you do not anticipate that a F500 company driven by EPS [Earnings Per Share] and focused on shareholders would consider an acquisition. Milton Friedman stated clearly that the goal of a company is to maximize profits and to distribute such profits to shareholders, not to give away half of these funds as corporate donations.

Padden Murphy

So how did you do it?

Jonathan Greenblatt

I think we had some useful leverage. We only were interested in this outcome if Starbucks would agree to scale the social cause, because that ultimately was the core of the brand. So we thought about how to realize this ambition. We aspired to donate 50 percent of our profits. Although we already were making donations, almost like marketing expenses, we had not yet achieved profitability. Nonetheless, we estimated that our high cost structure would mean that these eventual profits would be about two and a quarter, maybe two and a half cents per unit. So we suggested that Starbucks invest at least five cents for every bottle it would sell. They agreed to this term. It meant that Ethos instantly would more than double our impact per sale, and every bottle truly would make a difference. This also was nice because by establishing a clear amount per unit, we could avoid the vagaries of corporate profits and communicate a clear and decisive message to consumers that would never change. Regardless of size, material, or point of distribution, Starbucks always would contribute at least nickel per bottle for the lifetime of the brand. Starbucks also agreed to invest at least \$10 million in humanitarian water programs through 2010. This helped to shore up the per unit contribution with a large-scale investment that signified their commitment to the cause. It was very positive.

Padden Murphy

The \$10 million figure was leaps and bounds over what Ethos had done at that point.

Jonathan Greenblatt

Yes, it was a major step change for our company and our mission. At the time of the sale, we had committed about \$100,000 to various non-governmental organizations working to provide clean water sanitation services and hygiene education to communities in need. We were collaborating with first-rate groups operating in water-stressed countries with dire need, such as: UNICEF in Kenya, CARE in the Democratic Republic of Congo, Water Aid in Bangladesh and Ethiopia, and Water Parkers International in Honduras and India. Ten million was more than 100 times our current impact. We felt good about the fact that, on a per unit basis, we had more than doubled our impact and on a total contribution basis we scaled up tremendously. But ultimately, the real opportunity presented by Starbucks was not the money. The mission of the brand always has been to help children get clean water and to raise awareness about the world water crisis here at home. Because ultimately, we hoped to build consciousness and create a social movement of consumers that would want to make a difference on this issue.

Padden Murphy

It seems to me that starting a social movement is a much more ambitious objective than starting a bottled water company.

Jonathan Greenblatt

It was just an idea for a long time, but Starbucks gave us the sense that it might be possible. However, to achieve this goal, we needed to educate people, since awareness levels about the global water crisis are quite low among Americans. This was not a new idea. Looking back on the history of social movements in this country — the civil rights movement, anti-apartheid movement, the whole anti-sweatshop movement that has unfolded over the past decade — these phenomena start with grassroots awareness. Thus, we were excited at the prospect of converting more than 5,000 Starbucks retail stores into 5,000 classrooms and reaching 35 million people each week walking into those stores. We felt we could not pass up the opportunity to motivate even a sliver of this consumer base to understand the issue and to take action. Imagine the impact if we could inspire a fraction of a percent

I mean I'm certainly not a Luddite, but I'm also not some techno fiend who thinks that through technology we can solve every single problem. Technology can't reinvent the air and it can't reinvent the water. So we had better deal with these issues now, because the consequences of getting it wrong are incomprehensible.

of these people not only to purchase Ethos but to take notice of the message on the bottle, pick up a pamphlet, visit the website, sign an online petition, tell a friend, make a donation, volunteer their time, perhaps even to start their own social venture.... If we could convert just .01% of the total weekly consumer base into activists. Imagine the potential impact of 3,500 engaged, inspired, committed activists who want to make a difference on this issue. That is how you change the world. Imagine if, out of 3,500 people who actually read the thing, just one percent of them say, "I'm going to really do something." Imagine if we were able to create 35 new social entrepreneurs every week. Think about the impact that Ethos might yield over time.

Padden Murphy

William Easterly recently wrote an op-ed in the *Los Angeles Times* criticizing, among other things, the RED Campaign [<http://www.redcampaign.org/>] and the Bono-edited *Vanity Fair* issue dedicated to its cause. He said, "Perhaps Bono [is] grouchy because his celebrity-laden 'RED' campaign to promote Western brands to finance begging bowls for Africa has spent \$100 million on marketing and generated sales of only \$18 million." ["What Bono doesn't say about Africa," *Los Angeles Times*, 6 July 2007] So, what do you say to that? So, Ethos and RED may be catalysts for mobilizing the masses, but in the end is the aid effective?

Jonathan Greenblatt

First of all, Bill Easterly is a brilliant scholar. His most recent book, *The White Man's Burden*, is quite impressive and rep-

resents an important contribution of scholarship to the field of development economics. He's correct to point out that the model of centralized, top-down government-led aid is flawed and insufficient as a means to address the economic and social inequities plaguing much of planet. That is not to say that aid isn't important — it is. And it always will matter, as some segments of the population always will need assistance to improve their standing.

On the other hand, it is not correct to state that the viable alternative is top-down, centralized big-business-led trade as a means to break the cycle of global poverty. I don't believe that either. During my time in the Clinton Administration, I worked on trade agreements and arrangements including NAFTA, GATT, APEC and others. Based on the data, I have come to believe that the dogma about focusing on reducing tariff/non-tariff barriers to unleash increased investment flows that will alleviate global poverty also is flawed and insufficient.

Padden Murphy

You don't think that there is value to free trade?

Jonathan Greenblatt

No, free trade is very important. We certainly need to break down artificial economic barriers — globalization ultimately is a good thing. However, there has been a lot written by experts and scholars about the damage that unfettered trade creates for indigenous local industries who might not be prepared for the chemotherapy of creative destruction that foreign competition can impose. We didn't grow the U.S.

economy in this manner. I actually think that the greatest hope lies with social entrepreneurship. It's not aid or trade, but locally developed, *home-aid* approaches to micro enterprise and market-driven models. We should not underestimate the extraordinary talent and entrepreneurial ambitions of people who want to improve their lives. Grameen Bank [<http://www.grameen-info.org/>] and ACCION International [<http://www.accion.org/>] are great examples of the incredible potential of local entrepreneurs. With the right mix of aid and trade, homemade is the best shot. By the way, that's how China did it. That's how all the East Asian tigers have done it.

With respect to the RED campaign, I am not sure that those numbers are correct. I heard about that report that quoted those numbers, but I cannot verify its accuracy. Personally, I wish that the RED campaign had done more to educate their consumers about the issues. I think people want to understand the situation and the relationship between infectious diseases like malaria and TB and AIDS and development. However, if RED can engage 10 year-olds and get them thinking about global issues...that is a good outcome. So I wish RED had integrated education into their initial marketing, but there is still ample time to do so. Then again, it's easy to criticize, but RED deserves praise. The effort enlisted enormous multinationals like Apple, Nike, Motorola, Gap, and Amex to build new product lines that emerged as profit centers with their marketing tied squarely to issues of global poverty. It's an impressive feat to take this issue out of the CSR Department and to place it in the domain of Sales & Marketing so that the initiative is seen as an above-

the-line profit center rather than a below-the-line expense — that is a breakthrough.

Padden Murphy

So does social entrepreneurship work for the entrepreneur? It's obviously working for Ethos. But in other markets, when it's not a product just to serve a PR campaign, but a brand infused with cause...Can that work in other markets?

Jonathan Greenblatt

I would describe what we are seeing as CSR 3.0, the evolution of "Corporate Social Responsibility." Part of this third wave of responsible corporate behavior is the emergence of ethical brands, new products and services that generate social good and financial return, not as the result of a cause-marketing scheme but due to their brand architecture and core value proposition. The businesses that get it right will reap extraordinary benefits from customers and broader constituents. Those firms that fail to adopt these practices stand to lose.

Padden Murphy

Is this the Innovator's Dilemma?

Jonathan Greenblatt

Yes, it is similar to Christensen's hypothesis that was developed around technology-related competition markets. His theorem was developed around the behaviors of one-time market leaders that do not understand and adapt to new competitive dynamics. Such businesses frequently are undermined by challengers that sneak up with underestimated innovations, steal share, and suddenly overwhelm

EVENTUALLY IT'S NOT ABOUT DRINKING BOTTLED WATER,

IT'S ABOUT CHANGING THE WAY YOU THINK ABOUT WATER,

AND THAT'S WHAT WE HOPE TO DO.

the incumbents. I think ethical brands can be catalytic in the same way, which means incumbents risk losing share because of the threat of ethical challengers. When such firms finally realize that an ethical challenger is upon them, they might try to buy it, but at an extremely high cost. Companies would be well served to take risks and experiment in this realm, pioneering their own ethical brands before it's too late.

I think that you could see Ethos' performance in the bottled water arena in these terms. I have heard people predict that Ethos will be a bigger brand in North America than Evian in the not-too-distant future. Whether or not this comes to pass, one could imagine that Danone, the parent company, could have incubated their own ethical brand of water well before Ethos launched. They have all the advantages and should have developed such a brand to complement Evian and retain their leadership position. Now, it seems probable that Ethos could overtake Evian, in large part because its value proposition is much more vital and enduring than a water sourced from a European mountain range. I think the Ethos-Evian dynamic could be a case study about the challenge ethical brands pose to market leaders.

Padden Murphy

Despite the good that Ethos might generate, some may find it hypocritical that it is a bottled water, a product category that creates 1.5 million tons of unnecessary plastic waste a year. At the 2007 Social Entrepreneurs Summit of the World

Economic Forum, you stated that Ethos' long-term goal was biodegradable packaging. Is this true?

Jonathan Greenblatt

First, let me clarify a few points. First, bottled water is a product category with a series of significant intrinsic challenges. I'm not going to make a blanket defense of the bottled water industry. However, there are 150 million Americans drinking the product every day. In my opinion, if we can divert some portion of these consumer dollars toward the neediest people on the planet, I think it's a goal worth pursuing. So if an individual is going to drink bottled water, I would encourage them to consider Ethos as an option.

Second, I no longer work for Starbucks, so I do not have much insight into the future direction of the brand. I would say that the PET [polyethylene terephthalate] issue always was bothersome to Peter and me. Before we were purchased, we were starting to explore biodegradable packaging options. I would guess that Peter and the talented people at Starbucks who work on the brand are continuing to investigate such options. Down the road, I would be delighted to see them take Ethos beyond bottled water and into more sustainable categories such as water coolers or perhaps household filters. Imagine if Ethos offered a product to compete with Brita or Pur, but the sale of every Ethos water filter contributed funds to support humanitarian water programs around the world.

As a brand, I think Ethos has lots of opportunities of this sort. Whether or not bottled water is an ideal product type, it was a great way to raise awareness about water while simultaneously generating a new stream of funds for a related cause. I am proud of this legacy.

Padden Murphy

Tell me about some of the programs Ethos is supporting. Where does the money go?

Jonathan Greenblatt

Again, I no longer work at Starbucks so I cannot represent investments that have been made since my departure. I can share thoughts about the programs that I helped to create.

We developed a concrete methodology to guide our investments in integrated and sustainable water programs. We

developed this language very carefully. "Integrated" captures our desire to make investments that would catalyze holistic change, because such a fund would ideally be linked to other grants. For example, when the Ethos Fund of the Starbucks Foundation invested more than one million dollars in the Benishangul region of Ethiopia, the U.K.-based NGO Oxfam co-invested in a series of health care clinics, and the local government invested in roads. This integrated approach ensures leverage on our dollars, which creates benefit to the local population beyond water access and sanitation.

We also sought to make "sustained" investments, meaning we sought opportunities to drive micro-enterprise into our work. The prevalence of some economic dimension to the investment can facilitate sustainability over time.

We also spoke of programs, not projects. I think there has been a tendency in the development sector to discuss projects, but this implies hardware and short-term thinking. While you certainly need "hardware," the "software" dimension might be even more important. I've seen plenty of failed water points, systems that fell into disrepair because there wasn't adequate education or training of the local community. So you need approaches that combine software and hardware.

With this model in mind, we tried to apply portfolio theory and invest in various activities, including classic grant-type programming as well as disaster relief. Over time we hoped to shift the investments to fewer grants-driven activities and start to explore more entrepreneurial models.

We also hoped to make some innovation-oriented investments in technologies that might have game-changing potential on the water issue, such as new modes of filtration or sanitation.

Padden Murphy

What will it ultimately take to alleviate the water crisis? You've been talking about how it's a \$100 billion problem.

Jonathan Greenblatt

Rather than focus on that number, I would emphasize that what will solve the problem is not a specific amount of capital but a groundswell of political will. What it will take is

a change in priorities and a public awakening, both bottom-up and top-down. What it will take is a convergence of sectors — public sectors, private sectors, and civil sectors. Again, it's not a technology problem, it's a systems problem. There is no silver bullet, no easy answer. And we need to move quickly because the issue will be amplified and exacerbated by climate change. It's an enormous challenge.

Padden Murphy

Exactly. If you look at the top ten largest rivers in China alone, over half of them don't reach the sea.

Jonathan Greenblatt

That raises a related point. One of the problems is that people in our country believe that the water crisis is not their problem. However, as climate change unfolds and global temperatures rise, we can anticipate rising sea levels that will salinate low-lying aquifers in coastal areas around the world. Suddenly, it's not a developing world issue but first world capitals like New York and cities all over the world that will be impacted. Water will soon be an issue that will be very visceral for everyone.

Padden Murphy

Well, I'm from Montana, most of the breadbasket region has been in anomalous droughts or floods the past few years. Today, as we sit here, most of the region is breaking record high temperatures.

Jonathan Greenblatt

Yes, that's right. You're going to see a range of consequences, such as desertification. This is a growing problem in parts of China. Beijing suffers from massive dust storms that last days on end. No matter how much Beijing tries to clean up for the Olympics, when international visitors can't see ten feet in front of them because of the dust, let alone breathe, the enormity of the situation will be inescapable.

Padden Murphy

So what can the average person do?

Jonathan Greenblatt

The average person can do so much. These seem like terrifying issues, but every person can make a difference and improve the world in some way. For example: simply use

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less water in your daily life. If everyone tried to educate him or herself and minimize their consumption in some regard, it might not stop the dust storms in China but it would make an impact.

Padden Murphy

Final question, what are you up to now? I've read that you are involved in creating \$10 million contests to create incentives for innovation?

Jonathan Greenblatt

Yes, I'm a senior advisor to the XPRIZE Foundation, a non-profit that is dedicated to creating societal benefit through competitions. The organization enlists foundations, philanthropists, and corporations to fund massive prizes that motivate entrepreneurs and inventors to achieve groundbreaking results. The first example, the Ansari XPRIZE, was won in 2004 and awarded \$10 million to a privately funded team that built a vehicle that achieved sub-orbital altitude. Since this accomplishment, XPRIZE has launched new prizes in the fields of genomics and lunar exploration. I

am helping to design a prize focused on breaking the cycle of global poverty, thinking about how we can use a market-based competition to find the next Grameen bank. It's a big challenge but a lot of fun.

Padden Murphy

Where is the XPRIZE Foundation based?

Jonathan Greenblatt

It is headquartered in Santa Monica, though their competitions attract teams from around the world. XPRIZE just announced a \$30 million prize funded by Google to the first privately funded team to land a vehicle on the lunar surface. In less than a month, there were contestants from more than two dozen countries. It's a marvelous organization with terrific leadership, so I feel fortunate to have the opportunity to contribute in some small measure.

Padden Murphy

Can anyone participate in these competitions? Can students participate?

Jonathan Greenblatt

Absolutely. There are student teams competing in all their contests.

Padden Murphy

What else are you doing these days?

Jonathan Greenblatt

I developed a class in social entrepreneurship for the business school at UCLA, which I now teach on a regular basis. I am a contributor to a terrific blog, Worldchanging.com, which covers the intersection of sustainability and innovation. I do a bit of consulting with startups and larger corporations thinking about how to build ethical brands. I am pretty busy and incredibly grateful to choose projects where I think I can make the most impact.

WHY THE WORLD FAILED DARFUR

DR. MUKESH KAPILA WAS THE UNITED NATIONS RESIDENT AND HUMANITARIAN COORDINATOR AND THE UN DEVELOPMENT PROGRAM RESIDENT REPRESENTATIVE IN SUDAN. HE WAS THE SPECIAL ADVISER FOR THE SPECIAL REPRESENTATIVE OF THE UN SECRETARY-GENERAL IN AFGHANISTAN AND FOR THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS. HE WAS ALSO A MEMBER OF THE UNITED NATIONS DISASTER ASSESSMENT AND COORDINATION SYSTEM.

THIS IS THE ADDRESS HE GAVE AT THE 2007 EPIIC SYMPOSIUM, "GLOBAL CRISES: GOVERNANCE AND INTERVENTION," AT TUFTS UNIVERSITY WHERE HE WAS PRESENTED WITH AN INSTITUTE DR. JEAN MAYER GLOBAL CITIZENSHIP AWARD.

It took half a century from the end of the Second World War for the U.K. to have a Holocaust Memorial Centre, and even then it was only because of the unusual passion of the commonly named Smith family. The Centre is located in a most improbable setting — amid rolling green meadows of prosperous Middle England. It has a curious atmosphere. While visitors cannot help but be moved by the poignant exhibits, there is no unproductive sentiment at work here, and this is not a museum of the dead. The Holocaust Centre is also the business-like headquarters of the Aegis Trust — dedicated to the prevention of future genocide. Aegis means ‘shield’ in Greek, and it is a fitting name for the organization because, since time immemorial, vulnerable people have needed protection against genocide. And also, since time immemorial, vulnerable people have been let down in this regard.

The story that follows does not break the historical mold. It explains why the international community failed in Darfur. This is not about lesson-learning, because Darfur has little new to teach us. It is, in fact, a familiar tale — just with some new (but also many old) actors in a different location. Given current trends, there are likely to be more Darfur-like situations in the world. Unless, that is, we can move beyond lessons. This will require something more than the incremental implementation of many worthy recommendations that have been made before. They are, of course, worth pursuing in order to make the world generally safer and better. But that will not stop the ultimate and special evil of genocide. That will only happen by acting very, very differently.

The start of my personal Darfur story goes back to the 1990s when, as a mid-ranking British government official, I witnessed the continuing aftermaths of the chemical bombardment of Halabja in northern Iraq, the decimation of the Marsh Arabs in southern Iraq, the massacre in Srebrenica in the former Yugoslavia and, at very close hand, the 1994 genocide in Rwanda. I also had a modest role in helping to define U.K. government policy towards the establishment of the International Criminal Court and, in 2002-03, I served for a short period with the UN High Commissioner for Human Rights, which took me, among other places, to the setting of the earlier genocide in Cambodia. Thus, arriving in Khartoum in March 2003 to head the United Nations system in the Sudan, I was well-briefed on the oft-repeated doctrine of “never again.” Just 13 months later, as I departed from Sudan, reluctantly and for the last time, I could not help reflecting on my uncomfortable position in history — having presided over the first genocide of the twenty-first century after having witnessed the last genocide of the twentieth.

The picture of what actually happened in Darfur in 2003-04 has been gradually pieced together and the nature of the brutality inflicted on the people there has been well-documented by courageous eye-witnesses and expert testimony. It has been described elsewhere in official situation reports of the period, including from my own Office of the United Nations Coordinator, from civil society groups, and in the media. We called it the world’s greatest humanitarian crisis of that time and a massive human rights catastrophe. I described this to the BBC in March 2004 as a systematic and organized attempt by supremacist-racist perpetrators (the Janjaweed aided by their government allies and led by the military-political elite of that time) to “do away” with another group because of their black African identity.

This was done through inflicting forced displacement with a “scorched earth” policy as well as extreme violence, including murder, rape, torture, and abduction on a massive scale. The characteristics of the situation satisfied the definition given in the 1948 Genocide Convention, the only difference between Darfur and Rwanda being the numbers of victims involved.

Although Darfur was a particularly remote and isolated corner of the world with very little international presence in 2003-04, the genocide was not because of a lack of awareness of what was going on or a failure in early warning. As the evidence for massive crimes against humanity in Darfur mounted towards the last quarter of 2003, I raised my concerns with Sudanese government authorities who retaliated by stepping up their campaign of intimidation of the international community and deliberate obstruction of humanitarian access.

With little — and deteriorating — cooperation from the government, I sought greater backing for meaningful action from within the UN system. Though this resulted in some strong statements of concern from high levels of the United Nations multilateral system, these were quickly discounted by the Sudanese authorities. This was because the private dialogue by most visiting senior UN envoys (where serious business might have been expected to be transacted) did not match public rhetoric, or mixed messages were given. A fragmented approach, and personal competition and rivalries between certain UN envoys, did not help, especially in a climate where some may have had their own future career prospects in mind. This was paralleled by certain UN in-country aid agencies that were reluctant to take an energetic approach to assistance and protection in

These earlier actions should have included immediate and strong Security Council engagement, suspension of the North-South talks until they could be widened to include Darfur (and other emergent problem areas such as eastern Sudan), imposition of economic sanctions against the oil industry which fuels the war machine, suspension of Sudan from international fora, and smart travel and asset sanctions against implicated individuals. These measures would have directly hit those who commanded and controlled the apparatus that generated the genocide, without seriously affecting the mass of ordinary decent people in Sudan who receive no benefit from the oil wealth.

Darfur, because of the fear that putting their heads above the parapet would compromise their personal and institutional positions with the authorities.

The UN mandate in Sudan in 2003-04 was largely limited to humanitarian work, along with some development support and, toward the end of the period, planning for the recovery and reconstruction that was expected to ensue after the signature of the North-South Peace Agreement. When I asked for UN political guidance on Darfur, I was told to improve our humanitarian assistance and coordination efforts. Senior levels of the political wing of the UN Secretariat refused to give serious consideration to a political approach, remitting the problem instead to the humanitarian wing of the Secretariat. The lessons of the UN-commissioned enquiries into its own very serious internal failings in Srebrenica and Rwanda were forgotten. This was especially the case with respect to personal responsibilities to act in situations where grave crimes against humanity are being perpetrated or suspected. In essence, while Darfur burnt, we fiddled with humanitarian aid.

Having achieved very little within the UN system in terms of seeking a political engagement, I turned to powerful member states for help. I made representations to their embassies in Khartoum and directly at capitals through visits in Europe and North America. I learned that western members of the Security Council had very good sources of information and were well aware of what was going on. I lobbied for the Security Council to consider asking for a briefing, and this was pushed even more strongly by my immediate superior at UN Headquarters in New York, Jan Egeland, the Emergency Relief Coordinator who was supportive of my efforts.

It seemed extraordinary to us that the world's greatest humanitarian and human rights catastrophe — taking place in the context of Africa's longest running war in the continent's largest country and which had generated the world's largest population of displaced people — had not merited any Security Council attention that anyone could remember. Security Council members were reluctant to act, some because of their own strategic interests in resources or influence in Sudan. The exception was the U.S., which was under considerable pressure from internal faith-based lobbies. However the U.S. was also preoccupied with “the war on terror,” and turbu-

lence from its military engagement in Iraq had dimmed its moral authority and international influence. Thus, while the cry of agony in Darfur intensified, the Security Council refused to hear.

In addition, key member states argued that the solution to Darfur lay in a successful North-South peace process, the conduct of which had been contracted out to the Inter-Governmental Authority on Development (IGAD), supported by the troika of the U.S., U.K., and Norway. They argued that such an agreement would bring fairer wealth and power sharing to all parts of Sudan and hence address the alleged grievances of the people of Darfur. Therefore, they were reluctant to compromise the peace talks by being too tough on Darfur and possibly offending the Sudanese government.

Indeed, there was even some talk in the corridors of Naivasha about who would get the Nobel Peace Prize. The personal reputations of the negotiators and the prestige of their own countries were at stake. This was a deeply flawed approach. John Garang, the leader of the Sudan People's Liberation Army (SPLM), told me that he would delay signing as long as he could partly because he did not want the responsibility for solving Darfur when he became part of the new Unity Government. Therefore, he prevaricated. This suited the regime in Khartoum, whose representatives told me that they wanted to sort out Darfur definitively before signing the North-South Agreement. As progress was made with the latter, the violence in Darfur got worse. In effect, there was a morally repugnant trade-off between the North-South peace process and the suffering of Darfur.

So we were well set for failure. Darfur was doomed and genocide could not be prevented, yet again. There were many similarities to Rwanda. In both places, a decade apart, similar factors were at play: a UN management that gave mixed messages and could not be bothered enough, a Security Council that was deaf, key member states with other interests to pursue, and flawed assumptions and analysis. All of this fed equivocation and inaction.

In Darfur, my involvement was close enough to assert with conviction that earlier intervention could have averted or moderated the magnitude of the genocide. That is to say that though serious crimes against humanity would probably still have been committed, we may have reduced the

It is also noteworthy that no high responsible officials in countries or international entities lost their jobs or even received censure for the failure to prevent the genocide in Darfur.

It appears that in parallel to the impunity of perpetrators, there is equal impunity enjoyed by those international duty-bearers who failed to act.... Ultimately, this lack of personal responsibility is why we failed on Darfur, and the continuing lack of accountability is why we are likely to fail again elsewhere.

suffering. That alone would have been worth the effort. Furthermore, by acting more decisively at that time when the perpetrators were less entrenched and had a stake in not going too far, or were more open to influence, we may have had more feasible and less expensive options for peace-making, peace-keeping, and peace-building than has turned out to be the case.

These earlier actions should have included immediate and strong Security Council engagement, suspension of the North-South talks until they could be widened to include Darfur (and other emergent problem areas such as eastern Sudan), imposition of economic sanctions against the oil industry which fuels the war machine, suspension of Sudan from international fora, and smart travel and asset sanctions against implicated individuals. These measures would have directly hit those who commanded and controlled the apparatus that generated the genocide, without seriously affecting the mass of ordinary decent people in Sudan who receive no benefit from the oil wealth. By inserting Darfur into the North-South peace process, we would have leveraged a powerful international political engagement that was already in existence. There was no merit to the concern that this would have compromised the North-South Agreement because there was already long-standing *de facto* peace between the North and the South and little appetite to go back to war. Indeed, it was precisely this situation that was allowing the government to redeploy its stretched military capabilities to oppress Darfur. In any case, all the evidence indicated that the worsening Darfur situation in 2003-04 was retarding the successful conclusion of the North-South peace process.

These arguments are not the wisdom of hindsight, and neither are they particularly insightful as the logic was evident to anyone who wished to read the writing on the wall.

They were made at the time to anyone who would listen. But, as has so often been said elsewhere, “for evil to flourish it is only necessary for good people to do nothing.” Why did apparently good people in the international community do nothing? There were eight different excuses that were put to me :

1. Cynicism

What do you expect in Sudan? It is a nasty place where people have been doing nasty things to each other for so long. What is different now?

2. Denial

Surely, the situation is not as bad as you make it out to be. You are exaggerating to gain attention.

3. Prevarication

You have to be patient. It takes time. In any case, it is best if they find their own solutions to their own problems.

4. Caution

You know that these are complicated, difficult matters. Sudan is not a small country. If we intervene, it will only make matters worse. Let us think carefully first.

5. Distraction

You know that we have other things to do, too. Let’s solve the more important / pressing issues first and then we will think about this one.

6. Buck-passing

Why does it have to be us, all the time? Other countries / groups need to do their bit. Let someone else take this on, and then we will join in.

7. Evasion of responsibility

We have brought this to the President / Prime Minister / Pope / Secretary-General / Commission / Council...etc. So it is being discussed at a very high level. Let us see what they decide.

8. Helplessness

You know, we can’t really act because we have to get a proper framework for intervention. Discussions will take place and then we’ll do something.

At the end of my futile quest, I realized that institutional decisions are actually made by individuals and that apparently decent and caring individuals are also cowardly, hiding their feeble judgments behind the safety of the institutions whose policies they shape. Perhaps they find it difficult to be stirred because it does not hurt them enough personally. Thus it is not so remarkable that despite all the protestations of “never again,” we failed to prevent the Darfur genocide while (bizarrely) carefully and comprehensively recording the act of failing — even as we were living through it as a sort of evil nightmare. It is also noteworthy that no high responsible officials in countries or international entities lost their jobs or even received censure for the failure to prevent the genocide in Darfur. It appears that in parallel to the impunity of perpetrators, there is equal impunity enjoyed by those international duty-bearers who failed to act. In the world of public or private sector enterprises which have serious obligations to the public good or public protection, comparable acts of omission or neglect would be expected to result in dismissal or even prosecution for gross dereliction of duty. Ultimately, this lack of personal responsibility is why we failed on Darfur, and the continuing lack of accountability is why we are likely to fail again elsewhere.

Studying genocide is popular nowadays, as is debating future prevention. The most significant practical development has been the International Criminal Court. But for it to do its job of countering impunity through bringing justice and deterring future perpetrators, it needs more cooperation and support for its investigatory work than it gets in practice. Also, the tendency to go for the easier target of non-state actors rather than state perpetrators of crimes against humanity will need to be watched.

Other important suggestions have been made from multi-disciplinary perspectives. These range from public education and training (such as is being done by the Aegis Trust in Rwanda where it runs the Genocide Memorial Centre), to efforts to strengthen the international human rights and law machinery, including the Office of the UN Special Adviser on the Prevention of Genocide. These and associated measures to address civilian protection and improve conflict management, peace-keeping, and humanitarian assistance are all worthy of support as important foundations for a safer future for the world.

However, history has repeatedly shown that genocide is not just the extreme end of a spectrum of violence that is part of the human condition and against which investment in social progress will guarantee immunity. Though it is worthwhile to reduce the circumstances of hatred and intolerance in which genocidal ideas can germinate and flourish, they also represent a special evil that can erupt in any society, at any stage of development. The prospect of special evil requires consideration of special measures that go beyond the incremental approach of our international systems. There are three particular responses that should be adopted.

Response One

It is only by making individuals take responsibility for their personal duty to act preventatively that will we see progress. This duty applies at all levels, and self-evidently the higher the position of the person, the greater the responsibility for which they must be held accountable. This would make it impossible to hide behind anonymous institutions.

Response Two

We must recognize that prevention will have a chance only if the stronger response measures available to us (such as sanctions) are deployed at the earliest of warnings. A moment’s thought makes it apparent that if the usual incremental approach of slowly escalating international concern and engagement is adopted in response to situations where there is a serious possibility of crimes against humanity, this provides cover for evil regimes and evil-minded people to complete their deadly deeds. So by the time the world wakes up and takes the action that needs to be taken, the worst damage has occurred and is irreversible. By then it is far too late for the victims.

Response Three

Good-hearted but feeble-minded policy-makers need help to make courageous decisions on what are, in effect, life and death matters. National politicians or national and international civil servants are subject to many demands and pressures, and their room for maneuver can be limited. A rules-based approach reliant on independent judgement but triggering automatic action could take certain decisions out of the discretionary area. In this way, the less courageous may be able to do the right thing by hiding behind the notion: “Well, actually we have to act because this is what the law says, or this is what the international agreement says.” How such a system would work will need to be defined, but certainly it would have to go beyond the discretionary considerations of the Security Council.

In conclusion, let us return to where we started at the Holocaust Memorial Centre on the edge of Sherwood Forest in England. Near its entrance is the famous quote from George Santayana: “He who does not learn from history is doomed to repeat it.” Our capability not to learn is well proven, as the history of genocide prevention is essentially a history of failure. But that would be a pointless and depressing note on which to end. Perhaps the Holocaust Centre organizers should put up a new sign at the exit, this time quoting Alan Kay: “The best way to predict the future is to invent it.”



Ongoing genocide in Darfur has claimed more than 400,000 lives and has displaced about 2.5 million people thus far.

DARFURDARFUR LIFE/WAR is a powerful collection of images that document life in western Sudan since the region erupted in conflict four years ago.

In one photograph, two young girls gaze at the camera, peering over a wooden fence that surrounds a village of tents.

In another a ball of flames engulfs one of these fenced enclosures; the entire village soon will burn to the ground. Both beauty and brutality are represented in Darfur/Darfur, an ongoing multimedia exhibit and now a book.

Launched in September 2006, the exhibit, consisting of over 150 color and black-and-white images from some of the world's most renowned photojournalists, including:

Lynsey Addario
Mark Brecke
Hélène Caux
Ron Haviv
Paolo Pellegrin
Ryan Spencer Reed
Michal Ronnen Safdie
and Brian Steidle.

An essay by Pulitzer-Prize winning author Samantha Power introduces the photos.

A portion of the proceeds from the sale of this book will be used to provide a new school for girls in Darfur.

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DARFUR



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THE DILEMMA OF THE SEMISTATE

Matan Chorev is a researcher at the Belfer Center of Science and International Affairs at the Kennedy School of Government, Harvard University. He received his Master's of Arts in Law and Diplomacy at The Fletcher School (2007) and his bachelor degrees from Tufts University (BA, Political Science) and the New England Conservatory (BM, Cello Performance). Matan served as a Rosenthal Fellow in the Office of the Deputy Assistant Secretary of Defense for Policy Planning and as a research assistant at the International Peace Operations Association (IPOA). He is a founding member of the New Initiative for Middle East Peace (NIMEP), a project of the Tufts University Institute for Global Leadership.

He focuses his research on ethnic conflict, Middle East politics, and U.S. foreign policy. He has conducted fact-finding trips in Israel and the West Bank, Egypt, Turkey, and Iraqi Kurdistan. His MALD thesis is titled, *Iraqi Kurdistan: Internal Dynamics and Statecraft of a Semistate*.

A winner of the James Vance Elliot and of the Marshall Hochhauser Prizes, Matan's publications have appeared in *Turkish Policy Quarterly*, *Journal of Peace Operations*, *Insights*, *Hemispheres*, and *Al-Nakhlah*. His most recent publication is a chapter in *Private Military and Security Companies: Ethics, Policies and Civil-Military Relations*.

The...legitimacy crisis of the state has accelerated the proliferation of alternative spheres of authority, whether in the international domain through intergovernmental institutions or in the subdomestic sphere through fragmentation to more local collectivities.

The semistate is a territorial entity that has many of the features commonly associated with the modern state but remains unrecognized as a sovereign entity. As such, although these territories are featured prominently in today's vexing territorial conflicts, policymakers have but a scant knowledge of how they function on the margins of the state system and thus are ill-prepared to create effective conflict management policies.

The dangers of weak and failing states to international security have been well documented since the attacks of September 11, 2001 directed our attention toward the failed state of Afghanistan. The preoccupation among policymakers and academics alike with the stark bipolarity of "strong" and "weak" states has at times obscured the fact that the modern state comes in innumerable forms. The legal definition of a state is outlined in Article I of the 1933 Montevideo Convention on the Rights and Duties of States. The Article outlines four basic qualifications for a territory to be defined as a "state": 1, a permanent population; 2, defined territory; 3, a government; and 4, a capacity to enter into relations with other states. Yet, already in 1981, before it became fashionable to proclaim the fading of the state as the central actor in international relations, political theorist David Easton identified over 140 definitions for the term.¹

The modern state came under increased scrutiny as the pace of globalization hastened at the end of the twentieth

century. Indeed, as numerous and diverse as the definitions of "state" are, the seemingly infinite conceptions of "globalization" have nearly rendered the term meaningless. According to the U.S. Library of Congress's catalogue, in the 1990s about 500 books were published on globalization in the United States. Between 2000 and 2004, there were more than 4,000. Between the mid-1990s and 2003, the rate of increase in globalization-related titles more than doubled every 18 months.² James Rosenau, the octogenarian intellectual inspiration for much of the globalization literature, explains:

– The dynamics of globalization, taken together, contend that the new, post-Cold War arrangements have lessened the role of the state, that a central feature of the arrangements is a continuing disaggregation of authority in all parts of the world and all walks of life, and that consequently the salience of local phenomena has been heightened. Put differently, the global-local nexus underlies tensions between worldwide forces pressing for integration and those fostering fragmentation, an interaction that I have sought to capture in a label ('fraggementation') that combines the two forces.³

– The resultant legitimacy crisis of the state has accelerated the proliferation of alternative spheres of authority, whether in the international domain through intergovernmental institutions or in the sub-domestic sphere through fragmentation to more local collectivities. All this suggests that

All this suggests that the role of the state as understood in international relations theory might be undergoing some revolutionary change.

the role of the state as understood in international relations theory might be undergoing some revolutionary change. In his towering treatise on the nexus of law and strategy, *Shield of Achilles*, Philip Bobbitt suggests that once one sees "that there have been many forms of the modern state, one can appreciate that though the nation-state is in fact dying, the modern state is only undergoing one of its periodic transformations."⁴

In 1968, J.P. Nettl argued that one ought to conceive of "the state" as a conceptual variable as opposed to a generic unit of analysis.⁵ Doing so would allow us to achieve "a more discriminating theory of the state, one that treats polities not as either states or nonstates but as merely more or less state-like — in other words, the question is not 'to be or not to be,' but to have more (of "stateness") or less of a certain political structure and concomitant logic of political behavior."⁶

For example, it is certainly the case that some states fall short of virtually all performance-based criteria of internal legitimacy yet retain their international recognition, or "juridical statehood," as equal sovereigns. Robert Jackson called these "quasi-states," but today these are referred to as failed states.⁷ These entities hold onto their legal protections from intervention and interference but lack the capacity or will to provide the services and resources their citizens demand of them. The Failed States Index, compiled by the Fund for Peace in partnership with *Foreign Policy*, ranked Sudan, Iraq, Somalia, Zimbabwe, and Chad as the world's "most failing states" in 2007.⁸

Contrast this with those entities that can demonstrate the fulfillment of the four features of the previously mentioned Montevideo Convention but that lack the international personality of quasi-states. These are often called *de facto* states. Scott Pegg, one of the first scholars to examine the phenomena of the *de facto* state in comparative fashion explains that "the quasi-state is legitimate no matter how ineffective it is. Conversely, the *de facto* state is illegitimate no matter how effective it is."⁹

So what does one make of Somaliland, Nagorno-Karabakh, South Ossetia, Abkhazia, Transnistria, Chechnya, and Iraqi Kurdistan? None of these territorial entities, or many others unmentioned, possess a formal international personality. Yet by all accounts they maintain an effective capacity to provide for their inhabitants that eclipses that of many recognized states. All the more, these territories sit on some of the most active, strategic fault-lines in today's security environment. Unfortunately, there has been a dearth of any rigorous examination of these territories. How do they function in the absence of international recognition? What impact did the dynamics of conflict and political development under such conditions have on the nature of these entities? What is their resultant worldview and statecraft?

If we are to truly understand the role of these entities in the international system, the nature of instability that might originate from them, and perhaps their potential to help manage regional conflicts, we need to examine their politics

and strategies in the same manner as we would for “legitimate” states.

The first step is to recognize the limitations of existing terminologies. The prevailing attitude towards *de facto* states is that they are states in all but name. This is flawed in three major ways. First, the methods of governance, by necessity if not by design, in many of these mercurial state entities are radically different than in recognized states. This carries important implications for the functioning of the state, its political and economic development, and the nature of instability emanating from it. It also could help explain the disadvantages and potential benefits of non-recognition and why these anomalies remain in protracted states of ambiguity. Second, the definition is often too restrictive. For example, Pegg argues that the *de facto* state is unable to acquire any degree of “substantive recognition.”¹⁰ This can vary from recognition by a major power, the parent state from which the *de facto* territory seeks to secede, to recognition by neighboring countries, the United Nations General Assembly, and the like. This means that an entity like Iraqi Kurdistan does not fit in Pegg’s framework, because of the international protection it received after the first Gulf

War. Taiwan, however, does make the definition even though it enjoys formal and informal relations with dozens of states and regional, and international bodies. Third, the degree of international acceptance and engagement varies among unrecognized states and across time. The degree of legitimacy that ensues from such recognition is problematic because it is highly politicized. We see some of these entities — Abkhazia for example — as weak or failing, while Kosovo is understood in far more positive terms that call for engagement and support. The divergent attitudes cannot be explained by pragmatic variables alone.

The term *semistate* is as imperfect as all others. The entities are semi not only because they lack recognition, but also because their internal functioning, though in many senses akin to that of a recognized state, also diverges in important ways. Since one of the important questions is to examine whether the semistate is a transitional anomaly versus an evolutionary moment in sovereignty, avoiding the term *de facto* helps unshackle us from the restraints of what Rosenau called “conceptual jails,” which might preclude us from recognizing the unique features of this particular sphere of authority.

These territories sit on some of the most active strategic fault-lines in today’s security environment.... How do they function in the absence of international recognition? What impact did the dynamics of conflict and political development under such conditions have on the nature of these entities? What is their resultant worldview and statecraft?

Beyond the definitional issue, it is important to unpack the “logic” of semistates. There has been important progress here that every policymaker should understand. One issue is the impressive longevity of the semistate. How and why does it persevere? Charles King contends that the persistence of the disputes that spawn breakaway semistates can be explained by the benefits that accrue to both parties from stalemate:

— It is a dark version of Pareto efficiency: the general welfare cannot be improved — by reaching a genuine peace accord allowing for real reintegration — without at the same time making key interest groups in both camps worse off. Even if a settlement is reached, it is unlikely to do more than recognize the basic logic and its attendant benefits.¹¹

Pål Kolstø argues that five factors contribute to the viability of unrecognized states in the absence of strong state structures.¹² First is the successful nation-building that these semistates have undertaken. This is premised on the common experience of conflict with the state from which they are trying to secede, the existence of a common enemy, and the relatively homogenous population that exists within the separatist entity. Second, semistates are militarized societies. The armed forces play a crucial role in deterring the parent state and, in turn, military leaders have become political and economic figures as well, often with a keen interest in maintaining their positions of privilege. Third, the parent state — be it Iraq, Somalia, or Georgia — is typically a weak state unable to retake the separatist state or to attract the breakaway population to return to its domain. Fourth, external patrons provide a vital lifeline for the semistate. Finally, the international community plays a vital role. For as long as it facilitates an ongoing and frequently stalled negotiation process between the breakaway region and the parent state, it is complicit in the prolonged existence of the semistate.

Thus, it becomes clear that any study of the semistate must focus on the external, internal, and mixed factors that sustain the ambiguity and their interaction. For example, the inability of semistates to develop self-sufficient economies — due often to a combination of post-conflict infrastructure damage, lack of a favorable investment climate in the context of an uncertain legal climate (what Pegg calls “the economic cost of non-recognition”), and the presence of a substantial illicit economy and its linkages with the ruling elite — substantially influences the leadership’s statecraft.

The future of Iraq, Somalia, the Balkans, and other conflicted regions will require policymakers and academics alike to confront the realities of semistates. The dilemmas that need to be faced go far beyond the issues of recognition and the redrawing of state borders. Such solutions to the semistate problem might provide short-term stability, but they are also likely to sow the seeds of future conflict. Dismantling the complex web of interests that sustains the ambiguous status of semistates will require a much more sophisticated approach than any being widely discussed in policy circles today.

THE SOVEREIGNTY EXCHANGE /

FOURTEEN WORLD LEADERS ON
THE FUTURE OF SOVEREIGNTY

Alexander Busse is a summa cum laude graduate of Tufts University, Class of 2004. He majored in International Relations with a concentration on African Studies. Born in South Africa and raised in Europe, he is currently living in Argentina where he worked as a project manager in developing the country's first university research and development complex for multinational corporations. Mr. Busse is now working in investment banking, focusing on distressed assets and capital markets. He is planning to enroll in a masters program in 2008.

Benjamin D. Harburg graduated from Tufts University magna cum laude in 2006 with a BA in International Relations and was captain of the Tufts Varsity Crew team. He is a former Fulbright research scholar to Germany. He studied the radicalization of Muslim youth in Germany and homegrown terrorism. Last year, Mr. Harburg served as the counter-terrorism portfolio manager for the U.S. Mission to NATO in Brussels, where he collaborated with terrorism experts from Europe and North Africa to analyze global trends and develop counterterrorism policy objectives for the alliance. He dealt with security sector reform (as well as post-war Islamism and the Mujahideen movement) in the Balkans while working on the Kosovo Desk at the Office of South Central European Affairs at the U.S. State Department. Mr. Harburg's interest in conflict and terrorism developed while he was working for the Basque conflict resolution NGO, Elkarri, in the summer of 2003 in San Sebastian, Spain and for the Office of the Prosecution on the Slobodan Milosevic case at the International Criminal Tribunal for the Former Yugoslavia. He was also a student research associate for the International Security Program at the Kennedy

School's Belfer Center, concentrating on North Korean and Iranian nuclear policy. He is currently based in Dubai working on a financial services project for The Boston Consulting Group.

Aaron Markowitz-Shulman graduated from Tufts University in 2005 with a BA in International Relations. His university education was supplemented by a junior year spent at the London School of Economics. At present, Mr. Markowitz-Shulman works for an investment bank in London working with the shipping industry in the Middle East. At Tufts, he was one of the founders of the New Initiative for Middle East Peace (NIMEP), a student think-tank and outreach initiative of the Institute for Global Leadership aimed at finding a progressive solution to the historic conflict in the Middle East.

: AUTHORS' INTRODUCTION

The Sovereignty Exchange was conceived as a component of Tufts University's 2002-2003 Education for Public Inquiry and International Citizenship (EPIIC) colloquium, "Sovereignty and Intervention." As part of EPIIC courses, students are encouraged to pursue in-depth research projects that probe and investigate the complexities of the colloquium's overarching theme. When faced with the challenge to explore "Sovereignty and Intervention," the three of us set ourselves the goal of coming to a clearer understanding of what sovereignty means in today's interdependent and rapidly evolving

international system. We were eager to identify the drivers that were leading scholars and policy makers to believe that the fundamental parameter determining how countries interact was in a state of flux. We sought to understand the implications of this change and how they are manifested.

We evaluated several methodologies for answering these questions and came to the conclusion that the most effective and insightful approach was to speak directly to the people who are the agents of change and who experience the relevant dynamics on a daily basis: policy makers and global leaders. Our vision was first to interview these key players in person and then to analyze their responses and draw critical conclusions.

Tufts' Institute for Global Leadership (IGL) — the institutional home of EPIIC — and its 2002 Institute Scholar/Practitioner in Residence (INSPIRE) Mr. Timothy Phillips provided the support, expertise, and global connections to transform this nascent idea into a reality. Alexander Busse and Ben Harburg traveled with Tim to an annual meeting of ex-presidents and former prime ministers at the Club of Madrid where they were able to discuss these issues with luminaries in the subject area, such as Mary Robinson of Ireland and Cesar Gaviria of Colombia. As the list of prominent participants grew, we gained confidence in our vision. IGL's extensive network and unstinting support for the project allowed us access to an incredible range of highly distinguished interview subjects that formed the basis of this project.

After nearly a year of data gathering and analysis, we produced a lengthy draft summarizing our findings. It took a number of years, however, before we were able to produce a concise reflection and more conclusive document that could be published. IGL inspires its students to reflect on global challenges and the complexities that are associated with international citizenship. Having graduated and gathered further experience in international careers, witnessing firsthand the issues that the participants in our study had identified, we finally had the opportunity, time, and perspective to construct the more considered and in-depth analysis that follows.

: SOVEREIGNTY AND THE EXCHANGE

The notion of the sovereign state is the fundamental building block of the modern political system, dating back to the 1648 Treaty of Westphalia and rooted in the medieval kingdoms of Europe. In the years since the Second World War, however, states have embarked on an evolutionary process away from the model of impermeable sovereignty and the absolute control of the national state. With the creation of the United Nations (UN) and the numerous other multilateral organizations that govern international politics, our world has undergone profound changes that have shaken the very core of the global community. Today we stand at a crossroads where sovereignty is challenged by a number of forces that range from increased global interdependence to new impetuses for military intervention.

We live in an age where a state's pursuit of prosperity is rooted in transnational action and requires both international coordination and standards. The debate over sovereignty — its definition, its application, its value — is no longer a purely academic one; conflicting interpretations form the core of many of today's international disputes.

In an effort to promote a discussion on state sovereignty and its role in the current and future international system, this project sought a diverse group of bright minds to gather their thoughts on the changing nature of sovereignty. In firsthand interviews, the participants were asked to respond to a set of questions that were organized into three main categories. The first inquires about the concept of sovereignty, its definitions, and its current state. The second focuses on the future of sovereignty, global and regional organizations, and the future role of today's principal international actors. The last contemplates the impact of technology on state sovereignty.

This paper's analysis of the interviews takes into account the various perspectives of the interview subjects and aims to synthesize their responses into a coherent account of the current state of sovereignty and its evolving direction.

Participants in the Sovereignty Exchange

Enrique Bolaños / Former President of Nicaragua
 Stephen Bosworth / Former U.S. Ambassador to South Korea and Dean of The Fletcher School of Law and Diplomacy, Tufts University
 Boutros Boutros-Ghali / Former Secretary-General of the United Nations and former Deputy Prime Minister for Foreign Affairs for Egypt
 Kim Campbell / Former Defense and Prime Minister of Canada
 Noam Chomsky / Public Intellectual and Institute Professor and Professor of Linguistics, Massachusetts Institute of Technology
 Kenneth Dzirasah / Second Deputy Speaker of Ghana and President of Parliamentarians for Global Action
 Gareth Evans / Head of the International Crisis Group and former Foreign Minister of Australia
 Cesar Gaviria / Former President of the Organization of American States and former President of Colombia
 Hurst Hannum / Professor of International Law at The Fletcher School of Law and Diplomacy, Tufts University, and Legal Consultant to the United Nations on the international protection of minority rights
 Robert Keohane / Princeton University Professor of International Affairs
 Lee Hong-Koo / Former Minister of Unification and Prime Minister of South Korea
 Mary Robinson / Former President of Ireland and former United Nations High Commissioner for Human Rights
 Kenneth Roth / Executive Director of Human Rights Watch
 Adrian Severin / Member of Parliament, Chamber of Deputies, Romania and former Minister for Foreign Affairs for Romania

The notion of the sovereign state is the fundamental building block of the modern political system, dating back to the 1648 Treaty of Westphalia and rooted in the medieval kingdoms of Europe.

In the years since the Second World War, however, states have embarked on an evolutionary process away from the model of impermeable sovereignty and the absolute control of the national state.

: THE STATE OF SOVEREIGNTY

Sovereignty is a term difficult to define because of its constantly evolving nature; its meaning shifts with contemporary power balances and norms of international relations. The American Heritage Dictionary defines sovereignty as the “supremacy of authority or rule as exercised by a sovereign or sovereign state.” Though this definition of complete authority may be sufficient to understand sovereignty in its daily usage, to fully appreciate it as a cornerstone of international relations, sovereignty must be examined in its recent historical context.

In the chaotic aftermath of the Second World War, an international order was founded on the concept of the Westphalian state and the sanctity of national sovereignty. Thus the UN was established as a forum for international relations that did not infringe on the internal affairs of the sovereign state. In fact, Article 2(7) of the UN Charter specifically prohibits this :

–
Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

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In the decades following the Second World War, this concept of unilateral sovereignty became increasingly strained. The Rwandan Genocide in 1994 was critical to redefining

Western conceptions of sovereignty and intervention. After the international community idly watched 800,000 murders in three months, scathing criticism prompted a reexamination of policies. Some Western leaders argued that human rights could not be sacrificed in the name of sovereignty.

Today, Kenneth Roth, the executive director of Human Rights Watch, observes that the world is becoming more responsive to human rights abuses :

–
I think Kosovo, East Timor, and Bosnia all suggest that government sovereignty does not extend unconditionally, that governments relinquish their sovereignty when they engage in severe abuses of their people and disregard the respect for the most elemental human rights. If you’re committing or engaging in systematic slaughter, you have lost the right to sovereignty. In the international community it is not only a right, but a duty, to stop you.

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In December 2001, *The Responsibility to Protect*, a study funded by the Canadian government, was released by the International Committee on Intervention and State Sovereignty (ICISS), co-chaired by Gareth Evans. The ICISS redefined sovereignty as both a right and a responsibility: states retain the right to sovereignty over their internal affairs only if they uphold their obligation to protect their citizens. For example, Slobodan Milosevic’s genocides were not protected by sovereignty; rather, they were in violation of it. Additionally, in cases where states fail to ensure the safety of their citizens, the international community has an obligation to intervene and restore human security. This marks a major departure from the Westphalian concept of sovereignty that upholds sovereignty above all else. The onus of responsibility, argues the ICISS, is now placed squarely on the state. *The Responsibility to Protect* goes on to describe guidelines for intervention and the obligations of the intervening powers following an intervention.

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Before we can arrive at any consensus about the definition of sovereignty, it is first necessary to understand current attitudes and appraise reflections on the state of sovereignty today. Only then can one begin to critically analyze and discuss changes in sovereignty and international relations.

The State of the State

Military intervention is perhaps the most visible violation of a state’s sovereignty. Today, however, there are a range of invisible, subtle, and more complex forces that challenge state sovereignty on different levels. In this context, participants of this project were asked to define and analyze the state of the state and, through it, the state of sovereignty today. While the answers to these questions were diverse, the key conclusion is that sovereignty is in a state of flux and is challenged on a number of fronts.

Gareth Evans, the former Australian Foreign Minister, current head of the International Crisis Group, and co-chair of the Responsibility to Protect project offers a new understanding of sovereignty :

–
As the ICISS Commission agreed, the core concept of sovereignty these days is that of responsibility. The traditional notion of sovereignty was essentially [sovereignty] as control. That’s very much the Westphalian concept going back to the seventeenth century, which emphasized it as the idea of a state entity having the capacity to exercise, in effect, untrammled authority within its own borders and to exclude any external intrusion or interference in what went on within those borders. That’s the traditional notion of control. Over more recent years and, in particular, the post-war decades with the emergence of a body of human rights law to stack up against that traditional concept of sovereignty, I think it’s much more widely acknowledged that sovereignty no longer implies any untrammled right or capacity to do whatever you want within your own borders.

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Evans, like many of our subjects, did not formulate a concrete answer but, rather, described sovereignty as being “diluted” and in a process of reformation :

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There is a concept that borders don’t really matter as much as they used to, and that what really is a much more significant characteristic in modern society is its interdependence and that the concept of sovereignty is much reduced in salience as a result. This is a kind of postmodern view of

WHEN WE TALK ABOUT SOVEREIGNTY, I THINK, FROM A POLICY-MAKER'S PERSPECTIVE, YOU SAY TO YOURSELF, "WHAT IS IT THAT WE WANT TO HAVE CONTROL OVER?" / KIM CAMPBELL

sovereignty, and it's one of the things that lies behind, at a less than global level, the emergence of many regional organizations that are exercising more and more authority, the most obvious and most developed of which is the European Union (EU). So, in this context, sovereignty is arguably not what it used to be, although we're still seeing that process work itself out.

When pressed about the state of the state, Dr. Adrian Severin, a Romanian parliamentarian and President Emeritus of the Parliament of the Organization for Security and Cooperation in Europe, agrees with Evans and offers an explanation of how sovereignty now entails state responsibility :

Sovereignty means obligations and responsibilities. These responsibilities put the state in relations with two configurations, with two groups of people. One is its own population, to which it is responsible from the way in which it exercises power. Sovereignty does not mean an absolute right to do whatever you want, which transforms the leadership of many states from the servants of their society to the masters of their society.

Both of these progressive appraisals of sovereignty today advocate responsibility and describe this responsibility as a positive evolution launched by an increased respect for human rights.

Stephen Bosworth, the current dean of The Fletcher School of Law and Diplomacy at Tufts University, served as the U.S. Ambassador to Korea, the Philippines, and Tunisia. From these experiences, Bosworth comes to understand sovereignty in the following way :

All states, in some manner or another, give up [or] voluntarily cede sovereignty. Whenever you basically commit to a multilateral engagement of any kind, you're giving up some element of sovereignty. It's a trade-off between giving up sovereignty, control, and what you gain from doing that. And that's something that each country, each government, has to measure on each occasion. If you want to maintain virtually total sovereignty, you end up like North Korea. So there are trade-offs.

For Bosworth, sovereignty is a bargaining chip, something to negotiate away or retain depending on the circumstances. In this way, it is no longer essential to the state.

Kim Campbell, the former prime minister of Canada, defines this concisely from a policymaker's perspective :

When we talk about sovereignty, I think, from a policymaker's perspective, you say to yourself, "What is it that we want to have control over? What is it that is absolutely essential to our community?" For example, when you enter into a free-trade agreement, where you create the dispute-resolution mechanisms, and what that means is that you are allowing those bodies to decide whether you can continue certain kinds of policies, declare policies that you're doing inappropriate, as does the WTO (World Trade Organization).

Economics, politics, and human rights are three of the primary factors in determining today's state of the state. In an effort to combine these three attributes of sovereignty, we spoke to Mary Robinson, the former President of Ireland and the former United Nations High Commissioner for Human Rights. Robinson responds to a question about

the strength of sovereignty today and indicates that power is no longer controlled by the state, but it is divided among new and independent international actors :

Globalization is about the privatization of power, and, voluntarily, states have privatized services, including even prison services to a certain degree. All of those would have been attributes of sovereignty. We suffer from too little government in the modern world, both at the international level and at the national level and, therefore, sovereignty means less than it did in the last century.

Robinson observes how new non-state actors have acquired power from the government and are now pressuring, controlling, and making decisions that were previously reserved for the state. This diffusion of decision-making power weakens a government's ability to control its activities and exert absolute power.

While most of the interview candidates observe a reduction in sovereignty, Hurst Hannum, Professor of International Law at The Fletcher School of Law and Diplomacy, provides a more cautious view on what the majority of participants observe as the diminishing state of sovereignty today. Hannum observes the following relationship between human rights and sovereignty :

I think [sovereignty] is still very healthy, and I think its demise is greatly exaggerated. Certainly, we require more of states than we did 50 years ago, and the whole human rights movement has changed the degree of independence or the field of unilateral action that states have internally, to a fairly significant degree. On the other hand, if I'm trying to defend sovereignty, or what it means now, even if you look at human rights, while there are regional courts that will issue legally binding decisions in Europe and the Americas, there isn't yet any real feeling that human rights should be guaranteed by the international community or by the United Nations. The assumption of 1948 was that human rights were primarily concerned with national governments; they had to be responsible for their protection and promotion. And I don't think that has shifted. So in that sense, I

think that the degree to which states enjoy real sovereignty, real freedom of action, and the degree to which they remain the primary focus of international norms and international law has stayed the same.

From this fairly inconsistent collection of opinions, is it possible to determine the state of the state today? The first hurdle in doing so is the multiple definitions of sovereignty at play. No two interview subjects understand sovereignty in quite the same way, which thus removes any chance of constructing a consistent sovereignty index. The very least that can be concluded, though, is that sovereignty is in a state of transition, and, since sovereignty is changing, so is the state. The traditional Westphalian concept of the state is undergoing a revolution. Where, then, is this revolution headed?

Globalized Domestic Issues and the Sovereignty Transaction

After gathering various perspectives on the state of sovereignty today, this section will discuss two essential future manifestations of sovereignty. First, the globalized nature of once-domestic issues has forced states to integrate internationally established policies into their domestic policies. Second, as states seek to gain social and political capital from membership in international organizations and reap benefits from various treaties, they must relinquish some degree of sovereignty — an event we have termed a *sovereignty transaction*. The interviews made clear that these two issues are critical to the future of state sovereignty and global governance, since, as one of the interview subjects suggests, sovereignty is the most important welding structure we have. Therefore, its future has tremendous implications for the way states will understand their role in the world and their relationships with one another.

We began this paper by examining the changes in policy responses to issues that were previously dealt with on a national level. The participants repeatedly emphasized that current threats are transnational; that is, they extend beyond the sovereign borders of just one state. Chemical spills are carried across borders, destroying crops in multiple

We can also put people in the middle of a crisis, have them investigating crises, and, within a 24-hour news cycle, have those atrocities broadcast around the world. All of this is a direct product of the technological revolution. / Kenneth Roth

countries. An intrastate conflict creates refugees, who potentially undermine the stability of neighboring states. President Bolaños summarizes the general trend in the world today: “The world is

becoming smaller. We are all interdependent, whether we like it or not. We cannot be isolated.” Kenneth Dzirasah echoes these sentiments and provides an example from his own experience :

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No state can say that it can live alone. The result is that whatever happens across the border in Ghana must be of interest to the Ghanaian government and people. So the concept of sovereignty is changing, in fact, from the traditional [one of] territorial infallibility to one of concern for the affairs of other states.

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Due to this essential interconnectedness, states must now consider international ramifications when grappling with internal policy issues. President Gaviria introduces a few policy dilemmas that were once considered internal but now require international collaboration and action :

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Terrorism, corruption, the environment, or narco-trafficking issues — so many issues have an international dimension now. All those issues that were traditionally part of the domestic agenda are now international.

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These issues call for transnational solutions. Thus, many of the individuals interviewed foresee the continued emergence and growth of regional organizations, tailored to meet

the political, economic, or security interests of member states. Bosworth provides yet further examples of issues which can no longer be dealt with at the internal level :

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I think that there [are] a large and growing number of issues that can only be resolved through multilateral or international action. All those so-called transnational issues: problems of migration, problems of the environment, problems of crime, problems of disease, etc. Around those types of problems, I think there is a natural tendency for states to pull together and try to act in concert.

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When states act in concert, they establish common ground upon which to tackle pressing transnational issues. Internal policies are thus influenced and shaped by external commitments. Countries that choose to engage in treaties must accept certain limitations to their sovereignty, as described by Gaviria :

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They accept that there is an international dimension and to act under shared terms that they agree upon. So, the way that they handle the issue of sovereignty is they say “Yes, I accept that this issue has an international dimension, and I will employ these jointly agreed upon rules to deal with that.”

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In the above case, the loss of sovereignty is voluntary. States recognize that in order to have prosperous futures, they must confront threats jointly and accept that they can no longer act solely in their own interests. This, coupled with increased economic cooperation, has prompted the emer-

gence of regional organizations that stipulate certain rules, thereby decreasing the overall sovereignty of the states party to the contract. Evans acknowledges this trend :

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For smaller states, particularly those in areas where regional cooperation is gathering momentum, I think that sovereignty will have less salience on a continuing basis over time. In particular, Europe is where we’ll see this phenomenon really continuing to be most advanced.

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President Bolaños agrees with this forecast and underscores the importance of smaller states relinquishing sovereignty in order to ensure greater competitiveness through unity :

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We are trying to form alliances in Central America, to garner leverage, to better dictate a free trade agreement with the United States. So we need an alliance in order to be able to operate on a level playing field with a nation as large as the United States.

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It is important to emphasize again that countries sign onto such organizations and treaties voluntarily; they perceive it to be in their own best interest. In this view, the concept of sovereignty does not appear to be in a state of crisis today. Rather, it means that in order for countries to maximize their citizens’ opportunities, they must engage in cooperative behavior with surrounding states. From this arises the question of who determines what appropriate and cooperative government behavior means. In most cases, the standard is set by powerful Western nations. Hence, interview subjects from less developed countries feel that in order to succeed and receive aid from the powerful nations, they must compromise some of their sovereignty by acquiescing to international organizations such as the International Monetary Fund or the UN. These organizations lay down conditions (primarily stipulated by the powerful members) on which aid will be provided. Sovereignty is also relinquished when entering treaties that include specific rules and regulations. Again, the bargaining power generally lies with the larger, more influential countries.

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Populations, particularly in Latin America, are frustrated by the lack of positive results, despite having relinquished significant levels of sovereignty. The most recent round of elections and political turmoil in the region are results of the failure of the Washington

The greatest fear is that the U.S. will destroy the world, which is all too close. Yesterday, they announced another step in what they call missile defense. Look, everyone knows that missile defense has nothing to do with defense. It’s an offensive weapon. It’s part of the steps towards the militarization of space. / Noam Chomsky

Consensus and neoliberal institutions to produce tangible benefits. Noam Chomsky elucidates how some populations perceive these institutions :

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They're very unpopular. The populations are generally opposed to them, even in the United States; take a look at polls on that: populations mostly opposed them, but elites are in favor.

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We can surmise that the majority of states will continue to give up sovereignty and that this diminution, at its core, is voluntary. Countries recognize that they have shared interests and mutual threats that can be best addressed by cooperative action. Furthermore, they realize that by not exchanging sovereignty for physical goods and political capital, they lose international decision-making power and influence in the international arena. Transnational issues such as terrorism and pollution must be addressed by transnational action. The implications of cooperation are that states must agree on certain terms and procedures to deal with global policy issues that often result from a loss of control over domestic policy.

Countries that endeavor to retain complete political and cultural sovereignty must accept the consequences of not receiving the same benefits and opportunities as countries that are more flexible and permeable. There is one notable exception to the sovereignty trade-off: the United States. More than any other state, the vast majority of the terms and conditions of its interactions with outside actors are drafted in accordance with U.S. policy interests at heart. There is no need for compromise, and little sovereignty is sacrificed. Countries that are on the receiving end of U.S.-imposed terms must make the requisite adjustments and consequently are often forced to "pay" a greater, wholly unequal amount in the sovereignty transaction. Accords such as the Charter of the International Criminal Court and the Ottawa Landmines Convention — which would require the U.S. to relinquish a significant measure of direct control or sovereignty — have gone unsigned.

The trend of interconnectedness will likely continue, and we will see the joining of like-minded states, perhaps in a

form similar to the EU. The EU itself will continue to expand, if the line of states waiting for accession serves as any indication. Reservations regarding the pooled sovereignty of the EU are borne out in various national positions on the overall structure of the Union. France and the U.K. desire an emphasis on national control because they have strong traditions of national identity. Germany, on the other hand, opts for a more federally focused system — where greater levels of sovereignty are relinquished — due to its history of similar political organization.

In today's global environment, we are witnessing a fundamental shift in states' approach toward the sovereignty transaction. The cost of retaining sovereignty is becoming increasingly high. States will continue to give up sovereignty because the costs of inaction appear to outweigh the required forfeiture of sovereignty. One needs only to examine the political and economic isolation of North Korea for a striking illustration of the costs of near perfect sovereignty retention.

The United States : Global Pariah or Benevolent Hegemon?

The discussion of the future of global governance is impossible without turning an eye to the capital of the present, seemingly unipolar world. The opinions of our interviewees on the United States varied widely. Some described the United States as a 500-pound gorilla blocking the path towards progress and self-determination while promoting its own selfish ends. Others stand in awe of the sheer power, prosperity, and resources maintained by a single state.

Still others are cautiously optimistic that the United States — bearing in mind its tendency to dictate the affairs of other nations — is an essential fixture in the international system whose resources can be used for the improvement of humanity and whose power can be employed to promote peace and stability.

Evans and Chomsky fall well within the camp of U.S. detractors. Both men fear that brash, unilateral American foreign policy — often related to promoting American security interests — occurs at such a scale that it can instantly produce global and often negative impacts. Evans

Lee Hong-Koo emphasizes one final impact of technological development when he argues, "Technology is progressing at a faster rate than we can govern ourselves in an orderly fashion." He ultimately concludes that the development of biotechnology, warfare technology, and other such controversial items necessitate global cooperation to effectively govern and administer their use.

presented a harsh observation on America's uncompromising protection of its sovereignty and interests :

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We see the emergence of the triumphalist, exceptionalist hyper-power, which isn't going to abandon much sovereignty for anybody, whatever the rest of the world might think about the virtue of doing so, and whatever might be in the hyper-power's own national interest.

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Chomsky provides a concrete example of the destructive potential of the American unilateralism delineated by Evans. He asserts that the "triumphalist" and "exceptionalist" tendencies described by Evans can provoke global instability by creating chaos in the Middle East or forcing a global arms race.

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The greatest fear is that the U.S. will destroy the world, which is all too close. Yesterday, they announced another step in what they call missile defense. Look, everyone knows that missile defense has nothing to do with defense. It's an offensive weapon. It's part of the steps towards the militarization of space. One of the things that the press won't tell you here is that for the last four to five years the whole world has been very upset about the militarization of space. So the General Assembly has repeatedly tried to reaffirm the Outer Space Treaty of 1967, which bans militarization of space, and the U.S. has blocked it.

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Hannum echoes Chomsky's worrisome forecast of the future of U.S. intervention abroad. He theorizes that the attacks against the United States granted the government's interventionist policies legitimacy. Such interference will not only increase but also amplify in its scope, as the United States can now use the pretext of the War on Terrorism as a *carte blanche* for intervention :

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I think the U.S. has gotten pretty comfortable being the world's only superpower, and I fear that it will start throwing its weight around even more.... Now we're on a crusade, so we're going to bring human rights and peace and democracy and the American way to any

Globalization is about the privatization of power, and ... if you privatize power, you don't have public accountability. / Mary Robinson

place we can think of; and since terrorism is both global and endless, we have endless opportunities to decide that we're going to intervene to make people better.

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The fear of an ever-growing, Global War on Terror championed by America is a frightening prospect. Other respondents, however, cautioned against rushing to judgment. Ambassador Bosworth acknowledges America's self-serving track record but offers its most recent multilateral actions as proof that U.S. power can be directed towards highly beneficial ends :

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The United States in is a position of preeminent power, the likes of which we've not seen even in the days of the Roman Empire. The U.S. is extremely reluctant to submit itself to the discipline of multilateral commitments without in effect having a last-minute veto power. That's not going to change just because of the nature of the American beast, our history, and our political character. Now we can, I think, be socialized to behave more in accordance with international norms, and I think what's happening now with regard to the U.N. and Iraq is a good example of that socialization.

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Recent history seems to support Bosworth. The United States did seek United Nations Security Council approval for its invasion of Iraq and struggled to generate a “coalition of the willing” to assist in this war effort. These measures can be interpreted to mean that the Goliath does value international legitimacy and multilateralism more than Chomsky, Evans, or Hannum concede.

Despite their criticism, our interviewees were not antagonistic to the unparalleled resources the United States alone is able to generate to obtain potentially positive ends. Evans acknowledges the essential role that the United States must now play in the post-Cold War, world where it stands as the only true superpower :

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It's highly desirable given the U.S.'s clout, logistical lift capability, and its capacity to move people and equipment around the globe very much more swiftly than anyone else can. It's hugely useful as a player, and its mere presence as a potential player in some of these situations is enough to make a lot of people very nervous, since it is so much the biggest

and most powerful and meanest dog on the block in many ways. So it can [play] a very useful role.

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Following in the wake of this warming assessment, some of the interviewees provided examples where collaboration with the United States, however unpopular, greatly benefited the partner states and yielded few of the anticipated harms. Campbell adopts this conciliatory tone towards the United States, suggesting that the threat of U.S. hegemony pales compared to the ramifications of not cooperating. Citing her support for joining the North American Free Trade Agreement (NAFTA), she claims that there were greater forces at play within Canada that necessitated bending to the terms of the country's southern neighbor :

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Canadians were very concerned about the prospective loss of sovereignty if we engaged in a free trade agreement with the United States. Particularly, people were concerned about losing our social programs and our health care system. My view was that that was not the case and that the biggest threat to our sovereignty was our national deficit...sacrifices must be made.... Without such relief, a country cannot have the kind of qualitative policy choices that they would otherwise. Since the Canada-U.S. free trade agreement went into force in 1989, it is interesting to note that [there] hasn't been any impact on Canadian social programs or the health care system. Canadians are still committed to their public health care system but needed NAFTA to resolve major fiscal issues.

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Clearly all of our participants respect the unrivaled power — the financial resources, political capital, and military

might — maintained by a single state, the U.S. The fear is that this great power could be misused with quite catastrophic effects, and past events have given credence to this fear. Evans summarizes this school of thought :

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What everybody is of course concerned about these days is not so much the United States not being willing to engage in these sort of actions — which was the big problem of the '90s in Rwanda and elsewhere — but being overwhelming, excessively exuberant, adding too much political will and not too little.

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In the end, the United States has the ability to channel its political energy and vast resources to improve the lives of countless individuals around the world. This good, however, comes with equally potent risks. Regional instability in Iraq is only one among many examples of the scale of damage the United States is capable of unleashing when its powers are misappropriated.

The Future of the International Judicial System

The ever-evolving concept of international justice is critical in assessing the future of global governance. The decisions of international courts are becoming the precedents cited when states seek to settle disputes or castigate a nation that infringes upon international norms. Infractions, ranging from genocide to the invasion of a sovereign state without UN Security Council approval, will be judged by an internationally established legal code. At present, however, the future for a viable system of widely respected and upheld international codes is bleak. The lack of effective enforcement

and accountability mechanisms results in the weakness of any law that seeks to govern hundreds of nations. Ambassador Bosworth outlines the major shortcoming at the core of the international justice system, best summarized as national self-interest :

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Countries remain bound by international obligations of this sort as long as they see that their interests are served. And even the United States is not able to, through sanctions necessarily, force North Korea to remain bound. North Korea has to believe that it is in its interest.
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Currently international law is voluntary, and it is rare that serious consequences are consistently enforced to serve as a deterrent. Nations such as Iran and North Korea develop nuclear weapons in the face of international agreements but face only minor UN Security Council-imposed sanctions.

Aside from the enforcement of agreements between nations, an essential element of a new international legal system is ensuring that justice is served in cases of crimes against humanity. This is especially true as we witness more and more leaders embracing *The Responsibility to Protect*. Many scholars believe that the International Criminal Court (ICC) offers revolutionary potential in this regard. A fully functioning, universally respected judicial system is a core component in the quest for the protection of human rights and justice in post-conflict scenarios. Hannum explains that the current state of this system is far from desirable but may provide the impetus for internal changes in intrastate justice systems :

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I think [the International Criminal Court] will be useful for two reasons: one, [though] the threat of someone being taken to the ICC will be viewed as largely toothless,...it might encourage some countries to deal with international crimes domestically. Secondly, there probably will be a few cases where, for internal political reasons, some country might be forced to turn over a particular criminal to an international tribunal because it's too difficult politically to try them within its own borders. In this case, the ICC will be called upon to fill the void.
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While the future of the international legal system may be far from stable or clear, comments like Hannum's provide encouragement that it is headed in the right direction. He also establishes the need for an international system of justice to ensure criminals are tried either in their home courts or, if necessary, abroad. The international community has also taken progressive steps to develop the capacities of local courts to deal with major

criminal infractions, such as genocide. Current UN-led efforts to set up courts in Bosnia and Rwanda are testaments to the effectiveness of this new movement.

Globalization's Winners and Losers : Economic Bloc-building

Changes in the global political structure have an especially potent effect on the economic relations among states. Regionalized political structures, such as the EU, generally promote decreased tariff levels and stable exchange rates. Hannum notes the unique nature of the EU and the improbability that it will be replicated elsewhere :

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We'll see an increase in economic cooperation, but we have a long way to go before anything that looks like the EU is going to appear in Africa or Asia or in this hemisphere for that matter. And I do think the EU is a very interesting experiment; it is not quite an international organization and is certainly not quite sovereign. I can imagine in 50 or 100 years that there might be something that looks more like the United States in Europe, but in that case, what I think will happen is the sovereignty will simply have shifted from states to a larger entity as opposed to sovereignty having changed its fundamental character.
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Both of the Latin American leaders we interviewed agreed that the political and social structures of their nations have been roadblocks to their economic development. President Gaviria explains why Southeast Asia has developed more successfully than the nations in Latin America:

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Due to efficient intervention by public institutions, the Asian states have been able to develop powerful clusters of exporters, thereby gaining greater control over the terms of financial arrangements.
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Latin American states, by contrast, are paying a stiff price for their failure to generate trade blocs. President Bolaños concludes that their poor approach to economic policy has limited Latin American nations' bargaining power, even in those industries for which they control natural resource inputs :

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If you added up the retail prices of all of the cups of coffee sold in the world five years ago, it equaled \$30 billion, out of which coffee producers got \$12 billion, 40 percent. Today, it's

not \$30 billion worth of coffee sold in the world; it's \$65 billion. But the producers only get \$5.5 billion. So everybody is broke. Who commands that profit? Essentially six or seven roasters in the world.

But what options do we have? Set up a chain of Nicaraguan coffee roasters and distributors like Starbucks?

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As profit margins continue to shrink for agricultural products, Latin American states must develop trading zones modeled on the EU. In the future, we should see the creation of economic blocs in Latin America and elsewhere as these areas deal with cut-throat distributors and try to keep pace with breakneck economic expansion in Asia.

Global and Regional Organization

As recently as the 1920s, the international system was composed of geographically defined sovereign states that fought, traded, and negotiated as distinct entities. The days of such clear-cut state-to-state relations are numbered. In a world dominated by transnational concerns, a new manifestation of the state is emerging in response to new threats and opportunities for synergy. Some of those interviewed anticipate that states will work through supranational organizations to promote their shared political, economic, and security interests. Others believe that such organizations fail to address the distinct problems of their member states and instead serve only the interests of their larger, more powerful members. Evans, for one, proposes that the future of the international system lies in groups of like-minded states :

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I think there'll be an increasing momentum towards regional organizations bearing greater responsibility. We've already seen this to some extent in Africa with both ECOWAS [the Economic Community of West African States] and SADC [the Southern African Development Community] playing interventionary roles.

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Here, Evans calls for collective security arrangements. The increasing role of regional alliances, such as NATO in Afghanistan and the African Union (AU) in Sudan, is a testament to this vision. Hannum agrees that there is momentum toward strengthened regional organizations for certain purposes, but he is adamant that the state will remain the ultimate decision-making unit in the political sphere :

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We will have a somewhat more flexible view of the sorts of entities that can participate at the international level. You're already seeing that various states allow their provinces and republics to engage in certain kinds of international activities, to enter into certain kinds of treaties. With the EU you see an entity that has changed what the states within it can

do, but I think without getting away from the fundamental principal that, both from the top-down and from the bottom-up, the state is still the most important power-wielding structure that we have.

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Hannum's idea of a state-centered system is supported by recent political developments. Many have begun to question the UN's legitimacy due to its inability to take action in Kosovo or Sudan. Roth, for instance, casts doubt on the UN's capacity for tasks as basic as force generation :

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Governments are going to be the prime actors here. I don't see the OAS [the Organization of American States] or the UN or the EU developing a stand-alone rapid reaction force. I realize that there's a lot of talk about this, but in reality I think it will still be national armed forces that are the prime movers. Nations will be willing to delegate troops to a UN flag, for example, but I don't see the UN having a force independently of nation-states.

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While the UN's security deficiencies may be mitigated by the intervention of better-designed organizations, such as NATO, Gareth Evans detects a more fundamental problem. Taking Roth's criticism a step further, Evans contends that the organization has become a *de facto* shell operation. Often incapable of action due to Security Council deadlock, the UN serves as merely a framework for state-to-state collaboration :

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But there are circumstances in which the UN will abdicate its authority or simply just be unable to get its act together, and under those circumstances you can't exclude the possibility that other countries, individually or in small groups, will act outside the formal framework of the UN. And sometimes [it is] a difficult moral judgment to say [that] they shouldn't — Kosovo being the classic example.

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But some, like Campbell, see few alternatives to the UN and are optimistic that the organization can continue to be a force for good. She argues that, while specialized regional

organizations may address some immediate needs, a global seat of problem solving is essential :

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I don't see a replacement for the UN. Will there be some specialization? Will there be some delegation or greater focus on some regional institutions if they have the capacity to do so? Maybe, but I don't see that working in the long-term. Organizations like the African Union have a long way to go. Most of their promises of action are only empty rhetoric. Also, the resources that make it possible for the UN to do the kinds of things that they do rely on the dues paid by the industrialized countries. The notion that regional organizations, which lack a solid financial base, can do the same is very unlikely. There's also an advantage of the UN, in the sense that it is not hegemonic. Even with the United States' ambivalent relationship, I think it actually helps the UN because it's not seen as the instrument of the United States.

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While Campbell makes valid arguments about the UN's unique advantages, Campbell's positive estimation of the organization stands relatively alone. In fact, an overall analysis of the interviewees' comments seems to point to a general decline in its importance. Most security and economic problems must be dealt with at a regional level. Those states that stand to bear the brunt of war, famine, recession, and other ills are best suited to address their causes. While the UN Security Council may be held hostage on intervention in Sudan by Chinese economic interests in the region, the AU is in position to take immediate action. Regional organizations like the AU are composed of states whose stability and security are most at stake and which thus have the greatest motivation to take rapid and effective action.

Globalization and the Crisis of Democracy

The internal social and political dynamics of states continue to evolve at a record pace due to the influence of globalization, be it through the introduction of broader-ranging media outlets or access to new financial markets. Many of our interviewees suggested that these new changes are having a negative impact on democracy. According to President

Any civil war is an international war because neighbors always intervene or are affected.... Outsiders often interfere by helping militarily. Ultimately, the difference between a civil war and an international conflict is still important, but on the ground level, there is no real difference. / Boutros Boutros-Ghali

Gaviria, the technological advances spurred by globalization are causing the priorities and political expectations of Latin American youths to shift dramatically.

But technology is not the only factor distracting Latin Americans from political involvement. Campbell explains that disinterest in politics and animosity toward democratic institutions stem from the inability of governments to deliver on anticipated gains, such as poverty reduction :

In Latin America, only 60 percent of the people said they favored democracy. Only about half that number view democracy as an effective means to resolve their practical problems. Democracy is a great thing for rights but not for prosperity. In this age of the technological revolution, the cyber revolution, the communications revolution, governments are even less capable of playing a role in those kinds of economies than they were under the industrial model.

As democracies in areas like Latin America struggle to operate under the burden of high expectations and poor economic conditions — often brought on by exposure to world media sources and ultra-competitive global markets for goods and services — they seek measures to improve their fiscal viability. According to Robinson, this often leads to

governments privatizing state services in order to cut costs and remain competitive :

Where I find that there are real difficulties is where you have a privatization of power in the area of public goods, because then you have a great difficulty with accountability, and environmental standards and general protection of the weaker are more marginalized because if you privatize power, you don't have public accountability.

In Latin America, globalization has forced farmers to compete with Chinese producers who are able to undercut their prices and acquire market share. And governments, in an attempt to stay competitive, have turned over post offices and railroads to the private sector. As a result of these two changes, the electorate begins to feel even more disconnected from its chosen leadership. Severin now draws the link between poorly performing democracies — those that fail to meet their citizens' expectations of economic development — and the privatization of democracy.

We see today in the elections, national democracy is becoming privatized. The low turnout levels in elections, the low level of citizen participation in the public life, and so on,

everything speaks about the crisis of democracy. Democracy was built within the national sovereign states. Here lies the link between sovereignty and democracy and globalization.

As voter turnout falls, those who do choose to participate and affect voter opinion — that is, the elites — begin to gain power. Chomsky concurs :

The elites in the countries that chose to join the neoliberal wave did fine. So in Mexico, the living standards for the population declined, but the number of billionaires didn't.

Thus globalization undermines the democratic process in a phenomenon that might be called a democracy drain. When the elected government fails to adequately represent its citizens' needs and interests, citizens see no purpose in exercising their democratically guaranteed right to vote. Severin surmises that as political participation falls and democratic institutions become privatized, democracy reaches a crisis point. In this context, we can see the critical importance of Robinson's above cited observation that globalization is often accompanied by the privatization of government services, which decreases government oversight and, consequently, reduces the public's control over government.

We see this trend at work in Latin America, where approval ratings for democracy are low and voters are turning to socialist parties. Even in the United States, voter turnout stands at a paltry 41 percent. Surprisingly, it is in traditional Western adversaries like Iran that turnout seems to be strongest. In Iran's 2000 parliamentary election, nearly 67 percent of the electorate voted.

: SOVEREIGNTY AND TECHNOLOGY

Unprecedented access to information, improved financial liquidity, and biotechnology are all fruits of the technological revolution. The exponential growth of information technology has completely redefined concepts of sovereignty, both by permeating once impenetrable borders and by empowering individuals and non-state actors.

At first, media flowed from West to East and from North to South, flooding the developing world with images, ideas, and culture from the West. Now the trade is more equitable; as the price of technology has declined, the developing world has spawned al-Jazeera and new blogs and disrupted the West's cultural sovereignty. These virtual imports augment cultural interdependence, political accountability, and free speech by creating new forums for discussion and debate. Informational developments are affecting politics and society. However, Bosworth claims technology weakens the state :

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Technology acts against sovereignty. I think that it makes sovereignty more porous, more difficult to enforce. You know, these days, with a satellite dish and a 10,000-foot runway, you know, basically, the smallest island in the Pacific can be sovereign. That's all it really needs to establish itself as an economic player.

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Bosworth acknowledges the traditional impact of technology on sovereignty, wherein increasingly porous countries are more resistant to outside influence. This concept is revolutionary. The additional impact of technology, as he describes it, is an ability to create brand-new sovereign entities while usurping overall sovereignty from the rest of the world. Tiny island nations establish secretive banks and tax havens that capitalize on glitches in the world sovereignty system. The relationship between technology and sovereignty is even more important now as leaders attempt to pursue the War on Terror financially and chase ever more fungible money around the world.

Technology also plays a unique role in defining relations between the developed and developing worlds. It creates the capacity to dramatically spur development but is also responsible for the recent expansion of the gap between rich and poor. For instance, Gaviria claims technology is shifting the focus in Latin America away from domestic politics and toward the desire to be globalized :

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Basically what [young people] want is to be connected to the Internet. That is their priority. They don't care about politics; they don't care about, even, poor people.... Because the only way that they can reach globalization and people in other countries [is through the Internet].

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While many hail the Internet as an unprecedented revolutionary force, Hannum qualifies its impact on state sovereignty and relations in a comparative fashion :

–
A lot of what is on the Internet is junk, and a lot of it is simply wrong, and so it's hard for me to see the dissemination of wrong information or incorrect information as a positive thing. It does make it more difficult for countries to control their borders, if you will, and as a sort of godless cosmopolitan internationalist, I suppose I think that's a good thing.... I think we're a long ways from seeing shuttle diplomacy and personal contact become less important because people can videoconference and do all the rest of it. And that's one reason why I do think it's relevant. Technology is relevant, airplanes are relevant. But it's just a bit of technology. I don't think it changes the way we live, and I doubt that it will in very identifiable ways for quite some time. And it will in the long run, the way everything does, but my guess is that the elimination of smallpox had a much bigger impact than the Internet.

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A more optimistic Severin explains how technology can be used to foster economic development and more peaceful state relations. This perspective is interesting in light of Romania's emergence from behind the iron curtain to membership in the EU :

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At the same time, it is extremely important to use these new technologies for development of, or promotion of, win-win strategies. This new technology is appropriate for win-win strategies. While the past technologies, the old technologies, were more appropriate for win-lose strategies. Well, this globalization, as I said, means contact, communication means contact, means knowledge, knowledge means comparison, comparison means rationality, rationality means sometimes to put aside the traditions. So now we have to build new traditions, extract from the old traditions the traditions which would allow us to live together, the traditions which will not exclude each other but will approach each other. This is the merit of technologies, which impose on us a rational thinking through comparison about our own tradition and about our own identity.

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Boutros-Ghali looks at the particular ramifications of the changes taking place in global media due to technological innovations such as the Internet. He cautions against the duality of this great tool :

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If it is used to defend human rights, to promote equality, tolerance, etc., then it is positive.

If, however, it is used to promote [uniformity], that is to say, imposing one language, one set of values, one clothing style, one food, etc., the media does great harm to humanity.

Technology can also be used by nongovernmental organizations (NGOs) and governments to pressure countries to act in certain ways. If countries yield to these pressures, perhaps to avoid negative economic consequences, their sovereignty is compromised. Gaviria describes :

The other side of what you get, because of the globalization process and because of the way media has evolved to globalization, [is that] almost anything that happens within a country can pierce the pages of the issues, of the news, everywhere. So, if you're having problems of discrimination, if you have a corrupt official, any of those issues...come to the attention of media. So, no matter [how] the government tries to put rules on certain issues, the media and NGOs are bringing...almost all the issues to the attention of citizens [all over the world], and media has contributed to that. So countries tried to put rules on that, but they are not necessarily successful.

The reason why the media and NGOs now have this kind of power is partly that the emergence of technology allows them to reach every corner

To go back to the previous empires of divine right is not a solution. But still, we have to learn from that experience. Why did they collapse? Because they did not recognize multicultural diversity. So we have to bring together a global governance and a multicultural identity with respect to multicultural diversity. If we can do the two, I think we are going toward a much more peaceful and secure world. / Adrian Severin

of the world and mobilize citizens and governments. Noting its benefit to groups like Human Rights Watch, Roth describes how he utilizes this power very directly :

It's changed the speed and our ability to communicate with people around the world. We are able to do real-time reporting about crises now in a way that was just not possible before the technological revolution of the last decade or so. We can build networks very easily, global networks around NGOs and others. We can also put people in the middle of a crisis, have them investigating crises, and, within a 24-hour news cycle, have those atrocities broadcast around the world. All of this is a direct product of the technological revolution.

Increased information flows change culture and alter political systems. Roth's aspirations fit into this realm because he uses technology to gather information about the governments he wishes to monitor. He takes advantage of rapid information flows to sway international opinion and intensify pressure on oppressive governments. Technology offers unprecedented access and sophistication for reporting.

Technology is shifting the aspirations of young people in the developing world. According to Gaviria, youths are disenchanted and more apathetic towards domestic politics and instead prefer to focus on the potential of globalization. These young people are abandoning historical strategies

for development and opting for technology-based solutions. If this trend continues and becomes more widespread, it could entirely transform the notion of sovereignty. A new generation of leaders that chooses to circumvent much of the local political dynamic would render the traditional concept of sovereignty almost irrelevant. This has been the case throughout much of the world, with examples ranging from cyber-based grassroots organization in the United States to coordination of the insurgency in Iraq. Hannum cautions against embracing technology as such a panacea. To him, it is necessary to examine each development in context and not to pursue new technology with unbridled exuberance.

The future impact of technology on sovereignty will be an amalgamation of the prior two scenarios; some will capitalize on the unresolved fusion of technology and sovereignty, while others will use it as a tool for economic development.

Lee Hong-Koo emphasizes one final impact of technological development when he argues, "Technology is progressing at a faster rate than we can govern ourselves in an orderly fashion." He ultimately concludes that the development of biotechnology, warfare technology, and other such controversial items necessitate global cooperation to effectively govern and administer their use.

: PARADIGMS FOR A FUTURE WORLD

The Sovereignty Exchange began as an attempt to forecast the future of sovereignty and what it means for international relations. Five years on, what was intended as an academic exercise has found its basis in practicality. The academic debate over precisely how to define sovereignty is far less relevant than the enormous implications that sovereignty's transition has for the future of international politics and even the world today. Concepts like *right* and *responsibility* reflect something more profound; sovereignty has been our most important international welding structure for a long time. It has represented the most basic level of international relations, constituting the paradigm on which wars are fought, peace is made, states interact, and globalization continues. Now, however, with sovereignty in flux, the validity of such a view of the role of sovereignty has been challenged, and the basis for analyzing the world around us is starting to disintegrate.

Hannum cautions that it is dangerous to think of one's own generation as existing on the precipice of something great or at the beginning of a new era. The problems in the world today are not necessarily new; they are just much bigger and happen much faster. The same logic applies to every aspect of state interaction and presents some startling new realities, namely :

The world is more interconnected :
events in one location are of more interest to everyone; transnational problems require transnational solutions.

Information flows are increasing in speed and volume: commerce is transformed, as are imperatives for intervention; the flow of information increases interconnectedness.

Power is concentrating: the rich are getting richer much faster than the poor are moving out of poverty, and democracy faces critical challenges from voter apathy and the privatization of power. Power is concentrated at opposite ends of the spectrum, projected by major powers and hoarded by small groups and single individuals acting out against the sovereign system.

The ability of the United States and its allies to project power through multifarious means anywhere in the world highlights the importance of understanding their motivations for intervention. Interventions are not only military affairs but can involve the implementation of global policy through the UN or other organs of international law. We focus on the United States because it sits in a position of power that is unrivaled in history — power that has been acquired in a new way, through economic primacy and the projection of political power, rather than through traditional colonialism. Until quite recently, the position of the United States was unique because most were eager to share in and not circumvent its dominance.

As many of the interview candidates in the Sovereignty Exchange pointed out, this is changing as those outside the sphere of benefit in the West resent its opulence and success or perhaps feel exploited. While in previous times suppressed peoples were isolated and non-threatening, today the discontented few can broadcast their messages and organize nefarious actions. Ironically, the tools and policy prerogatives that have allowed the West to achieve global supremacy are now the same forces that threaten its interests and its sovereignty. Today, the United States is increasingly contained by the UN, NGOs, the WTO, and other multinational organizations as weaker nations band together. The Internet, satellite communications, e-commerce, and other technological forces that contributed to the enrichment of the West now pose the greatest challenges to its security and political hegemony.

The structure of the world is weakening and fostering greater instability. The participants in the Sovereignty Exchange,

regardless of their country of origin, were quite consistent in their assertions that what happens in one part of the world is now of greater interest to everyone else. Boutros-Ghali perhaps put it best :

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There is a nationalistic conflict occurring between Yemen and Eritrea. There is civil war in Ivory Coast between the north and the south. So you can't really categorize these conflicts. What I believe we must focus on is the international ramifications of such disputes. Any civil war is an international war because neighbors always intervene or are affected. For example, in Israel, the U.S. is supporting the Israelis, while Syria and Lebanon are aiding the Palestinians. Outsiders often interfere by helping militarily. Ultimately, the difference between a civil war and an international conflict is still important, but on the ground level, there is no real difference.

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Change inevitably follows such instability. We thus conclude this exercise with analyses of three, possible, future sovereignty paradigms.

No Structural Reform

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Unless people from around the world work together in great numbers toward some sort of common direction and common vision, it's obvious there will be all kinds of problems. If we don't have some sort of global control system, it could create a very dangerous situation, chaos even. This is a challenge you young people will face. / *Lee Hong-Koo*

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This paradigm is a continuation of the status quo. The forces driving sovereignty's demise will continue, and those countries and actors that perceive the greatest threat to their interests from this development will attempt to mitigate it by controlling as many variables as possible. For the United States, this could include reining in threatening regimes in Iraq, Iran, North Korea, and Venezuela. The "Axis of Evil" and "Global Terrorism" might just as easily be translated into the "Greatest Risks to Sovereignty." For those parties

If we don't have some sort of global control system, it could create a very dangerous situation, chaos even. This is a challenge you young people will face. / *Lee Hong-Koo*

who are unsympathetic to U.S. interests, the growing concentration of risk threatening traditional sovereignty results in a greater payoff for unilateral, sub-sovereign action. The avenues for action are broadened by technology and their effects are magnified.

Regionalism

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There is a concept around that borders don't really matter as much as they used to and that what really is a much more significant characteristic in modern society is its interdependence and that the concept of sovereignty is much reduced in salience, as a result. This is a kind of postmodern view of sovereignty,...and it's one of the things that lies behind, at a less than global level, the emergence of many regional organizations that are exercising more and more authority, the most obvious and most developed of which is obviously the EU. / *Gareth Evans*

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In response to greater Western hegemony, there could be a move towards regionalism and Cold War-style alliances. As sovereignty decreases for individual states, they might be tempted to club together. Perhaps led by China, which is actively courting allies in Africa, this paradigm would lead to sovereign retrenchment. Trade and information flows would be restricted, censorship tightened, effectively restricting globalization. This would also lead to greater global instability, but perhaps on a more dangerous level than in the days of the Cold War, when regional power struggles were overshadowed by bipolar superpower involvement.

Multilateralism

I think that unfortunately, the experience of nation-states, the history of nation-states, is not a history of peace. The experience of the fundamental sovereignty approach is not an experience of peace, it is an experience of war, and it is an experience of competition, an experience of zero-sum game, with some exceptions. But exceptions are just confirming the rule. So that is why we have to look for something else. To go back to the previous empires of divine right is not a solution. But still we have to learn from that experience. Why did they collapse? Because they did not recognize the multicultural diversity. So we have to bring together a global governance and a multicultural identity with respect to a multicultural diversity. If we can do the two, I think we are going toward a much more peaceful and secure world.
/ Adrian Severin

Multilateralism is the most optimistic of scenarios, and also the most rational. It presupposes the international assignment of risk, so that the requirement to mitigate variability is more evenly distributed. In a structure of concentrated power, what happens across the border of one country is of interest to fewer parties who have more political power. In a multilateral system, there is a broader consensus inherently opposed to instability. What happens across the border of any country is of greater interest to

everybody, creating, ideally, an incentive for stability. Of course, this is the most challenging scenario to orchestrate because it requires communication, trust, and a sense of common good.

: FINAL THOUGHTS

The Sovereignty Exchange is an ongoing study. In the five years since the project began, many of the scenarios predicted by the respondents have transpired, and the instability foreseen by everyone is all too apparent. At a time when violence is more sporadic, financial markets more volatile, and the future less certain, the battles fought over sovereignty seem more akin to a dialectic of stability and instability. In the debate over how to define the “new state,” or whether sovereignty is a right or a responsibility, it is easy to overlook the vast potential that our new, smaller world possesses. For the first time, collaboration to tackle major global ills, such as poverty, climate change, and even violent conflict, is feasible. Technology has fostered a sense of global community and provides the logistical requirements to take action quickly and on a massive scale. The most pressing challenge for today’s policymakers is not to further develop these tools or to eradicate terrorism or fight battles over borders. Rather, it is to coordinate our global human existence in an age when we are more connected than ever before. */ END*

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INTERNATIONAL

INVOLVEMENT IN THE DOMESTIC
PROSECUTION OF WAR CRIMES IN
BOSNIA AND HERZOGOVINA

MAYA KARWANDE
IS A JUNIOR
AT TUFTS UNIVERSITY
FOCUSING ON
INTERNATIONAL LAW.

SHE TRAVELED TO
BOSNIA AND HERZEGOVINA
DURING THE
WINTER OF 2006 AND
THE SUMMER OF 2007
AS AN EPIIC RESEARCHER
AND BORGHESANI FELLOW
TO STUDY THE
DOMESTIC PROSECUTION
OF WAR CRIMES.

The conflict in Bosnia and Herzegovina (BiH) from 1991-1995 resulted in mass atrocities, rapes, destruction, displaced people, genocide, and the deaths of approximately 100,000 people.¹ Accountability for the gross violations of human rights is a necessary foundation on which to build the future of Bosnia.² Current efforts to hold perpetrators accountable focus mainly on domestic prosecution of war crimes at the War Crimes Chamber (WCC) within the State Court of BiH. The WCC, established in 2004 as a hybrid court in Sarajevo, is the first permanent and specialized state-level organ to prosecute war crimes. It is the most recent development in the trend toward the domestication of transitional justice mechanisms and accountability for atrocities. The WCC was established with substantial financial and human capital from abroad and continues to have significant international support, but this international presence is to be phased out over a period of five years.

The WCC raises issues of international involvement in post-conflict reconstruction, democracy building, domestic capacity development, and the institutionalization of international humanitarian laws at the domestic level. These macro-issues are

The War Crimes Chamber, established in 2004 as a hybrid court in Sarajevo, is the first permanent and specialized state-level organ to prosecute war crimes. It is the most recent development in the trend toward the domestication of transitional justice mechanisms and accountability for atrocities.

integrally related to the specific application and execution of the Chamber's work in Bosnia. During a two-week visit to Sarajevo in January 2007, I interviewed international prosecutors, national judges, WCC staff, journalists, prominent members of civil society, nongovernmental organizations (NGOs), and international organizations about WCC operations, with a specific focus on international involvement and public perceptions.³ These two themes are linked by the structure and operations of the WCC in a complex, symbiotic relationship that influences the delivery of justice. International involvement has been an integral part of accountability mechanisms for the crimes committed in the former Yugoslavia, but it also complicates the judicial process both by affecting the Court's operations and by influencing public perceptions of the WCC. The international influence on public perceptions and legitimacy is especially powerful in the highly sensitive and politically charged atmosphere of post-civil war Bosnian society.

The Chamber had been in operation for approximately 18 months when I visited in January 2007. Issues of international involvement and public perceptions continue to pose a difficult challenge in the execution of the transition to

national control and maintenance of legitimacy and operations. The WCC has developed, with international help, a strong institutional and operational base from which to face future challenges. The ability of its achievements to translate into a widespread recognition of justice served will hinge upon public perceptions and effective communication between the Chamber and the people of Bosnia. Effective communication will require efforts by the WCC to go beyond spreading awareness of trials toward explaining the process behind indictments, trials, sentencing, and appeals. In this regard, the complexities of the WCC and the sensitivity of the cases before it both increase the need and pose a challenge for effective outreach. The Public Outreach program has developed a unique framework of communication, upheld international standards of transparency, and made significant efforts in providing information to the public and media, but implementation of process-oriented explanations and active engagement of the public should be improved. Having international staff within the WCC adds legitimacy and can aid in developing clearer operational standards that can be explained to the public.

: EVOLUTION OF JUSTICE MECHANISMS

The War Crimes Chamber within the State Court of BiH was first discussed by the international community in regard to the completion strategy of the International Criminal Tribunal for the Former Yugoslavia (ICTY). It originated in joint discussions between the ICTY and the Office of the High Representative (OHR) in 2003.⁴ The Office of the High Representative, which is essentially the international governing mechanism in Bosnia, imposed the creation of the State Court of BiH in 2003.⁵ The Bosnian Parliament passed the actual laws regarding the War Crimes Chamber within the State Court in 2004, and they came into effect in January 2005.⁶

It was established through initial talks by the ICTY and OHR that a domestic institution on the state level of BiH would be the best mechanism for continuing the prosecution of war crimes and aiding the ICTY in meeting its 2010 completion deadline. Domestic trials had been occurring

at lower level cantonal/district courts in Bosnia since 1996. However, there were often problems with the fairness of these trials and the capacity of the courts at this level. It was clear that they would not be able to handle the most serious cases and that it would be necessary to create an institution to fill in the gap between the International Tribunal and the lower level domestic courts.⁷

The thinking behind the domestic location of and the national involvement in the WCC is rooted in the philosophy that the ultimate responsibility for accountability lies with Bosnians.⁸ The structure was intended to bring justice closer to the population, develop infrastructure and local capacity, and give nationals the leading role in the operations. The international presence in the WCC was designed to be temporary, provide legitimacy to the new institution, assist in coordination with the ICTY, and help build domestic capacity in regard to international humanitarian law.

The WCC was initially intended to be responsible only for the cases already before the ICTY.⁹ The ICTY would transfer cases down to the WCC level, enabling the ICTY to focus on the highest level of perpetrators. As a part of the ICTY completion strategy, the WCC has a close relationship with the Tribunal. In this regard, there are many similarities in purpose and mandate, but on the institutional level differences emerge at several important points: location, jurisdiction, law, mandate, and international involvement. These differences are important in the context of an evolving approach to transitional justice. They also point to some of the shared challenges of both the Chamber and Tribunal as well as the unique situation of a domestic institution.

The geographic location of the Chamber has implications for its operations and public perceptions of justice. The ICTY is located at The Hague in the Netherlands and the WCC is located in Sarajevo. The location of the ICTY was apparent in both the geographical and psychological distance between the population and the trials. This distance also resulted in difficulties with outreach and logistical issues (e.g. translation).¹⁰ However, additional issues arise with domestic trials. The proximity of the WCC to actual crime scenes has in some cases deterred witnesses from testifying. There are social implications for a witness in a war crimes trial in Bosnia.¹¹ Bosnia is a very small country

“In the ICTY versus the WCC, I think the internationals will not be repeating the same mistakes. They will make mistakes, but probably different mistakes.” / Svetlana Broz, Director of GARIWO, Garden of the Righteous in Sarajevo

with a tightly knit social structure and sense of community. There is a feeling of everyone knowing everyone, especially in rural villages. The situation is complicated because many of the perpetrators are still at large and living in communities. In many cases, there exists a threat of violence or intimidation.¹² Domestic prosecution and increased local awareness amplify issues of witness protection.

The issue of jurisdiction is fundamental to WCC operations. In the specific context of the recent war in the Balkans, this includes several components such as geographic region and severity of crime. The ICTY has jurisdiction over crimes committed in the entire former Yugoslavia region, while the WCC only has jurisdiction in Bosnia and Herzegovina. The limited jurisdiction allows for the Chamber to be more focused and serve the specific needs of the Bosnian people. It also raises issues when perpetrators have escaped and are living in countries other than Bosnia. Many of the perpetrators live in Croatia and Serbia, countries with which BiH does not have extradition treaties. Negotiations have started to allow for investigation and subsequent trials to begin in the domestic court system in Croatia and Serbia, but Bosnia backed out on the grounds the trials should occur in the location where the crimes were committed.¹³

In regard to the severity of crime, both the WCC and Tribunal have jurisdiction over cases concerning grave breaches of the Geneva Conventions of 1949, violations of the laws or customs of war, genocide, and crimes against humanity.¹⁴ The ICTY currently retains jurisdiction over the most serious offenses and the WCC is responsible for cases from four different sources. The first group includes cases transferred to the WCC under Rule *11bis* of the ICTY Rules of Procedure, “Referral of Indictment to Another Court.” The second group includes incomplete investigations from the ICTY Prosecutor’s office. In these cases indictments have not been issued yet and the WCC will be responsible for completing the investigation and issuing indictments when possible. The third group includes cases that have been approved for prosecution through the Rules of the Road Process at the ICTY. The Rules of the Road Process was designed to prevent arbitrary arrests made with insufficient evidence. Through this system all potential war crimes cases were required to pass through the ICTY Rules of the Road Department for approval before indictments were issued from lower level courts. In 2005 the Prosecutor’s Office of the WCC evaluated case files approved for prosecution by the ICTY and marked each case as “highly sensitive” or “sensitive.” Of the cases reviewed, there are 211 “highly

Often the question is asked, “Justice for whom?”

sensitive” cases that the Prosecutor’s Office is responsible for prosecuting.¹⁵ The “sensitive” cases are transferred down to the cantonal / district level courts based on the geographic location of the case. The final group includes new investigations which began at the lower level courts after October 2004, when the Rules of the Road unit at the ICTY closed.¹⁶

The ICTY was established by the United Nations Security Council Resolution 827, operates under international law, and is funded by the international community.¹⁷ In August 2003, the Security Council passed resolution 1503, which called on the donor community to support the work of the Office of the High Representative in creating the War Crimes Chamber within the State Court. This resolution suggests, but does not require, international funding.¹⁸ Although the WCC is endorsed by UN Security Council Resolutions 1503 and 1534, upholds international standards, receives international funding, and includes international prosecutors, judges, investigators, legal officers, and staff interns, it operates under domestic Bosnian law.¹⁹ This is a crucial distinction because it represents the institutionalization of international standards within the domestic Bosnian legal system.

The ICTY is an ad hoc tribunal with a mandate that will expire in 2010. The WCC is a permanent domestic institution with a mandate to continue operation until all war crime cases have been tried. An essentially unlimited mandate relieves some of the time pressure to prosecute and it may provide a comfort to victims, as the potential for a trial to occur will remain available.²⁰ However, it has already been over ten years since the fighting ended, and in many ways it is getting too late to prosecute many crimes. Logistically, there are obstacles in terms of aging and dying witnesses and perpetrators and destroyed

evidence.²¹ There is also potential for the perceived legitimacy of the accountability effort to decrease over time.

The final, and perhaps most significant, difference concerns international involvement. The mandate of the ICTY stipulated permanent international involvement and excluded any meaningful participation by Bosnian nationals in order to prevent accusations of ethnic bias. The WCC was established under international initiative and with international funding and personnel, but as a domestic institution. As was noted above, international involvement in the Chamber is being phased out over a period of five years.²² The phase out is a key factor in the legitimacy, efficacy, and domestic capacity building of the Chamber.

: THE WAR CRIMES CHAMBER WITHIN THE STATE COURT OF BIH

In January 2005, the WCC and a new detention facility were completed and two months later the Chamber opened for operations.²³ There are currently six courtrooms available for war crimes trials, two with high-tech and multi-defendant capabilities.²⁴ There are five international and eight national prosecutors with a support staff of national and international legal officers, interns, and language assistants.

For each trial that goes before the WCC there are three judges, two international judges and one national judge, who preside over the trial. In total there are 39 judges — 23 national and 16 international.²⁵ Other departments within the State Court provide support for the operations of the WCC (as well as for the other two sections within the State Court that are not exclusively war crimes focused: section II for Organized and Economic crime and section III for General Crime). These departments include the Court Management Section, Judicial Support Section, Prosecution Support Section, International Protocol Section, Witness Support and Protection Section, the Public Information and Outreach Section (PIOS), and the Defense Support Council.²⁶

Transition

The WCC was established with an ambitious transition strategy to eventually rely entirely on completely domestic staff and funding. The transition strategy, as described in the Office of the High Representative's War Crimes Chamber Project Implementation Plan in 2004, outlines six phases of transition, with the scheduled deadline for complete withdrawal of international presence in August 2009. According to this transition plan, the Chamber was in "Phase V: International Judges and Prosecutors Transitional Phase" when I visited in January 2007. This phase is scheduled to last from August 2006 to December 2007, during which time the 2:1 ratio of judges will be reversed. It is important to note the OHR transferred control over the War Crimes Chamber Project to the Office of Registrar for War Crimes and Organized Crime and there are no longer any OHR employees working for the WCC. The Registrar is an international administrative unit created by an agreement between the

EVEN WITH INTERNATIONAL MONETARY SUPPORT, THE WCC HAS BEEN UNDER-FUNDED FROM THE START.

High Representative and the BiH Presidency in 2004 to facilitate the transition.²⁷ In this regard, the transition plan initially written by the OHR has become more of a point of reference rather than a binding schedule.²⁸ The schedule is also slightly complicated by the late opening of the Chamber. According to the original OHR Implementation Plan, the WCC was scheduled to open in January 2005; however, actual operation began in March 2005. The first *11bis* transfer case from the ICTY did not occur until September 2005.²⁹

Although the goal now is to have the transition complete by December 2009, many WCC and State Court staff members believe it would be beneficial to retain international staff through the final transition phases while at the same time hiring more national staff.³⁰ Officials both inside and outside the WCC expressed the view that the 2009 completion deadline is too soon. Within the WCC, it was described by some as possibly beneficial but not necessarily crucial to the success of the court to have a longer international presence.³¹ Many outside the court were more adamant; as one leader of a human rights non-governmental organization (NGO) said, "The departure of the internationals will immediately make the court a political organization."³²

The transfer of the transition oversight body from the OHR to the Registrar in 2004 was an important step in the nationalization of the State Court. However, immediately after the transfer there was some administrative confusion over the responsibilities of the Registrar. The position of an International Registrar was created in the same 2004 agreement between the OHR and the Bosnian Presidency.³³ Although the agreement recognized the importance of the transition, it lacked actual details of how this would occur.³⁴ In September 2006, the OHR and the Bosnian Presidency reached a new agreement for the Registrar with specific legal provisions for the execution of the transition. The new "Integration Strategy" focuses on the transition of important functions from the international to national level, as the Registrar prepares for the end of its mandate in 2009, and also splits it into two departments.³⁵ Part of the agreement also created the Transition Council to assist in the monitoring and implementation of the transition.³⁶ The restructuring of the Office of the Registrar was described as a positive development in the transition strategy by international staff in the war crimes department.³⁷

: INTERNATIONAL INVOLVEMENT

International presence in the Chamber's early stages of development was intended to create an unbiased and fair trial, provide guidance, share expertise on international law and standards, and facilitate the necessary cooperation with the ICTY. In this regard, international involvement has received mixed reviews. The sensitive nature of war crimes and the history of accountability mechanisms in BiH require international involvement. This involvement has introduced many complexities into the process, but it also has had positive impacts on the overall development and goals of the WCC. The most pressing issue relating to international involvement is how long it should last.

International Involvement : Necessary

Although there were varying views on the work of the internationals and many suggestions for improvement, it was unequivocal that internationals were necessary in the initial stages for the success of the Court. This is due to the relationship between the WCC and the ICTY, international law, perceptions of legitimacy, and funding.

The relationship between the WCC and ICTY, combined with the practical reality of the ICTY as an institution, requires international involvement. The ICTY has extensive resources and evidence for the trials on the national level, especially regarding the cases it transfers. The majority of these documents are in English and French and therefore internationals are needed to facilitate efficient coordination.³⁸ This can be seen in the operations of the WCC, as international prosecutors tend to work on the *11bis* transfer cases for logistical reasons.³⁹ In addition, the use of international humanitarian law is important and new to the Bosnian legal system. Internationals play an important role by sharing knowledge of and access to critical documents with which Bosnians may not be familiar.⁴⁰

The international presence is also key to maintaining the appearance of a fair, unbiased institution. The internationals provide legitimacy to the WCC that would not exist in a purely national court because of the ethnic tensions still present in Bosnia.⁴¹ Bosnian nationals both inside and

outside of the WCC emphasized the legitimizing effect of an international presence, especially on the judge's panel.⁴² Even with a dominating international presence on the panels, there are still many claims of bias against every ethnic group involved in the Chamber's operations. Internationals are currently in a better position to handle these claims and ensure the WCC is not viewed as a political institution from its beginning, which would undermine any potential for future impact.⁴³ In this way, internationals are necessary for the sustainability of the Chamber and the potential model it can represent for lower level cantonal / district level courts and the judicial system as a whole.

The last issue requiring international assistance is financial. Although the transition strategy also calls for the transfer of fiscal responsibility to the national level, the project could never have begun without support from the international donor community. The need for huge infrastructure development in the beginning stages (the Court and detention center) required funds up front. With an operating budget of over €24 million in the first two years of the project, Bosnia and Herzegovina would not have been able to afford the construction and operations costs necessary to uphold international standards of justice and ensure fair trials.⁴⁴ Even with international monetary support, the WCC has been under-funded from the start. Hopefully, international aid in one-time infrastructure expenditures will help to keep down the operational costs that nationals will assume in the transition.

International Involvement : Complex

The presence of internationals in a domestic institution raises issues of language barriers, cultural differences, motives, and expectations. In the WCC, the translation costs are enormous as all documents are translated into Serbian / Bosnian / Croatian and English. The need for simultaneous translation during all court proceedings is costly and has led to innovative technological solutions. Anecdotally, I was able to observe the taking of a witness statement by an international prosecutor. For this procedure, there were seven people in the room because the questions were asked in English, translated into Bosnian, answered in Bosnian, and then translated back into English. This was not only

done orally, but the whole process was done in parallel on three computers. The high cost and logistical details of international involvement are built into the WCC infrastructure with designated translator rooms, equipment, and high-tech capabilities.

In addition to the logistical issue of translation, internationals also present a subjective complexity to the goals of the WCC and execution of justice. Each international actor has an influence on the direction, operation, and perception of the Chamber, and the motives behind his or her involvement have an effect. According to one international staff member of the War Crimes Department, the majority of internationals are initially attracted to the international law aspect of the WCC rather than the specific situation of Bosnia.⁴⁵ Although this will not necessarily have any impact on the actual proceedings of the Court, it could have an effect on the perception of justice by the Bosnian nationals, cooperation between international and national staff, or treatment of witnesses. Often the question is asked, "Justice for whom?" In this regard it is important to be aware of the internationals and their possible motives and take active measures to maintain the focus on Bosnia. This is another added benefit of having the WCC in the location where the crimes were committed. It is beneficial for reminding the international Court staff of the seriousness of the situation. As Michael Johnson, the former Registrar and person in charge of setting up the WCC, stated, "This is not a game. It is not a political exercise that will be played out

“Of course the original need for the presence of internationals is the safeguard and guarding of legal procedures. They prevent the possibility of serving ethnic justice; in this regard it has had and will need additional time.” / Judge Vokoje, State Court of BiH

in a textbook.”⁴⁶ The attitude of internationals did not seem to be a problem; however, it is important to acknowledge the possibility and take active steps to ensure a responsible and sensitive international staff.

Although the presence of internationals adds to the legitimacy of the Chamber, it is important to mitigate the unreasonably high or low expectations associated with their presence. Expectations can be raised in such a way that a mismatch results between the Chamber's actual capabilities and what the public expects. On the other hand, there are also deflated views based on the failures of the ICTY. The best way to handle these expectations so they are not manipulated into unfair criticism is for the WCC to be clear regarding its mandate and practices.⁴⁷

International Involvement : Positive

The presence of internationals has introduced complexities, but it also has made positive contributions to the development of the Chamber and rule of law as a whole. The positive contributions can be seen in the level of cooperation with nationals and the building of domestic capacity.

Language and cultural barriers limit cooperation between nationals and internationals to some degree. Despite the obstacles, cooperation was described as moderately successful, although often informal. (It is also important to note that

here are barriers to cooperation aside from the international / national distinction.⁴⁸) The cooperation results in a sharing of Bosnian expertise in local context, law, and history, and international expertise in areas of international criminal law and legal procedures. For example, the Kravica case, which involves indictments of genocide related to the Srebrenica massacre, was described as a case with close collaboration of national and international prosecutors.⁴⁹ Interviews with two national judges both produced glowing reviews of the interaction between nationals and internationals, indicating positive professional and personal relationships.⁵⁰

One of the achievements of the international community in regard to the creation of the WCC and the State Court was the recognition of a need for domestic capacity building. In addition to development in infrastructure and resources, there has also been skill sharing. The successfully completed transfer of some departments, such as Court Management, Witness Protection, and PIOS (Public Information and Outreach Section), is a testament to this skill sharing. The Director of the Defense Support Council described Bosnian nationals conducting training sessions about good defense practices and international law previously conducted by internationals.⁵¹ In addition to skill sharing, domestic capacity can be seen in the updated Criminal Code and Criminal Procedure Code of 2003.⁵² The updated codes represent the further domestic institutionalization of international law, but they will also require training sessions and development in domestic human capacity if the laws are to

It is impossible to address perceptions of war crime accountability without addressing two of the most serious offenders, Radovan Karadzic and Radko Mladic, who remain at large....

There are many political considerations involving the international community and these criminals. However, the failure of arrest casts a huge shadow over any accountability mechanism in Bosnia and sets a weak base for the judicial system to build on.

be implemented effectively.⁵³ The international community has recognized this and is engaged in several training activities, although it is too soon to judge the efficacy of these measures.⁵⁴

Future Role for Internationals

The transition strategy calls for all internationals to be gone by December 2009. It would be extremely beneficial to retain internationals through this date, while still upholding it as the deadline. The argument against continued international presence in the WCC was usually made in the context of eliminating international involvement in the country as a whole, specifically the Office of the High Representative. This viewpoint asserts that internationals have been too heavy-handed and actively involved in domestic issues and it is time for them to take a step back and transfer power and responsibility to Bosnian nationals.⁵⁵ It is true that internationals have also had a long history of involvement in the prosecution of war crimes, but the WCC within the State Court represents a palpable break from the past and it would be devastating for internationals to leave before the Court is ready. It is also interesting to note that the only calls for the withdrawal of internationals were from internationals themselves.⁵⁶ All nationals interviewed were supportive of continued international presence in both the WCC and the larger political context.

When the transition is completed, internationals will still have an important role to play in monitoring and reporting on the trials. The Organization for Security and Co-operation in Europe (OSCE) was asked by the ICTY to monitor the *11bis* cases transferred to the WCC. The OSCE continues to monitor these trials as well as domestic war crime trials throughout the country.⁵⁷ The continuation of this process in the future will serve as a good check on the judicial process as well as an important database for information. Trial monitoring is also being done by several NGOs on the regional level.⁵⁸

The future of the international role in Bosnia and Herzegovina will revolve around the European Union Accession process. In this regard, the effective prosecution of war crimes needs to be emphasized in both public and private discussions as one of the criteria for accession. It is also important for the international community, working together with local actors, to start a discussion explaining why prosecutions and other transitional justice mechanisms are necessary. The institution does not exist in a vacuum, and it is important for the significance and reasoning behind its activity to be recognized by members of the Bosnian public. In this way, internationals can promote international human rights norms and a value system that supports the institutions that are in place.

: PUBLIC PERCEPTIONS

International involvement is an integral factor in how the public views the WCC. There is an influence on both objective operations and within the subjective nuances of public interpretation. The role of internationals is important in developing the operational standards of the Chamber but also contributes elements of legitimacy and fairness to the environment in which public attitudes towards the WCC are developed. The objective issues of the number of indictments, who is indicted, the time it takes to prosecute, and the length of the sentences are all factors by which the WCC is judged. Media reports concerning these operational aspects of the court are the most influential and complex pieces of information available to the public.

It is tempting to judge the efficacy of the WCC by the number of cases it is handling. The Chamber has handled an impressive number of cases, especially in comparison with the ICTY.⁵⁹ However, it is important to note that the increased complexity of war crimes requires more time for cases to be prosecuted from start to finish. This is especially true for *11bis* transfer cases, where: “The number of the cases is not indicative of the amount of work each of these generally complex and involved cases brings with it, nor is the number a reliable predictor to use for determining what the Prosecutor’s Office of the Court can anticipate in such cases, e.g.

trial time, etc.”⁶⁰ An increased caseload could put strains on other aspects of the judicial process, which may lead to criticism. It is also crucial to make a distinction between cases and indictments, as there are often multiple accused per file.

The rank, ethnicity, and severity of crime of the accused are important influences on how the public perceives the Chamber. The prosecution strategy of the WCC is not completely institutionalized, publicized, or understood by the general public. There are several different elements guiding case selection, but they are not pulled together into a coherent plan. The Prosecutor’s Office within the War Crimes Department is organized into five teams based on geographic regions in BiH, with a sixth team devoted exclusively to the genocide at Srebrenica. With this organization, the Prosecutor’s Office has not adopted a strategy of prosecuting the most severe crimes first, but is rather looking for geographic and, perhaps; some degree of ethnic balance. Of the cases under the WCC jurisdiction, the Rule *11bis* transfers from the ICTY are in practice given first priority.⁶¹ Apart from these cases, the Prosecutor’s Office is responsible for the “highly sensitive” cases as determined by a review of case files approved for prosecution by the ICTY Rules of the Road Process and guided by an internal document within the Prosecutor’s Office.⁶² The factors determining a “highly sensitive” or “sensitive case” have not been publicized.⁶³ Once the “highly sensitive” label has been applied to a case file, there are additional factors that affect when and if the case will come to trial. According to a legal officer in the Prosecutor’s Office, the process of case selection takes into consideration many different factors, such as the availability of evidence, feasibility of capturing the accused, severity of crime, and resources available.⁶⁴

The mystery behind the case selection process may be contributing to confusion and criticism of the cases that do come to trial. There is criticism of the WCC for not prosecuting enough “big fish” and for focusing on Serbian criminals. There have been accusations from the Republika Srpska, the predominantly Serbian entity within BiH, that the WCC is a “Serb Chamber.”⁶⁵ There is no public awareness of the complex process behind the indictments and this may lead to negative interpretations in some instances. It would be beneficial for the Prosecutor’s Office to develop a more co-

herent plan of prosecution that could be explained to the public and thereby lessen the opportunity for political manipulation. In this regard, the Prosecutor's Office is working on developing a "National Strategy of Prosecution."⁶⁶

It is impossible to address perceptions of war crime accountability without addressing two of the most serious offenders, Radovan Karadzic and Radko Mladic, who remain at large. Karadzic was the President of the Serbian Democratic Party and Mladic was the commander of the Bosnian Serb army. Both men have indictments from the ICTY on counts of genocide and crimes against humanity and would be prosecuted at The Hague if apprehended.⁶⁷ There are many political considerations involving the international community and these criminals. However, the failure to arrest casts a huge shadow over any accountability mechanism in Bosnia and sets a weak foundation for the judicial system.⁶⁸ It is important to keep in mind, however, that justice is not a concrete concept. What is felt to be meaningful delivery of justice often depends upon the individual perspective of each victim.⁶⁹ It is perhaps more important for some to see the prosecution of the actual soldier involved in a crime rather than the prosecution of the general responsible for organizing the attack. Legal uses of the idea of Command Responsibility or of "collective liability theory" are relatively new and highly technical.⁷⁰ It is extremely important for the development of the law, reconciliation efforts, and negative perceptions of impunity for lower ranking perpetrators that such constructs and their implications be explained in layman's terms to and understood by the general public.

Sentencing is the aspect of the trial process that is most clearly a quantitative representation of justice. Every Bosnian national and several internationals with whom I spoke expressed dissatisfaction with the lengths of sentences.⁷¹ The maximum sentence under the 2003 BiH Criminal Procedure Code for any war crime, crime against humanity, or genocide is 45 years imprisonment, but it is hard to assign an appropriate sentence for war crimes.⁷² European standards are used in order to move forward while dealing with the past and to fulfill accession requirements. It is important these standards are explained to the public through outreach efforts. It must also be clearly communicated to the public what the accused is being prosecuted for. It is likely that the accused is often guilty of more severe crimes than those for which the available evidence will allow prosecution. If the public is not familiar with the legal process and the specific terms of the indictment, it can lead to a perception of injustice in the sentencing procedure.⁷³

: PUBLIC INFORMATION AND OUTREACH AT THE STATE COURT

In order for the operations of the WCC to translate into meaningful justice, the people of Bosnia must have an awareness of the Chamber's activities. The complexities of the operations of the WCC and the special and sensitive nature of war crimes prosecution demand an effective outreach program. An outreach program should go beyond the names and crimes of the accused, and provide awareness and explanation of the larger process involved.

The WCC has learned from the ICTY the importance of public outreach. Although the WCC has the distinct advantage of being located in Bosnia, active outreach efforts and public information are still important.⁷⁴ The need for effective outreach and public awareness had been recognized by the international community and is evident in the inclusion of the Public Information and Outreach Section in the original OHR Project Implementation Plan.⁷⁵ Although the recognition of the need for outreach is an important first step, in order for it to have a meaningful impact, a comprehensive and coherent plan must be developed and fully financially supported.

Public Information

The State Court has taken crucial steps in the right direction, but it is lacking a coherent strategy of engagement with the media. There are several different points of interaction between the public, media, and the Court. The Public Information and Outreach Section, Press Office for the Prosecutor's Office (now separate from the Press Office for the Court), President of the Court, and other authorities within the Court and War Crimes Department interact with the media in various ways. The separation of Press Offices was initiated as a reflection of the specific and separate functions of the State Court and the Prosecutor's Office. Staff in these offices update the State Court's website daily, and there is a large amount of information available online including press releases, often multiple daily updates, weekly summaries, a "frequently asked questions" section, and trial schedule. The Press Offices have a phone number reporters can call for information and to request video coverage of the courtroom proceedings.⁷⁶ It is significant that the majority of information regarding the WCC and its trials originates from the Court itself. The updates and releases written by the Press Offices are often reported directly via radio and television outlets around the country.⁷⁷ Although many reporters were generally critical of the accessibility to information, the Court Management Office challenged the media to find a court that was more open and facilitating to reporting needs.⁷⁸ There are several mechanisms in place for information to be disseminated and the State Court is definitely the most transparent in the region. However, there is a notable lack of regular press conferences and the response time to information requests is often slow.⁷⁹

The complexities of the WCC and the sensitivity of the cases before it both increase the need and pose a challenge for effective outreach. The safety of protected witnesses cannot be sacrificed and there is certain information regarding a case that cannot be disclosed. It is important for the Chamber to maintain clear lines of communication with the media and explain the reasons why certain pieces of information cannot be disclosed. Members of the media expressed frustration with the slow process of accessing some information, while members of the WCC staff expressed similar frustration with inappropriate requests.⁸⁰

Although both press offices are responsible for the majority of information available to the public, neither acts as a recognizable spokesperson in the media. This role is performed largely by the President of the Court, Meddzida Kreso, who often gives public statements and makes public appearances. The PIOS section supports her, but it is not completely clear

THE INTERNATIONAL INFLUENCE ON PUBLIC PERCEPTIONS AND LEGITIMACY IS ESPECIALLY POWERFUL IN THE HIGHLY SENSITIVE AND POLITICALLY CHARGED ATMOSPHERE OF POST-CIVIL WAR BOSNIAN SOCIETY.

how this relationship is defined or if the President of the Court is intended to play the role of official spokesperson. It is a positive development for the Court to interact with the public at several different points and include dialogue with various representatives, but it is important that this takes place within a comprehensive and well-coordinated strategy.⁸¹

Public Outreach : The Court Support Network

The PIOS office's primary effort to actively reach out into the population is through the Court Support Network (CSN).⁸² This network is innovatively designed to work with local Bosnian NGOs in order to reach out to people around the country. Ideally, the first ring of NGOs would act as information centers in the main cities around the country. The second ring of NGOs would be coordinated by the first ring

and have further reach. Currently in place are five of the eight planned NGO information centers and approximately 300 NGOs in the second ring.⁸³

The CSN is the first of its kind and is a creative structural development in regard to an outreach mechanism. However, the actual application of the structure has not been as consistent or as effective as it could be. The Registrar was responsible for funding the NGOs for the first six months, but that period ended in 2005 and each NGO is now individually responsible for securing its funding for the project. The focus of the NGOs has largely been witness support rather than general outreach and the CSN has been working closely with the Witness Support Network.⁸⁴

It is extremely important that the State Court has an outreach section that explains the legal processes and overall structure of the Court to the general public. PIOS should provide this information to the media and work with, but not rely on, NGOs or media outlets to perform this function.⁸⁵ This is especially true in Bosnia, where the independence of the media and quality of reporting leaves much to be desired. Although there is a basic awareness of the WCC and its activities in Bosnia through coverage in newspapers, radio, and television, there is a need for investigative journalism and in-depth reporting.⁸⁶

: FUTURE CHALLENGES

One of the biggest upcoming challenges for the WCC will be successfully executing the transition to capable national authorities and maintaining legitimacy through this process. There have been significant advances in the structure and logistics of the transition, but it still remains to be seen how the final product will evolve. In this regard the Registrar needs to develop more concrete benchmarks and mechanisms to execute the transition. It is important that the WCC use outreach and interaction with other national institutions and domestic NGOs to promote integration on several levels. It would be beneficial for international staff to stay as long as possible while the transition is occurring to provide stability and legitimacy.

Capacity

As the caseload the State Court and War Crimes Department handles increases, the gap in other necessary support services will become more apparent. There is no high-security prison in Bosnia and the international community has been slow to provide the necessary funds for the construction of one.⁸⁷ The current detention facility has only 18 cells and is not a long-term solution for the problem. Other areas, such as witness protection, SIPA (State Investigation and Protection Agency), and Public Information and Outreach will continue to be limited by funding and strained as the WCC activity increases.⁸⁸ If left unaddressed, these issues have the ability to undermine the positive work of the Chamber.⁸⁹

Politics

The WCC is a domestic institution and will be affected by domestic political issues. While the Chamber is in the process of transition, the entire government of Bosnia is simultaneously going through a period of transition, as the OHR is reaching the end of its mandate (now extended for one year), issues of constitutional reform are imminent, and the European Union is becoming more involved in potential accession.⁹⁰ Other issues, such as police reform, corruption, organized crime, and entity-state level power struggles will have an influence on the context in which the WCC is operating. All of these components of developing the rule of law are interrelated.⁹¹ Even if the politics of Bosnia do not have a direct effect on the operations of the WCC, they will have an effect on the lens through which people view the Chamber.

Relationship with Lower Level Courts

The mandate of the WCC and the large number of war crime cases will mean the majority of cases will be prosecuted at the cantonal and district level courts.⁹² The WCC relationship with these courts is defined by the jurisdiction the WCC maintains in determining the cases that will go before the lower level courts through the "highly sensitive" or "sensitive" review process. Additionally, the State Court can take

a case from a cantonal / district level court if it believes it should be prosecuted at the WCC. Aside from this relationship, there is limited coherence in war crime prosecutions on both the state and district / cantonal level. The presence of the WCC has, according to some, had a positive impact on the district / cantonal courts in terms of adding pressure to prosecute. This can be seen in the increased number of cases in the Republika Srpska.⁹³ In addition, there has been some skill sharing between the WCC and the lower level courts, as well as some sharing of information and evidence, coming mainly from the ICTY. However, this relationship has developed on a largely informal basis within a limited institutional framework.⁹⁴

The High Judicial and Prosecutorial Council (HJPC) can play and has played a key role in developing the institutional linkage needed in the judicial system, ensuring fair and consistent trials around the country. The HJPC is a state level institution responsible for appointing national judges at both the WCC and cantonal / district level courts and monitoring their performance. Since 2003, the HJPC has developed as an institution, having undergone the transition from international to national, and it can be an important mechanism in the future legitimacy and sustainability of war crimes trials at both the state and cantonal / district level.

It is crucial that there be clear communication between the state and lower level courts. There was some confusion regarding the original creation of the State Court in 2003 and implementation of the new Criminal Procedure Code, and some lower level prosecutor offices believed they no longer were able to prosecute war crime cases or they were generally uncertain about the process.⁹⁵ The situation has since been rectified, but it demonstrates the need for clear communication between the courts as well as with the general public. Developing a clearer, perhaps legal, hierarchy between the lower level courts and the State Court is an issue laced with politics. If possible, perhaps in the future, it would be an important step in uniting the country both institutionally and in repairing past wrongs.

In the past three years the main difficulty at the cantonal / district levels has not been "ethnic justice" but rather a problem of capacity.⁹⁶ These courts do not have the same infrastructure, staff, witness protection capacities, access to

War crimes remain the central issue of society in Bosnia and Herzegovina. The WCC is a significant positive development in the struggle to achieve justice and accountability for the atrocities that took place. It is important, in the macro-sense, in recognizing the need for domestic capacity building and the execution of transitional justice that is more responsive to the needs of the affected population. It is too soon to judge the success of the Chamber, but the WCC has made a strong start and will likely continue to uphold high operational standards. The key to translating these operations into steps toward reconciliation and social trust hinges on outreach and public awareness.

evidence and legal research, and funding as the WCC, yet they are responsible for a huge number of cases, as well as a huge backlog of normal criminal and civil cases. Although the war crime cases tried at these courts are of the lower-level accused, it is still important for standards of justice to be upheld. This issue has been recognized to some degree by internationals and nationals; however, the main issue hindering progress will be a lack of financial resources.

Development of Rule of Law and the Judicial System

It is not in the mandate of the WCC to develop rule of law or a sustainable judicial system in Bosnia. However, the operations of the Chamber do have an effect on the overall system with regard to both operations and perceptions. It is important to have a foundation of accountability on which to build a judicial and legal system, and the WCC is helpful in bringing international standards to the domestic level. It is often assumed that accountability mechanisms, like the WCC, have an inherent positive impact on the development of rule of law, but the relationship is something that still needs to be explored.⁹⁷ On the institutional level, the impact can most clearly be seen in the development of state-level institutions, whereas the cultural impact seems more directly linked to the Chamber's outreach efforts, media coverage, and education.

: CONCLUSION

War crimes remain the central issue of society in Bosnia and Herzegovina. The WCC is a significant positive development in the struggle to achieve justice and accountability for the atrocities that took place. It is important, in the macro-sense, in recognizing the need for domestic capacity building and the execution of transitional justice that is more responsive to the needs of the affected population. Although it has built on the ICTY and avoided many previous mistakes, it has made some new ones. It is important to keep in mind that the WCC does not operate in a vacuum and that the domestic situation and politics set the parameters for its potential achievements. It is too soon to judge the success of the Chamber, but the WCC has made a strong start and will continue to uphold high operational standards. The key to translating these operations into likely steps toward reconciliation and social trust hinges on outreach and public awareness. In this regard, there is room for improvement. There has been some recognition of the problem by the WCC, and it has renewed its efforts to work together with appropriate actors in government and civil society to address the issue.

The WCC presents a new model of transitional justice that answers several of the criticisms of other accountability methods. While the War Crimes Chamber offers great promise for Bosnia and Herzegovina and has many lessons to offer the international community, the applicability of this model to other post-conflict societies should not be exaggerated. / END

A FORGOTTEN PEOPLE

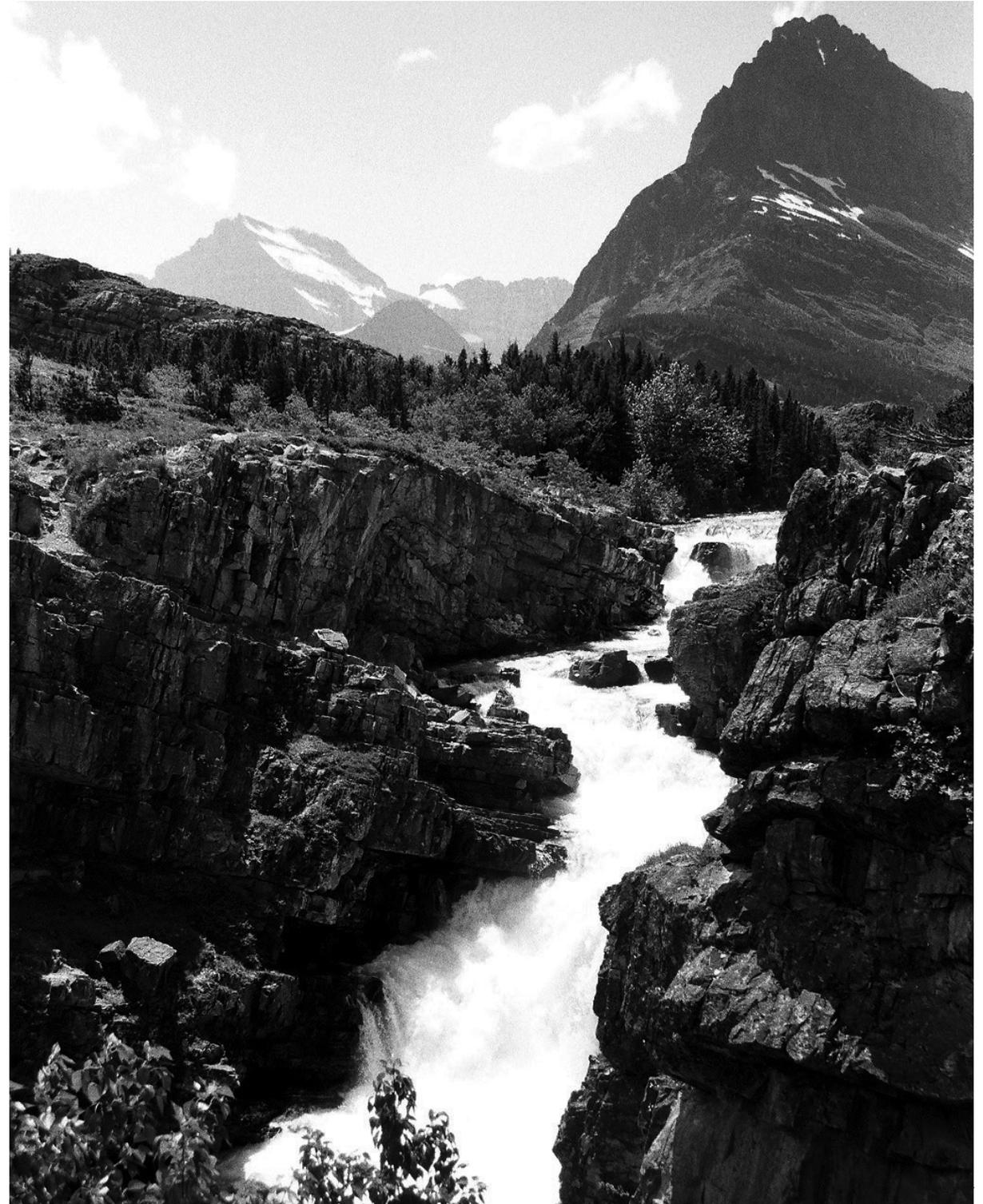
Padden Guy Murphy (A&S 2009) is *Discourse's* founding editor and an IGL Synaptic Scholar majoring in International Relations and Chinese. He also co-founded the civil-military relations initiative ALLIES (Alliance Linking Leaders in Education and the Services), and is a member of Tufts University's improvisational comedy troupe Cheap Sox. His home and family are in Great Falls, Montana.

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This photo essay offers a glimpse into two of the seven American Indian reservations in Montana. The Blackfeet and the Chippewa Cree Nations, while very different, continue to fight to preserve their cultures in the face of modernity and societal crises. These nations exist as states within a state, answering to federal authority while maintaining partial national sovereignty. Governance and accountability are often lost to legal ambiguities and exploitation.

Both reservations struggle with tribal and federal governmental issues, drug and alcohol abuse, and pervasive poverty. The populations of the Blackfeet and Rocky Boy reservations are approximately 10,000 and 3,000, respectively.

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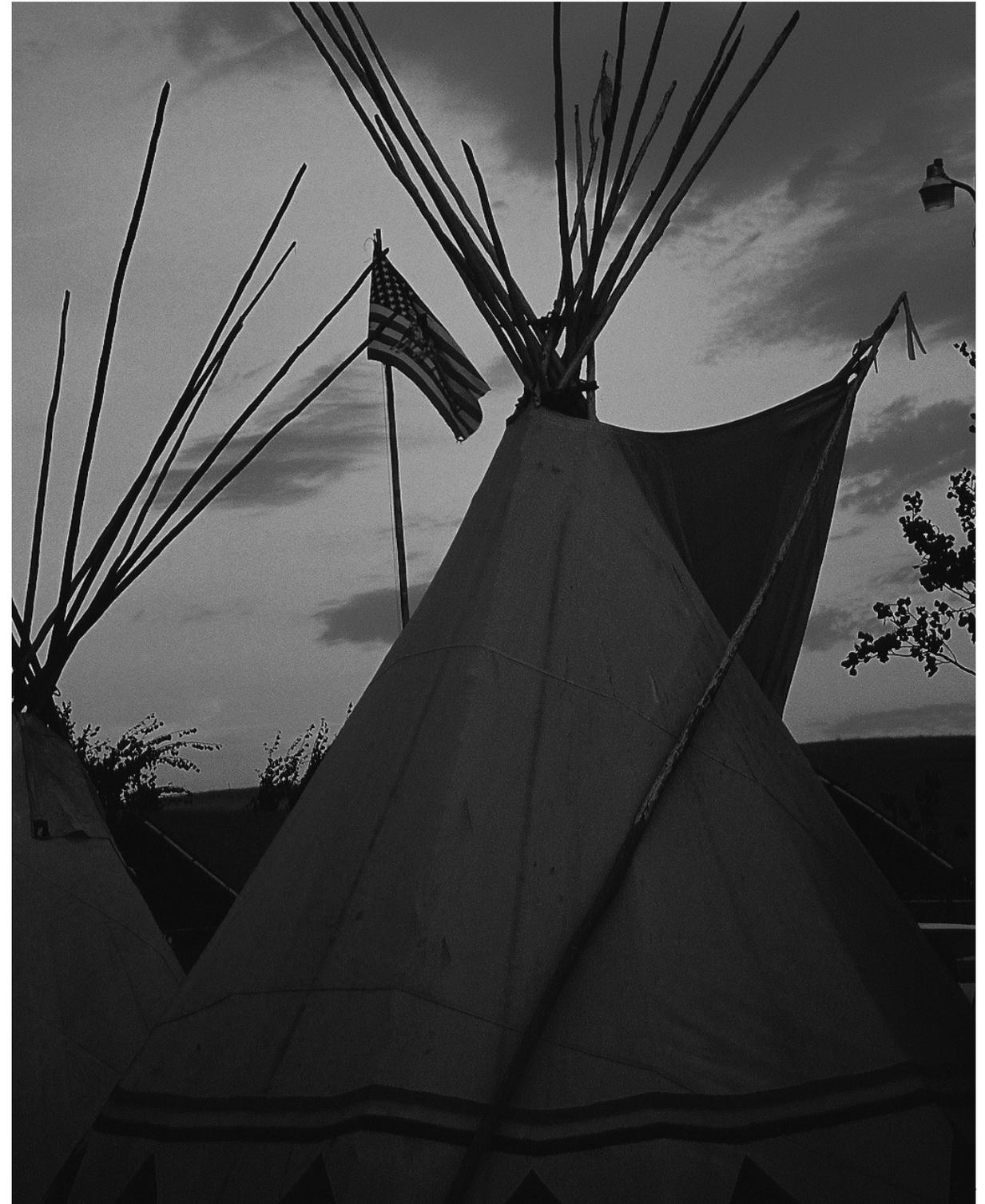














FORGOTTEN LESSONS OF COUNTER- INSURGENCY

KYLE HIATT GRADUATED FROM TUFTS UNIVERSITY IN 2007 WITH A BA IN INTERNATIONAL RELATIONS AND WAS COMMISSIONED, AS A 2ND LT. IN THE UNITED STATES ARMY THROUGH THE ROTC PROGRAM AT MIT.

AS THIS ARTICLE GOES TO PUBLICATION, HE IS UNDERGOING ARMOR OFFICER TRAINING AT FORT KNOX, KY, EN-ROUTE TO HIS FIRST DUTY STATION AT FORT LEWIS, WA, WITH THE 3RD STRYKER BRIGADE COMBAT TEAM, 2ND INFANTRY DIVISION. AFTER SERVING AS AN ARMOR OFFICER FOR A PERIOD OF FOUR YEARS, HE WILL TRANSITION INTO MILITARY INTELLIGENCE.

The outcome of the Iraq war has implications for both U.S. domestic and global politics in terms of the role and status of the world's reigning superpower, the relevance of multi-national security organizations, the stability of the Middle East, the viability of Radical Islamism as a movement vis-à-vis democracy, and many other important issues. Despite the far-reaching ramifications of this conflict, independent analysis using almost any measure would declare the U.S. effort in Iraq thus far a failure. U.S. war planners have misunderstood and mishandled the war throughout its duration. While the Multi-National Forces in Iraq (MNF-I) managed to topple Saddam's regime with unprecedented speed and military dominance, the ultimate objective of the initial campaign was not the destruction of a potentially dangerous, autocratic nation but its replacement with a stable, democratic, capitalist state. It is the post-war stability and reconstruction effort (often termed Phase IV operations) that

has been poorly planned and conducted. What was needed from the very beginning was a coherent and comprehensive counterinsurgency strategy to cope with the potential complications of reconstruction in post-Saddam Iraq.

The security situation in Iraq is far from ideal, with more Iraqis dying each month than the total number of Americans who died on 9/11. Neither the United States nor the rest of the world can be satisfied with a strategy for victory that results in the dire situation in which the Iraqis find themselves today. More importantly however, Iraqis themselves are extremely pessimistic about the war's outcome: only 36 percent of Iraqis feel their country is headed in the right direction, 79 percent feel that the U.S. is exerting a mostly negative influence on their country, and 61 percent of Iraqis approve of attacks against U.S. and coalition forces.

The objectives of this paper are : (1) to describe the faltering nature of the U.S. effort in Iraq over the war's first three-plus years in the context of the Bush administration's stated objectives on the eve of the conflict; (2) to clarify the terms and principles of counterinsurgency and argue for a different type of strategy that would give the United States a better chance of accomplishing its pre-war objectives; (3) to glean lessons learned from the United States' failed counterinsurgency strategy during the Vietnam War that may be applicable to the current situation in Iraq; and (4) to use the framework of *organizational theory* to explain why this type of strategy has not been adopted (at least not until very recently).

The Situation on the Ground

As Iraqi popular support for the U.S. effort failed to materialize and U.S. domestic support waned — especially as illustrated by the 2006 mid-term elections, commonly perceived as a referendum on the war effort — the Bush administration reviewed its strategy for victory in Iraq. In

2006, the Bush administration commissioned a bipartisan study on the war effort, co-led by former Secretary of State James A. Baker and former Congressman Lee H. Hamilton. *The Iraq Study Group Report* published several inauspicious findings. It also suggested a radical shift in strategy, even-tuating in a U.S. withdrawal as early as 2008. Regarding the growing level of violence in Iraq, the group reported :

– Attacks against U.S., Coalition, and Iraqi security forces are persistent and growing. October 2006 was the deadliest month for U.S. forces since January 2005, with 102 Americans killed. Total attacks in October 2006 averaged 180 per day, up from 70 per day in January 2006. Daily attacks against Iraqi security forces in October were more than double the level in January. Attacks against civilians in October were four times higher than in January. Some 3,000 Iraqi civilians are killed every month.¹

The security situation in Iraq is far from ideal, with more Iraqis dying each month than the total number of Americans who died on 9/11. Neither the United States nor the rest of the world can be satisfied with a strategy for victory that results in the dire situation in which the Iraqis find themselves today. More importantly however, Iraqis themselves are extremely pessimistic about the war's outcome : only 36 percent of Iraqis feel their country is headed in the right direction, 79 percent feel that the U.S. is exerting a mostly negative influence on their country, and 61 percent of Iraqis approve of attacks against U.S. and coalition forces.²

Many of these problems have occurred because the U.S. has been slow to adapt to the situation on the ground. Soon after the fall of Saddam Hussein's regime, an insurgency developed that was designed specifically to counter the conventional strategy that MNF-I had used so effectively in the opening stages of the war. The insurgency was fed mainly by remnants of the former Sunni-Baathist power structure and small pockets of al-Qaeda operatives filtering into the country from abroad. The U.S. has been slow to recognize and fully appreciate the implications of this insurgency, which gradually managed to antagonize the Shiite centers of power into a violent sectarian-civil war. As of August 2007, it is yet to be determined whether or not the United

States has adopted a proven counterinsurgency strategy capable of stabilizing the fledgling Iraqi national government and winning over the support of the Iraqi people.

In his presidential address to the nation on 10 January 2007, George W. Bush announced the unveiling of a new strategy for MNF-I after having consulted with experts from the Iraq Study Group, military commanders on the ground, and allies abroad. As part of the new strategy, the address detailed a change in military leadership placing Lieutenant General David Petraeus, who had recently commanded the U.S. Combined Arms Center in Fort Leavenworth, as overall commander of U.S. forces in Iraq. It is widely recognized that Petraeus was chosen based on his knowledge of counterinsurgency warfare. In his own words, Petraeus reveals his critical view of the U.S. military's recent preparation and planning for counterinsurgency warfare : “The insurgencies in Iraq and Afghanistan were not, in truth, the wars for which we were best prepared in 2001; however, they are the wars we are fighting and they clearly are the kind of war we must master.”³ Under his command, a special edition of *Military Review* by the Fort Leavenworth Combined Arms Center was published containing a number of articles written on the topic of counterinsurgency by experts on the subject matter from around the globe.

Counterinsurgency Doctrine Review

Despite the surge in attention being paid to insurgency and counterinsurgency over recent decades, they are not new phenomena. According to Army Lt. Col. John Nagl, who has analyzed the historical adaptability of the U.S. Army to counterinsurgency warfare : “Low-intensity conflict has been more common throughout the history of warfare than has conflict between nations represented by armies on a ‘conventional’ field of battle.”⁴ Counterinsurgency warfare does not involve an interstate clash between fielded armies attempting to destroy each other's war-making capabilities. It is an intrastate affair over the legitimacy and authority of a state's government. In *Insurgency and Terrorism*, Bard O'Neill, a former Air Force Officer and Professor at the National Defense University states : “Insurgency may be defined as a struggle between a nonruling group and the ruling authorities in which the nonruling group consciously uses *political resources*

David Galula, the preeminent theorist on counterinsurgency warfare, asserts the fundamentally political nature of this struggle, stating that, much like a politician, one must hone and craft a “competing cause” or vision in order to win that competition for support.

(e.g., organizational expertise, propaganda, and demonstrations) and *violence* to destroy, reformulate, or sustain the basis of one or more aspects of politics.”⁵ Thus, unlike in conventional warfare, there is an inherent asymmetry of ends and means between warring parties in a counterinsurgency. The objective of the insurgent is to de-legitimize a government, while that of the counterinsurgent is to either build or sustain one. Retired Marine Corps Colonel Thomas X. Hammes describes this asymmetry in objectives between the insurgent and counterinsurgent, and the relative difficulty in accomplishing each: “The fundamental weapon in counterinsurgency remains good governance. While the insurgent must simply continue to exist and conduct occasional attacks, the government must learn to govern effectively. The fact that there is an insurgency indicates the government has failed to govern. In short, the counterinsurgent is starting out in a deep hole.”⁶ Another advantage that the insurgent possesses is a greater cultural understanding. As is often the case (e.g., in both the Vietnam War and Operation Iraqi Freedom), the counterinsurgent force is typically heavily supported by a foreign power. Often these conflicts originate from a government’s inability to establish itself autonomously, and it depends on outside help to accomplish this goal. Insurgents, on the other hand, typically grow out of the local population. Anthropologist and Pentagon consultant Montgomery McFate argues that in most counterinsurgency efforts over the past 60 years, the insurgents have wielded a distinct advantage in knowledge of the cultural terrain. Due to their lack of linguistic and cultural barriers, they are more apt to understand the interests of the local population.⁷ It is for these reasons that the task of the counterinsurgent is remarkably difficult and complex.

It follows logically that the strategy for defeating an insurgency must incorporate more than just a military solution. In accomplishing the goal of legitimizing its authority, the counterinsurgent force must seamlessly coordinate a political component within its military strategy. Supporting her argument with excerpts from American and British doctrine, McFate writes that an insurgency is at the most fundamental level a “competition for power.”⁸ Therefore, victory in the political arena is more central to the counterinsurgent’s effort than on the battlefield. Thus, a multi-tracked approach is essential to fighting and overcoming an insurgency. Simply finding and killing the “bad guys” through military

means alone is not sufficient. Andrew Krepinevich highlights this point in an article entitled “How to Win in Iraq” by contrasting the “centers of gravity” in a conventional war and a counterinsurgency :

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In conventional warfare, the enemy’s military forces and capital city are often considered its centers of gravity, meaning that losing either would spell defeat. In the Iraq war, for example, the coalition concentrated on destroying Saddam’s Republican Guard and capturing Baghdad. But the centers of gravity in counterinsurgency warfare are completely different, and focusing efforts on defeating the enemy’s military forces through traditional forms of combat is a mistake.⁹

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The center of gravity in counterinsurgency is the local population. The insurgent and counterinsurgent are engaged in a competition over the support of the population. David Galula, the preeminent theorist on counterinsurgency warfare, asserts the fundamentally political nature of this struggle, stating that, much like a politician, one must hone and craft a “competing cause” or vision in order to win that competition for support.¹⁰ This task is inherently more difficult for the counterinsurgent than for the insurgent. Not only must the former provide security for the population, it must also succeed in arguing that its governance provides the best opportunity for a promising future. Therefore, in addition to halting the violent activity of the insurgency, the government needs to provide all basic services and promote signs of economic improvement.

A Full Spectrum Approach to Counterinsurgency

Nearly all proposals for this politico-military solution to counterinsurgency support a multi-tracked approach coordinating several aspects of national power into a single, coherent strategy. Major General Peter W. Chiarelli, former commander of the 1st Cavalry Division, has put forward one of the more comprehensive versions of this multi-tracked approach to counterinsurgency.¹¹ He divides the host nation’s population into three constituencies : the insurgents, those who support the government, and those who are “on the fence.” The goal of his strategy is to isolate the insurgents from the rest of the population and then convert as many of the fence-sitters as possible to the government’s cause. In order to accomplish this goal, the counterinsurgent force must pursue five fully-coordinated *lines of operations* (LOO’s) : combat operations, training and employing local security forces, providing essential services, promoting governance, and encouraging economic pluralism. In Iraq, for example, the end state of this strategy is “a secure and stable environment for Iraqis maintained by indigenous police and security forces under the direction of a legitimate national government that is freely elected and accepts economic pluralism.”¹²

The first LOO, combat operations, is the one that military organizations are most comfortable conceptualizing. However, it is also the one most easily pursued in a counterproductive way. Often, in emphasizing targeting the enemy, the military force will rely too heavily on

offensive combat operations to the detriment of the overall strategy of “winning hearts and minds.” Since the ultimate goal, as Chiarelli defines it, is to establish a “secure and stable environment” under a “legitimate government,” a strategy that focuses only on searching for, and destroying, the enemy while placing a secondary priority on providing security to the population cannot be fully effective. The fundamental role of the counterinsurgent force is to achieve a secure environment for the population that is attributable to the efforts of the local government. McFate argues that a government’s primary responsibility to its constituency is the provision of security, and that without security civilian support for the government is unattainable.¹³ A war-torn environment, in which the population has as much to fear from the collateral damage of large combat sweeps and search-and-destroy missions as from insurgent attacks, is not conducive to the garnering of local support for the government.

The major qualification to the first line of operations (combat) is that the violence must be proportionate to the overall aims of the counterinsurgency strategy. In pursuing large combat operations, the counterinsurgent assumes great risk that the violence intended to kill insurgents unintentionally creates more enemies than it eliminates. McFate explains how the inordinate use of violence can be counterproductive: “In a counterinsurgency, ‘winning’ through overwhelming force is often inapplicable as a concept, if not problematic as a goal. Often, the application of overwhelming force has a negative, unintended effect of strengthening the insurgency by creating martyrs, increasing recruiting, and demonstrating the brutality of state forces.”¹⁴ The counterinsurgent force must make the security of the population its highest priority, over and above the goal of hunting down and killing insurgents.

Once this shift in priorities is made, however, combat still plays an important role in counterinsurgency. Improved prospects for the future alone will not persuade the hardened insurgent to cease resistance. Thus, the task for the counterinsurgent remains to employ violent force against the insurgency selectively, so as to minimize the risk of alienating the population. This balancing act, as General Petraeus explains, is one of the most difficult tasks of counterinsurgency. In an article written at the conclusion of his tour as commander of the 101st Division (Air Assault) in Mosul during 2003-2004, he outlines 14 observations for effectively defeating an insurgency. McFate asserts that the counterinsurgency strategy of the 101st in Mosul was the most effective of the entire war.¹⁵ Petraeus’s fifth and sixth observations are that a military force pursuing a counterinsurgency strategy should “analyze costs and benefits of operations beforehand,” and that, logically, “intelligence is the key to success.”¹⁶ In planning operations, military leaders must ask themselves :

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 ‘Will this operation take more bad guys off the street than it creates by the way it is conducted?’... In the main...we sought to carry out operations in a way that minimized the chances of creating more enemies than we captured or killed. The idea was to try to end each day with fewer enemies than we had when it started. Thus we preferred targeted operations rather than sweeps, and as soon as possible after completion of an operation, we explained to the citizens in the affected areas what we’d done and why we did it.... Such

operations obviously depended on a sophisticated intelligence structure, one largely based on human intelligence sources.¹⁷

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 The counterinsurgent force must utilize a cost-benefit analysis method to determine which combat operations are worth undertaking in light of the risk of alienating the population. As Petraeus explains, this approach requires a very sophisticated human intelligence capability.

Lastly, regarding the appropriate usage of combat operations in counterinsurgency, history has shown that an “oil-spot” strategy of providing security to the population from controlled areas and gradually expanding outward has proven effective. The U.S. security plan for Iraq has thus far entailed conducting large search and destroy missions in troubled neighborhoods and then leaving the area — only to have insurgents filter back. A clear-and-hold strategy is more effective because it prevents the counterinsurgent force from having to repeat prior efforts of combating insurgents in areas of recurring violence. This tactic can, and hopefully will, be accomplished by clearing dangerous areas with American security forces and then holding these areas with trusted Iraqi military units. In this way, the U.S. military could adopt a more direct-action role in Iraq, for which it is well suited, while devolving to Iraqi security forces responsibility for interacting with and providing lasting security for the population.

The second line of operations involves training and employing local security forces. Some of the already mentioned risks associated with combat operations can be minimized or avoided by accomplishing this directive. The enlistment of the local population in security efforts reduces the gap in regional and cultural understanding between the two sides of a counterinsurgency. **Militaries that speak the same language, follow and respect the same customs, and have an understanding of the principles and values of a given society are more liable to gain that society’s trust and cooperation than those that lack these assets. A trusting population provides actionable intelligence on the insurgency, enabling the combat and security operations to use violence more discriminatingly.** Petraeus emphasizes this point by quoting one of the timeless maxims of history’s most notable counterinsurgency practitioner, T.E. Lawrence: “Do not try to do too much with your own hands.”¹⁸ In addition to the operational

A war-torn environment, in which the population has as much to fear from the collateral damage of large combat sweeps and search-and-destroy missions as from insurgent attacks, is not conducive to the garnering of local support...

advantages local security forces provide, their significance to the overall effort is apparent when considering that foreign military forces are only a temporary solution to the government's instability. In order to prevent the population from perceiving foreign military forces as occupiers, the local security apparatus must be viewed by the population as eventually capable of autonomously controlling the use of force within its territory.

These first two tracks of counterinsurgency strategy are termed *kinetic* (literally, “moving”) operations because they primarily involve the use of military force. The tendency of counterinsurgency forces is to overemphasize these two lines of operations, which is not surprising given that they typically train for and are most comfortable performing military tasks. For a strategy to be successful, however, equal weight must be given to the last three LOO's: providing essential services, promoting governance, and encouraging economic pluralism. Chiarelli explains the likely outcome of ignoring these last three critical functions of the counterinsurgent's strategy :

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Our training and doctrine reinforce the simple, direct-action approach to accomplishing military objectives.... [We] concluded that erosion of enemy influence through direct action and training of Iraqi security forces only led to one confirmable conclusion — you ultimately pushed those on the fence into the insurgent category rather than the supporter category. In effect, you offered no viable alternative. Kinetic operations would provide the definable short-term wins we are comfortable with as an Army but, ultimately, would be our undoing. In the best case, we would cause the insurgency to grow. In the worst case, although we would never lose a tactical or operational engagement, the migration of fence-sitters to the insurgent cause would be so pronounced the coalition loss in soldiers and support would reach unacceptable levels.¹⁹

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Clearly, if the ultimate task of the counterinsurgent is to convince the population that a better life exists than what the opposition offers, the counterinsurgent must pursue more than merely a kinetic approach. Kinetic operations are absolutely necessary to prevent the insurgent from convincing the population otherwise, but the counterinsurgent must also provide its own “competing cause.”

Effective governance, the provision of basic services, and the promotion of economic pluralism all work together to advance the goal of improving the daily lives of the population. Informed citizens in almost every modern society rightly feel entitled to a government that satisfies their basic needs, leaders that address grievances, and the promise of a better future. Frederick Wilkins, an Army lieutenant colonel writing almost half a century ago, explains how a guerrilla movement thrives primarily on deteriorated economic and political conditions :

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When there are no economic and political foundations for the guerrilla movement, there will be no guerrilla movement. The bulk of any guerrilla movement joins out of belief in

what it is doing; the hard core of leaders keeps going because of political beliefs. If the bulk of the band find they can live as decent human beings, do not have to rob to live, and can have land and homes, they will be poor guerrillas from then on. If the great mass of the population knows it will be protected by a strong, just government, it has no reason to cooperate with the guerrillas, and the system of intelligence and supply that sustains all guerrilla movements breaks down. Without popular support the mopping up of the hard-core die-hards is fairly easy.²⁰

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The key to this “indirect” approach is the separation of the insurgency from the population by eliminating the common cause of grievance against the government. As defined by one of history's most successful practitioners of revolutionary warfare, Mao Tse-tung, the relationship of the guerrilla to the population is “like a fish swimming through water.”²¹ The insurgent depends on the population for everything: shelter, intelligence, food, weapons, and protection. Therefore, the easiest way of killing the fish is to simply make the water inhospitable.

The counterinsurgent must give equal weight to all of these various lines of operations. David Galula describes this equation as a multiplication rather than an addition of all the different tasks. If one of the types of operations is ignored, then the whole effort is zero.²² Improvement in the lives of the population is impossible without security, and security is meaningless without a stable political and economic environment. Without such stability, the government cannot hope for support and cooperation against the insurgency.

Not only must all of these tracks of counterinsurgency strategy be implemented, but, perhaps most importantly, they must be fully coordinated in order to avoid any possible duplication of effort or gaps in the overall plan. Complicating this task of coordination is the division of labor that inevitably permeates a massive counterinsurgency campaign. While the military can conduct combat operations virtually autonomously (albeit often in a multi-service, multinational form), a large array of civilian agencies collaborate to perform the political, intelligence, economic, reconstructive, and diplomatic functions of counterinsurgency strategy. The most

effective means of ensuring the requisite level of coordination is to unify command at the operational (i.e. “in theater”) level. Emphasizing the need for unity of leadership in a counterinsurgency campaign, Colonel Hammes proposes that executive committees preside over all levels of governance, from the provincial to the national. Representatives from all agencies working together in the counterinsurgency effort would be present in each committee, which would thus include politicians, military personnel, economic developers, intelligence officers, and police.²³ There must be a complete integration of military and civilian efforts in a successful counterinsurgency strategy. No single organization is capable of performing the full spectrum of operations required to establish effective governance over an entire population. Therefore, a unified canopy of leadership must preside over the various civilian and military organizations and ensure that all tracks of the counterinsurgency strategy are working toward the same goal. Each organization must be cognizant of how its actions affect the operations of the others and the success of the overall mission.

CAP and CORDS During Vietnam / A Model for Success in Counterinsurgency?

At first thought, the attempt to use the Vietnam War as an example of successful counterinsurgency strategy seems repugnant. By almost all accounts, the American experience in Vietnam was a failure of monumental proportions. Essentially a local struggle for national unification by a guerrilla force, the conflict in Vietnam was misidentified by the U.S. throughout its duration as a struggle against the vanguard of a global Marxist revolutionary movement which had to be defeated by conventional military means. In view of the idiosyncratic nature of this conflict, trying to apply the lessons drawn from it to the fundamentally different situation in Iraq seems even more dubious.

Despite these initial reservations, the American experience in Vietnam can, in fact, provide insight for policy-makers today. First, on the U.S. side, both conflicts were planned for and conducted by the same institutional actors : the U.S. Army, Marine Corps, Intelligence Community, Agency for International Development, and Department of State. Second, the fundamental challenges confronted by the United

States in Vietnam and in Iraq — those of a conventionally minded force adapting to the requirements of fighting against an insurgency — are the same.

The critical mistake that the U.S. made in Vietnam was viewing the conflict through a conventional lens. From 1965-1968, General William C. Westmoreland assumed charge over the Military Assistance Command, Vietnam (MACV). In the initial stages of his command, the enemy he confronted was composed of North Vietnamese main forces and the Viet Cong guerrillas operating in the villages of South Vietnam. Dale Andrade and retired U.S. Army LTC James H. Willbanks, in an article examining the counterinsurgency strategy of the United States in Vietnam, explain how Westmoreland undertook strategizing for the conflict in which he was about to engage :

– Westmoreland knew very well that South Vietnam faced twin threats, but he believed that the enemy main forces were the most immediate problem. By way of analogy, he referred to them as ‘bully boys with crowbars’ who were trying to tear down the house that was South Vietnam. The guerrillas and political cadre, which he called ‘termites’, could also destroy the house, but it would take them much longer to do it. So while he clearly understood the need for pacification, his attention turned first to the bully boys, whom he wanted to drive away from the ‘house.’²⁴

– Westmoreland’s strategy was relatively effective in what it sought to accomplish. His search-and-destroy strategy saved South Vietnam from immediate collapse by temporarily driving away the Communist forces. Westmoreland and his generals used an attritional approach against both the enemy’s main forces and the Viet Cong, basing their estimation of the relative success or failure of their strategy on body counts of enemy killed-in-action. Westmoreland’s assumption was that if American forces can kill the enemy’s soldiers at a faster pace than the Vietnamese birthrate, then the U.S. was winning the war. In this effort Westmoreland brought to bear nearly all the weapons in the U.S. arsenal : as many troops as Congress would allow, close air support from attack helicopters, artillery, and even B-52 strikes.²⁵

Not surprisingly, this direct attritional approach was not effective in combating the insurgency and was ultimately counterproductive in terms of winning the war. By applying the conventional warfare principles of overwhelming force, targeting the enemy’s main body and disregarding the requirement of making improvements in the daily lives of the local population, Westmoreland’s approach failed to win the support of the fence-sitters. Despite the disturbing success of the attritional strategy by its own measure (number of enemy killed), the approach failed to encompass the principles of counterinsurgency — attaining security through clearing and holding territory, applying coercive force in a manner proportionate to overall goals, and separating the population from the insurgents by way of effective governance and economic improvements — as espoused by the theorists already cited, among others.

As early as March 1966, the U.S. Army was aware of the shortcomings in its strategy confronting the Communist forces in Vietnam. In mid-1965, Army Chief of Staff Harold K. Johnson commissioned a high-level study entitled *Program for the Pacification and Long-Term Development of South Vietnam* (PROVN). Under the leadership of General Creighton Abrams, the group was tasked with analyzing the current strategic approach to the conflict and developing the new course of action. As Nagl explains, the study rejected the army’s reliance on large search-and-destroy missions and supported a strategy that would achieve victory over the insurgents by focusing on the interests of the population.²⁶ The PROVN study clearly had an appreciation for the principles of counterinsurgency mentioned above. PROVN suggested a move away from massive offensive maneuvers, toward a more limited conception of kinetic operations coordinated with economic and political stabilization.

The study did not just suggest improvements on the current strategy, it also proposed expanding promising examples of counterinsurgency doctrine already in practice. One of these innovative approaches was the *Marine Corps’ Combined Action Platoon* (CAP). In 1965, Major General Lew Walt, commander of the III Marine Amphibious Force in I Corps in northern South Vietnam, began instituting a security strategy in which he integrated a marine rifle squad into Vietnamese Regional Force Platoons. As Nagl describes :

THE FUNDAMENTAL CHALLENGES CONFRONTED BY THE UNITED STATES IN VIETNAM AND IN IRAQ – THOSE OF A CONVENTIONALLY MINDED FORCE ADAPTING TO THE REQUIREMENTS OF FIGHTING AGAINST AN INSURGENCY – ARE THE SAME.

– These ‘Combined Action Platoons’ lived in the villages of I Corps and focused on pacification while regular marine battalions divided their time between platoon-sized patrols and civic programs....William Lederer noted that in 1967 the number of villages under Communist control increased except in one small area where the United States Marine Corps CAPs were operating. Lederer judged CAPs to be ‘the only successful American project of any kind whatsoever in Vietnam.’²⁷

– In addition to noted author and U.S. foreign policy critic William Lederer’s positive assessment of the USMC CAP program, PROVN explicitly holds the program up as a successful example of creating the type of “long-term” and “intermingled” security forces that will be critical for success in the war.²⁸

The CAP program more closely approximated the effective counterinsurgency doctrine than did the Army’s large search-and-destroy operations in several ways. Firstly, it employed the “oil-spot” type of approach to security by assigning each platoon a village to protect and then gradually extending the security web outward. By not just clearing dangerous areas and leaving, but instead securing and holding them even once the enemy threat has subsided, CAPs prevented the insurgent forces from re-infiltrating those areas. Additionally, by imbedding an American squad within a Vietnamese

platoon, the CAPs followed through on T.E. Lawrence’s maxim of “not doing too much with your own hands.” The local security forces were more adept at interacting with the population and thus more likely to garner trust and receive timely, actionable intelligence. The role of the American forces in these platoons was mainly advisory. By supplementing the Vietnamese local forces with greater firepower, expertise, training, and access to funding, the Marine CAP program succeeded in accomplishing the ultimate goal of bolstering the government’s security forces. The CAP program was also highly focused on civic action programs that would take advantage of the improved security situations in each village and concentrate on improving local infrastructure. Unfortunately, despite the promising results, Westmoreland did not expand the CAP program to the U.S. Army, maintaining the large offensive operational role for his own organization.

In 1968, General Abrams, with the PROVN study’s findings still fresh in his memory, took over command of MACV. Recognizing the need for greater coordination of *operations other than war* (OOTW) within the military strategy, and likewise the need to integrate the various civilian agencies (i.e., the CIA, USAID, and the U.S. State Department) performing these functions alongside military units on the ground, Abrams instituted a new organizational structure for the U.S. effort in Vietnam known as Civil Operations and Revolutionary Development Support (CORDS). This dovetailed with the insistence of Robert W. Komer, Special

Assistant to the President responsible for supervising non-military operations in Vietnam, that a centralized authority be positioned to oversee a unified, integrated civil-military structure that would coordinate pacification efforts into cohesive strategy.²⁹ Maj. Ross Coffey, in an article examining the CORDS approach to counterinsurgency warfare and its applicability to the current War in Iraq, describes the resulting new structure of U.S. forces in Vietnam :

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The CORDS program partnered civilian entities with the U.S. Military Assistance Command-Vietnam (MACV). The program established the position of *Deputy to Commander MACV* (COMUSMACV) for CORDS and filled the position with a senior civilian. Similar partnerships existed at subordinate commands across the country. This arrangement, which contributed to stemming the Viet Cong insurgency and to helping pacify the countryside, addressed the principal impediment to integrated interagency action — lack of unity of effort — and addressed Gwynn’s and Galula’s principles of COIN (Counterinsurgency) warfare.³⁰

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Due to his yeoman-like efforts in gaining support for such a shift in the relationship between civilian and military organizations in Vietnam, Komer was designated the first deputy to COMUSMACV for CORDS. Reporting directly to General Abrams (after briefly serving under Westmoreland), he coordinated and approved through his office all non-military operations conducted by the CIA, USAID, and the Joint U.S. Public Affairs Office.

By almost all accounts, the reorganization of U.S. forces under CORDS was a success. It provided for greater unity of effort across the entire spectrum of operations required in counterinsurgency warfare. Recognizing that neither a military nor a civilian solution alone would effectively combat an insurgency, CORDS married together the civilian and military hierarchy at all levels of leadership. Emphasizing CORDS’ successes, Coffey writes :

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CORDS-enabled nationbuilding and pacification prevented effective recruiting efforts. In the Kien Hoa province in the Mekong Delta — the birthplace of the National Liberation Front — Viet Cong strength fell from more than 12,000 insurgents in 1967 to 9,000 in 1968 to less than 2,000 in 1971. The monthly rate of insurgent and criminal incidents in the province fell to 2 or 3 per 100,000 inhabitants by 1971, a crime rate that would be welcomed in any U.S. community today.³¹

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In view of the objective successes of CORDS and the adaptability shown by certain elements within the U.S. military to the requirements of counterinsurgency, the ultimate failure of the American effort in Vietnam and the ignominious withdrawal of forces in 1975 poses an apparent contradiction. Komer himself, in retrospect, provides a possible explanation for this paradox: “The greatest problem with pacification was that it wasn’t tried seriously until too late, or if not too late certainly very late in the day.”³²

The Civil War was America’s first national war of annihilation. It solidified in the mind of the nation’s generals the image of war as conventional battles between mass armies which were won by the decisive application of force.

In retrospect, the Vietnam War has many lessons to offer strategists facing the current situation in Iraq. In both conflicts, the United States initially developed a conventional military strategy focused on defeating enemy main forces on the battlefield. Both of these strategies proved ineffective against emerging insurgencies that thrived upon the hope of de-legitimizing their new, foreign-backed governments. The United States then belatedly tried to remedy each situation with an effective counterinsurgency strategy aimed at denying the insurgents the support of the population upon which they depended. In Vietnam, U.S. policy-makers and military planners shifted the strategy too late to affect the outcome of the war effort. Time will tell whether or not the task force in Iraq will fare any better.

Organizational Theory and U.S. Army Adaptability

Only, as the current war in Iraq entered its fifth year, was an attempt being made to develop and institute an effective counterinsurgency strategy. A fundamental question at this juncture seems to be why the U.S. Army has been so slow in adapting to the widely anticipated need to mobilize an effective counterinsurgency effort. One possible explanation lies in the field of *organizational theory*, as studied by Morton Halperin, John Nagl, and Nigel Aylwin-Foster.

Morton H. Halperin, a former member of the National Security Staff under Presidents Johnson and Nixon, was one of the first researchers to examine how bureaucratic politics affect the way government operates. Halperin found that every institution is organized around a certain function that it is meant to perform, defines itself by that function, and seeks to affect the decision-making process of government in order to enhance the role of its function in policy. All organizations are charged with a specific mission. From that

specific mission, an organization will determine and define its “essence.” Halperin defines an organization’s essence as “the view held by the dominant group in the organization of what the missions and capabilities should be.”³³ He adds : “Related to this are convictions about what kinds of people with what expertise, experience, and knowledge should be members of the organization.”³⁴ Therefore, it is in the self-interest of every member of the organization to enhance the organization’s essence, thus increasing its importance vis-à-vis others that perform the same mission with different capabilities. Halperin describes five ways that an organization seeks to enhance its essence:

One

An organization favors policies and strategies which its members believe will make the organization as they define it more important.

Two

An organization struggles hardest for the capabilities which it views as necessary to the essence of the organization.

Three

An organization resists efforts to take away from it those functions viewed as part of its essence.

Four

An organization is often indifferent to functions not seen as part of its essence or necessary to protect its essence.

Five

Sometimes an organization attempts to push a growing function out of its domain entirely.³⁵

One of the important ways that this enhancement of essence manifests itself in bureaucratic politics is in the members’

preference for the pursuit of more organization-essential career tracks as opposed to those involving functions that are outside its primary mission. This preference is determined by the officials' self-interested concern for their own "promotability" within their organization.

In order to relate organizational theory back to the topic of the United States' ability to adopt counterinsurgency strategies, it is necessary to define the U.S. Army's essence and study how that definition has affected attempts at institutional change. The United States Army has historically seen itself as a conventional war-fighting organization. Nagl describes how the Army has historically viewed its identity, its mission, and the proper methods used to accomplish that mission :

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When the United States finally did develop a national approach to the use of force in international politics, *'the strategy of annihilation became characteristically the American way in war.'*... Other features that characterize the American approach are an overwhelming reliance on technology, a faith in the uniqueness and the moral mission of the United States, and a remarkable aversion to the use of unconventional tactics. These have their roots in what Eliot Cohen has called the 'two dominant characteristics' of American strategic culture: 'The preference for massing a large number of men and machines and the predilection for direct and violent assault.'³⁶

Nagl then explains how this "American way of war" has been developed and reinforced by the U.S. Army's historical experience in war and enhanced by the United States' unprecedented strategic role in the international system. The Civil War was America's first national war of annihilation. It solidified in the mind of the nation's generals the image of war as conventional battles between mass armies which were won by the decisive application of force.³⁷ This conception of war persisted through the next century as the two great wars in Europe further impressed American military strategists with an appreciation for overwhelming force as the sole means for victory. In the post-war era, as the United States assumed its role as the defender of the Western world against massive Soviet armies poised behind the Iron Curtain, the need for a large conventional army only seemed to increase.

After the U.S. Army's dreadful experience in Vietnam, fighting against an enemy that utilized asymmetric advantages of insurgency, it is easy to assume that U.S. military planners would have immediately addressed the deficiencies in U.S. strategic counterinsurgency doctrine. However, by all accounts, this reformulation of strategy *never* occurred. According to Richard Downie, who studied U.S. military strategy in the drug wars of the eighties and nineties, there was "no significant conceptual change to the Army's counterinsurgency doctrine in the post-Vietnam era." He concluded that, even though the Army recognized deficiencies in its ability to implement counterinsurgency strategy, there was little attempt made to correct those deficiencies.³⁸ Instead of learning lessons from Vietnam and making the necessary doctrinal changes, the apparent reaction to the Vietnam experience by the leaders who ushered the Army into the last quarter of the twentieth century was to eradicate the painful memories of that conflict. According to Nagl, policymakers in the United States decided not to try to revamp its counterinsurgency strategy and instead created a template for deciding which wars the nation would enter into and which wars it would avoid based upon the likelihood of encountering a repetition of the Vietnam experience. This template, which became known as the 'Weinberger Doctrine,' in essence established a set of guidelines that precluded the United States from entering wars in which its advantages in technology and weaponry might not prove decisive. Bluntly put, the U.S.'s post-Vietnam policy toward

BLUNTLY PUT, THE U.S.'S POST-VIETNAM POLICY TOWARD COUNTERINSURGENCY WARS WAS SIMPLY NOT TO FIGHT THEM.

counterinsurgency wars was simply not to fight them.³⁹ However, as is the case now in Iraq, this quasi-isolationist policy was bound to break down. As the world's remaining superpower, the United States would inevitably become engaged in asymmetric conflict due to its partially self-imposed obligation to maintain the existing global order. Thus, in spite of the U.S. military's clear recognition of the shortcomings in its ability to wage an effective war against an insurgency, the post-Vietnam policies of avoidance did nothing to fundamentally improve the U.S. counterinsurgency doctrine.

During the period of relative peace in the 1980s and 90s, this conventional mindset became increasingly ingrained in the institutional fabric of the U.S. military. Without a significant level of combat experience to suggest otherwise, a fixed conception of war and of the essential tasks necessary to succeed in war determined the Army's training philosophy. MSG Raymond Nunweiler, a senior military instructor at the MIT Army ROTC program with over 20 years of military experience, including deployments to Honduras, Panama, and most recently with the 3rd Ranger Battalion to Afghanistan and Iraq, touched upon this topic in a recent interview. He described at length how this peacetime setting further cemented the *conventional mindset* in Army's organizational knowledge leading up to the recent wars of the twenty-first century :

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Peacetime army operations are essentially different from combat operations. Back in the peacetime army, we created what we consider to be a zero-defects culture. You don't have anything combat related to evaluate people on, which is truly our bottom-line mission. When your army is not engaged in active combat, you have to be able to develop an evaluation process; so during that time what you have are checklists. Arbitrary checklists of 'excellent,' 'satisfactory,' and 'needs improvement' are developed. When you get into a predicament like you have now, with insurgents running unconventional and asymmetric warfare, you can no longer simply use the checklist that everyone's been inculcated into using for solving problems. Sometimes in unconventional situations, even once every block has been filled out in the checklist, the problem may still not be solved. So that is the main difference between the conventional and

unconventional mindset: *completing a checklist versus solving the problem.*⁴⁰

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The organizational essence of the United States Army — that of a conventional ground-fighting force — is ill-suited to the task of defeating an insurgency. Counterinsurgency requires adaptive leaders with an appreciation for the use of proportionate force and for the importance of non-kinetic operations that win the support of the local population. The conventional mindset described by MSG Nunweiler fosters a cohesive and well disciplined army, but it discourages the type of adaptable leadership needed in counterinsurgency operations.

Despite overwhelming evidence that it would be necessary to do otherwise, the U.S. Army has resisted efforts to embrace the unconventional capabilities needed in counterinsurgency. As predicted by organizational theory, this resistance arises from the view that these capabilities reside outside the organization's essence. Aylwin-Foster, a retired British Army Brigadier General, conducted an analysis of the U.S. Army's performance in Iraq from an outsider's perspective and made a number of important observations. One of his most notable findings deals with what he terms the Army's "conventional war-fighting focus" :

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In spite of COIN (counterinsurgency) and S&R (stability and reconstruction) operations having occupied the majority of the Army's operational time since the Cold War, and their being an inevitable consequence of the GWOT [Global War on Terror], these roles have not been considered core Army activities. The Army's focus has been conventional warfighting, and its branches into COIN and S&R have been regarded as a diversion, to be undertaken reluctantly, and preferably by Special Operations Forces and other specialists, many of whom are in the Army reserves.⁴¹

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These organizational obstacles have historically been proven to possess a tremendous amount of inertia. This institutional bias for a conventional approach to war has marginalized attempts to expand the Army's focus to incorporate unconventional principles, even when directed to do so by the

Disturbingly, the Army has had experiences dealing with insurgencies in which it has learned difficult lessons concerning how to combat insurgencies effectively, but it has continually chosen to view those experiences as aberrations to be avoided and thus failed to incorporate those difficult lessons into its institutional knowledge. This fateful course, in large part due to selective memory of American military history, results in the Army having to relearn the same hard lessons every time it faces this strangely familiar enemy.

very highest levels of the U.S. government. For example, President John F. Kennedy, a prominent supporter of unconventional warfare strategy, was not able to fully integrate Special Operations Forces — his beloved Green Berets — into the mainstream Army because of the objections of top military leaders.⁴²

Conclusions

Counterinsurgency strategy requires an entirely different philosophy and set of capabilities than those required by conventional warfare. Attrition-based strategies have dominated U.S. military doctrine for virtually all of its history as an institution. The counterinsurgency principles require proportional use of force and the incorporation of several non-kinetic operational tracks which are intended to win the support of the local population. Appreciation for the principles of counterinsurgency within the Army has never

equaled that for the principles of conventional warfare. The Army has historically resisted attempts at incorporating counterinsurgency doctrine within its set of *mission-essential* tasks. Disturbingly, the Army has had experiences dealing with insurgencies in which it has learned difficult lessons concerning how to combat insurgencies effectively, but it has continually chosen to view those experiences as aberrations to be avoided and thus failed to incorporate those difficult lessons into its institutional knowledge. This fateful course, in large part due to selective memory of American military history, results in the Army having to relearn the same hard lessons every time it faces this strangely familiar enemy. Unfortunately, during the time spent along this learning curve in each new war, the enemies of the United States are able to capitalize on the mistakes that inevitably result. In order to be successful, the U.S. must then try to overcome the consequences of its own mistakes while at the same time countering the strategy and momentum of the enemy.

It is encouraging to see that the current leadership of MNF-I under General Petraeus possesses a comprehensive understanding of counterinsurgency warfare and the strategies necessary to achieve victory in such a conflict. It is also important to note that there appears to be some progress on the ground through the implementation of this new strategy. It is nonetheless uncertain whether, as happened in Vietnam, these strategies will have been implemented too late to compensate for the conflict's early mistakes. Just as importantly, it will be critical to see whether the lessons learned from the United States' current painful experience in Iraq will finally break into the institutional knowledge of the organizations that fight America's wars or, instead, as previous experience suggests, be lost to U.S. military memory until the next time the country finds itself experiencing "quagmire" *deja-vu*.

AMIN'S HOUSE

This life is delusory —
 Leave it as it is and with all your money,
 And get out!
 Don't you dare look behind you!
 Inheritance is dirt
 And the walls of the days, mud!
 And your children —
 With you, without you, they live.
 Life is but one seemingly endless chore,
 And anyone who wants to make it a day longer,
 My love, is an ass.

Rana Abdul-Aziz, born and raised in Baghdad, Iraq relocated with her family to the US in 1990. She earned a BA (majoring in International Relations and Middle Eastern Studies) and an MA in Education at Tufts where she currently lectures Arabic. Her interests include conflict resolution, international development, refugee studies, modern Arabic literature and Arabic pedagogy.

Author's Note

Threaded into this non-fiction piece are excerpts (in the larger type) of my translation of Abdel-Rahman Al-Abnoudy's poem, "Oh Amna," (1990s) written originally in spoken Egyptian Arabic — a controversial act in its own right because colloquial Arabic is generally not accepted as a written language. Not only does Al-Abnoudy use colloquial language in writing, but he does so in poetry — the most highly regarded form of literature among the Arabs. The poem depicts a conversation between the author's great aunt, Amna, and himself in which he masterfully captures the experiences of old age in a time where loyalty and ties with even the closest of family members have been lost. My use of this Egyptian poem, in a new Iraqi context, is intended to bring forth new dimensions of the meaning of aging and loss in today's war torn Iraq.

They were together for 55 years — Bibi (Grandma) Fieza being his second wife and 20 years his junior. He boasted of her stunning beauty and elegance in youth and old age. He told us, his grandchildren, that he had held her in his arms when she was still an infant. And we often retorted with a sarcastic question, "Did she pee on you when she was in your lap, Jiddo [Grandpa]?" Why did we tease him in this impish way?

Jiddo Amin never let her be. For him there was always something wrong with the way she washed dishes or how much money she spent on her outings. When he reached his nineties, he was convinced that their twenty-year-old errand boy had his eye on her. We watched, bemused by how far he indulged this delusion, hiring and firing a series of these innocent young men.

Despite 55 years of marriage, his constant threats of divorce never failed to upset her. With her children all outside the country and her own mother dead, she retreated from her house, seeking solace at her granddaughter's. Some nights, she simply slept in another room, a symbol of her vexation. What was she waiting for? An apology? A bouquet of flowers?

Don't believe this world.
 It's but layers of deceit.
 If death comes to you, my boy,
 Die right away.
 Those that it has picked remain loved ones —
 Alive in the heart,
 As if they didn't die.
 And those that die bit by bit,
 They have shriveled up alive —
 Not even a greeting
 Flung their way
 Over the thresholds.

She did not think they lived alone. She constantly lived with the ghosts of her children and their children whose cacophony and din had once filled the large home with beguiling harmony. In the 1980s, four of her five children were still living in Iraq. By 1991, it was down to two. By late 2003, none were left.

Amin also did not think they lived alone. He studded the bookshelves of his library with pictures of their children, selecting one from each letter he had received since 1991, cutting and framing them, and then weaving them into an overwhelming shrine with plastic flowers and barbed wire.

For six years,
 I have been planted and shrouded in
 back of the door, No loved
 one or stranger dropping by.

Now they only sat in this shrine room.

The receiving rooms were guestless. The house was difficult to look after and maintain, especially in the aftermath of the 2003 war, which had made previously simple things, such as heating, enormously difficult. They kept a small generator in the courtyard. It could provide power for lighting or television but not both simultaneously, and it often ran out of gasoline. Choosing the television, or forced to go with nothing, the couple would sit in the library, two kerosene lamps illuminating their faces, sipping cardamom tea or dozing off to sleep.

The house deteriorated.
It's the only thing that remains
loyal, Waiting for me until I die.
Are you coming for a visit next
Eid? To have a cup of tea?

The dolomite crackled underneath Bibi's sandals as she leaned slightly to the right to catch the last of morning's shade on her final morning there. The smell of garlic and cardamom seeping from her skin was startling in its pungency. The days here weighed upon her. Sitting alone in the courtyard this time, she heard the sound of someone laughing — a little girl whose brown eyes beamed with mischief as she and her sister splashed around in the courtyard's fountain, trying not to wet the surrounding stone for fear of Jiddo's scolding. Bibi's snorting contagious cackle returned to her, setting her dough-like flesh into vibrations that carried to the walls. It was only the thump-thump of the demolition workers banging on her door that reminded her the water there had been a long time dry.

Startled, she walked toward the door, this time with convulsions of sobs that matched the intensity of her recent fervent laughter. Without explaining herself, she dropped her keys in one of the men's palms and walked away.

I'm coming. And I came,
And found neither Amna
Nor the house.

In 2005, Jiddo Amin passed away from pneumonia with neither his children nor grandchildren by his side. With the security situation so grave in Baghdad, the morgues were overtaxed with corpses. The doctor at the hospital promised Bibi that Amin would accompany her home later in the evening.

And he kept his promise. Jiddo Amin's body, packed in ice, returned home with Bibi that night and remained outside with his precious roses until his burial that dawn. He made a special request in his will that their library, especially his shrine of flower-rimmed photographs, remain untouched until the house was demolished.

In loving memory of my grandfather, Amin Hamza, 1913 - July 3, 2005.

/ END

A RACE BETWEEN
COOPERATION
AND CATASTROPHE

NUCLEAR PROLIFERATION

An Exchange Between Senator Sam Nunn and Professor Graham Allison

Senator Sam Nunn is co-chairman and chief executive officer of the Nuclear Threat Initiative (NTI; www.nti.org), a charitable organization working to reduce the global threats from nuclear, biological, and chemical weapons. He served as United States Senator from Georgia from 1972 to 1996. He was chairman of the U.S. Senate Committee on Armed Services and the Permanent Subcommittee on Investigations. He also served on the Intelligence and Small Business Committees. His legislative achievements include the landmark Department of Defense Reorganization Act, drafted with the late Senator Barry Goldwater, and the Nunn-Lugar Cooperative Threat Reduction Program, which provides assistance to Russia and the former Soviet republics for securing and destroying their excess nuclear, biological, and chemical weapons. To date, the program has deactivated more than 5,900 nuclear warheads. In 2005, Senator Nunn teamed up with former

Senator Fred Thompson to promote a new docudrama, *Last Best Chance*, on the dangers of excess nuclear weapons and materials. Senator Nunn was a recipient of the 2007 IGL Dr. Jean Mayer Global Citizenship Award.

Graham Allison is Director of the Belfer Center for Science and International Affairs and Douglas Dillon Professor of Government at Harvard's John F. Kennedy School of Government.

Dr. Allison served as Special Advisor to the Secretary of Defense under President Reagan and as Assistant Secretary of Defense for Policy and Plans under President Clinton, where he coordinated Department of Defense strategy and policy towards Russia, Ukraine, and the other states of the former Soviet Union. His publications include, *Avoiding Nuclear Anarchy: Containing the Threat of Loose Russian Nuclear Weapons and Fissile Material* and *Nuclear Terrorism: The Ultimate Preventable Catastrophe*.

The following exchange between Senator Sam Nunn and Dr. Graham Allison took place on April 12, 2007. It was presented and enabled by Institute External Board Member Mr. Ed DeMore, CEO of the Boston Digital Bridge Foundation, and the Institute for Global Leadership at Tufts University for its Inquiry program, a national secondary school global issues initiative.

Graham Allison

Senator Nunn, as you think about [the just screened film], *Last Best Chance*, how realistic is the threat of terrorists getting the nuclear bomb and actually bringing it across a border like Canada to a city like Boston or New York and blowing it up?

Sam Nunn

The theme in the beginning scenes related to the effort by a group of Russian members of organized crime to buy a bomb. There were two other plots that evolve in the 45 minute film, both of them dealing with not a bomb itself but nuclear material, which to me is the most likely course. Highly enriched uranium is not only in Russia and the former Soviet Union, but over 40 countries around the globe have enough highly enriched uranium to make a weapon. Much of it is not properly secured, so this [threat] is very realistic. The real dangers end up being the nuclear materials rather than the weapons.

Graham Allison

Imagine that terrorists succeeded in buying 100 pounds of highly enriched uranium. Tell us the rest of the story between there and the explosion in one of our cities.

Sam Nunn

We've had highly enriched uranium and plutonium around for a long time. Those are the two ingredients that are required to make a nuclear weapon.... The thing that's changed in recent years is that we now have the proliferation of knowledge and technology of how to make these weapons. It used to be thought that only a Manhattan Project by a government could bring this about. Now there's a wide consensus in most of the military intelligence circle, not only in our country but abroad, that a group of people could find out how to make a weapon if they had reasonable intelligence and had access to some technical expertise. It

would be much easier to make a weapon out of highly enriched uranium than plutonium. So if you had to set a priority between the two and both were important, protecting highly enriched uranium at the source is the most important job for us to do around the globe. It's not an impossible task. We've done more than anyone else by far, [but] it will take a lot more political will than has been displayed so far by our government [and others around the world].

The thing to remember, and this is stressed throughout this film, is that the hardest job for a terrorist is to find the material or the bomb itself. From that point on, it gets easier and easier for them, and it gets harder and harder for us. So the most effective and efficient way to prevent catastrophic terrorism — and Graham wrote the book on this one — is to secure the material at the source. That requires cooperation and leadership around the globe, and that cooperation and leadership needs a lot more focus than we are seeing right now. And again, we are doing more than anyone else, [but] we're not doing enough. So this is a huge challenge. Interestingly enough, President Bush and Senator John Kerry in their debate on international matters and security, both of them agreed that keeping weapons of mass destruction out of the hands of terrorists was the number one security challenge that we face in the world. I completely agree with that.

Graham Allison

Sam, in the docudrama there are basically three plot lines. One is how could terrorists get a bomb [or highly enriched uranium]? The second story line is how do they get it into the U.S.? In the film, they drive it across the northern U.S. border. And then the third is what could we do about it or could we have done about it? So let me go just to the second question. How realistic is the notion that if terrorists got a bomb somewhere else, in Russia or in South Africa, or the material from which to make a bomb, they could actually get it to Boston or to DC?

Sam Nunn

Well, once they got it in the Boston Harbor or the New York Harbor, then it's too late. You've got to stop it before it gets here. I think it's very realistic to think that could happen. Now, I certainly think stopping it at the source is the primary and the most effective and efficient way to deal with this,

... a nuclear terrorist group that is suicidal to begin with is not going to be deterred. So deterrence as we've known it does not in my view have relevancy to the kind of threat we face today.

but we need *tier* defense, we need to at least have a chance to stop it elsewhere. In terms of delivery system, we spend about ten or 12 billion bucks a year in our government to have a missile defense system. I am in favor, and always have been, of a limited system that would be able to stop an accidental launch or a small launch. I don't think it's affordable or realistic to think of stopping a very large launch. But nevertheless, in terms of likelihood of occurrence, a strike by a country with a missile against the United States is much less likely than a terrorist bomb in an SUV or a ship coming offshore. That is a much more likely event. And we're not doing nearly enough on that threat. So I think we have to sort out the priorities in terms of where the greatest dangers are. I think most people would agree that a country with a return address would be much less likely [to attack us], because they would be destroyed if they hit us with a nuclear weapon, and they know it. But a nuclear terrorist group that is suicidal to begin with is not going to be deterred. So deterrence as we've known it does not, in my view, have relevancy to the kind of threat we face today.

Graham Allison

[Imagine], as in the film, a terrorist with a bomb in a case in the back of an SUV [driving] across the border [from] Canada.

You saw the customs fellow with a Geiger counter looking for signs of radioactivity. The fact is that with the shielding of a bomb so that it would not be discovered by our current technology, even if it were coming across a portal like [a border checkpoint], we would be unlikely to discover it. That's point one. *And point two*: there are huge gaps between these portals. Along the Canadian border, about one percent of the space is covered by places like that. And the same is true for the Mexican border. Many people think, "Well, there must be some magic shield that prevents [nuclear weapons from] coming into the U.S." But you're saying that the situation in the film is basically...

Sam Nunn

Is very realistic. You can shield a weapon or material, particularly highly enriched uranium. It's paradoxical but a radiological type weapon would be much easier to detect than [a nuclear weapon]. There would be much less damage — it would be a conventional explosion with radiological material. We've got to work on that. We've got to increase the ability technologically to be able to do that. But it's still a needle in a haystack. We can't inspect every cargo box coming in. If we tried to inspect even 15 to 20 percent of all the cargo boxes under today's technology, we would bog down

commerce to the point the economy would come to a halt. We can't keep drugs out. We know tons of marijuana come across the border in spite of a huge expenditure there. So the odds are against us stopping it, but the odds are not impossible and we need to make them more favorable to us. But again, securing the material, never letting anyone get that kind of material to begin with — that's where the efficiency is and that's where we have to put our focus.

Graham Allison

One more question from the docudrama. We see Fred Thompson playing president and members of the National Security Council deliberating about their discovery that the terrorists have gotten the bomb and are trying to bring it to an American city. So if you imagine, God forbid, that scenario...if you imagine you are now a part of this deliberation, tell us about that.

Sam Nunn

Well, I think Fred Thompson did a great job of acting in this movie. And I think as the movie unfolds it becomes

very apparent that he says all the things he wished he had done, wished the United States had done, and wished the United States and Russia had done. As he has conversations with his Russian colleague, they begin to realize during this film what is really apparent: the U.S. and Russia, having been confrontational enemies during the 40-50 years [of the Cold War], have a lot in common now, security-wise. In fact, we probably have more in common with them security-wise than we do with any other country; they could also be a target, they also have their extremists, they have their enemies, and so forth. We have a lot in common. That's one of the themes coming out of this. We can only deal with these problems with cooperation, as I've mentioned. But the cooperation has to start with Russia.

Back in the old days, the Soviet Union and the United States both supplied highly enriched uranium to countries around the globe for research purposes. That was an era when we did not think the technology was going to be available for them to make weapons. Now that stuff is spread all over the place, and we have to work with Russia to get it back. It's very slow, as you heard in the script, at the rate we're going right now just the most dangerous of these sites are going to take us 15 years. Now that effort is beginning to speed up, but we still have a long way to go. The bottom line is cooperation between the United States and Russia is absolutely essential in this arena....

Graham Allison

Sam, let me just drill down a little further with it. You referred to the first of the televised presidential debates in 2004 between President Bush and Senator Kerry. And the moderator asked the two candidates: What's the single most serious threat to American national security? And both said nuclear weapons in the hands of terrorists. Actually, I like to quote President Bush on it, because he came second and he said, quote, "I agree with my opponent." And there was almost a gasp from the moderator. Because that was the only time in a rather bitter campaign that those words were used by either candidate. He said, "I agree with my opponent that the greatest threat to the U.S. is nuclear weapons in the hands of a terrorist network." So for students in particular, you're wondering, "Am I going to see a nuclear bomb go off in an American city?" What's the likelihood of this happening if you look at where we are now?

WE CAN'T INSPECT EVERY CARGO BOX COMING IN. IF WE TRIED TO INSPECT EVEN 15 TO 20 PERCENT OF ALL THE CARGO BOXES UNDER TODAY'S TECHNOLOGY, WE WOULD BOG DOWN COMMERCE TO THE POINT THE ECONOMY WOULD COME TO A HALT.

Sam Nunn

You know, some people set odds on it. I testified in a House committee on this overall subject, and an eminent physicist by the name of Richard Garwin said that the chances in any one year in the United States were 20 percent that a city would go up. I don't know. I have no idea what the odds are. What I do know is we've got to reduce the risk. If the risk is one out of a thousand now, we've got to get it to be one out of ten thousand, one out of ten million. The stakes are enormous. It's not just a city going up, it's the whole economy of the world, the confidence of the world. As soon as one bomb goes off anywhere in the world, even if it's not in the United States, every terrorist group under every rock around the world is going to claim they've got the second one, and the third one. It's going to be very destabilizing for the confidence that's required for the economy. So the stakes are very high....

Warren Buffet has a good way of expressing it. He's very helpful to us and our foundation and believes that this is the number one security threat. And he's been a pretty good mathematician over the years. He says if there is a ten percent chance in any one year that a U.S. city could go up in smoke, and that chance persists for 50 years, then you only have one half percent chance of avoidance over that 50 year period. But if you can change that and reduce the ten percent odds in one year to one percent, and you project that over 50 years, then you move that one half of one percent to 67 percent of avoidance over that 50 year period. This is about risk reduction. It's not about absolute guarantees.

You mention young people — I want to mention this too, because I think young people need to be concerned about this. But the young people should put it in perspective. We went through a Cold War of 40 or 50 years where the United States and the Soviet Union were armed to the teeth and were bitter enemies. We were ideological enemies. We had very large military forces confronting each other in Europe through NATO and the Warsaw Pact. That ended in, basically, about 1991. Any kind of conventional, non-nuclear war between us, even if it started by accident, in my view, was going to escalate very rapidly to battlefield nuclear weapons and then the big stuff. We were in a position called "extended deterrence." We had our frontline forces over [in Europe]. The Soviets were much stronger than we were, conventionally

speaking, but we were in effect viewed in Europe as a tripwire. That is, if something happened and the U.S. forces got hit, we were going to escalate to nuclear war. That meant the United States had a "first use" policy. Not a first strike policy, not hitting the Soviet Union, but a "first use" policy. That is, using battle field nuclear weapons. Most American people did not know that during that period of time, although it was open and public. That was called "extended deterrence" if it worked. And it did, thank God. It would have been called Armageddon if it had not worked.

That period is behind us. What we're talking about now is not an all out war between the United States and Russia. We're talking about a terrorist-type attack, or accidental launches, or that sort of thing which [is] still deadly serious. But I don't think young people in this generation should say, "Oh, my God, we can't do anything about this." We are much safer now from all out war than we have been in the last 50 years. And that perspective needs to be brought to bear.

Graham Allison

Let me get you to expand on that a little bit, because I think there are two stories here. One is how to feel the existential reality of nuclear danger as part of the life that we live. The second is some perspective on how things actually didn't turn out as badly as they could have. But you were telling me how you were 24 years old and you were working at your first job as a staff member for the House...

Sam Nunn

House Armed Services Committee.

Graham Allison

Tell us a little bit about that.

Sam Nunn

Well, I was 24-years-old and things that happen in that stage of your life have a pretty big effect on the future. I was right out of law school [and] my great uncle was the chairman of the House Armed Services Committee, so with my skill and my grades in law school plus my kinship, I got a job in Washington. It was good, old-fashioned nepotism that in my case had a profound effect. In Washington, I had an Irish boss by the name of John J. Courtney. He came to me about four days

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before he was supposed to go on a high-level staff trip by the Air Force to Europe, a NATO tour. He said he couldn't go and asked if I would like to go. I'd never been north to New York, never been out of the country, so I said, "Absolutely, I will go."

our interests today for the Russians to be in that situation. And vice versa.... Let's just assume they've got ten minutes to make a decision. Is it in our interest for the president of Russia to have ten minutes when it could be a mistaken warning? We have an existential stake in their warning system working correctly and their decision-making working correctly.

We've changed relationships, but we haven't changed our nuclear postures to reflect the end of the Cold War in any appreciable way. If the warning time is ten minutes, the presidents ought to be telling the leaders of the military in Russia and the United States, "Go off and study this for six months. Come back and tell us how we can both increase warning time without in any way jeopardizing our security. Give us an hour." For goodness sakes, in recent years, we had a Russian president who was reported to have imbibed alcoholic beverages rather heavily and frequently. Is it in our interest for a Russian president who is inebriated to have only a few minutes to make up his mind? I want him to be able to walk around the block and have a cup of black coffee. And the same thing for a president of the United States. This is serious stuff. But we still are in that posture and most people do not realize it.

Graham Allison

There are actions the U.S. government could take that would significantly reduce the risks, but we're not [taking them]. There's something wrong with that picture. How can that be?

[That trip] was in the middle of the Cuban Missile Crisis. I was in Germany right at the peak of the Cuban Missile Crisis. I was sitting by the head of U.S. Air Force Europe for dinner one night, and he told me that his aircraft had nuclear weapons on them — not bombers, but fighter aircraft. One-way missions. They didn't have the range to get back so, theoretically, [the pilots] were going to bail out [when they reached the target]. Each one was going to [detonate] one or two nuclear warheads in Russia. He had two minutes to get them off the ground because, had we gone to war with Russia, in two minutes they would have been Russia's first targets. Usually, the pilots are on standby, but that night they were sitting in the planes.

That had a profound effect on me. To this day, I think one of the [most important] things we need to do is to increase warning time to make sure that the president of Russia is not confronted with a situation where a general comes in and tells him, "We only have a few minutes to use our nuclear weapons. We think we are under attack. We're not absolutely sure. But if we wait for certainty, it's going to be too late to launch them. They're going to be knocked out." That's not in our interest. It's fundamentally against

Sam Nunn

Well, we are doing things. One thing we did after the fall of the Soviet Union was pass legislation called the Nunn-Lugar bill. We're still using [that legislation] to encourage the four countries that ended up with nuclear weapons — Russia, Kazakhstan, Ukraine, and Belarus — to get rid of them. We got three countries to get rid of all their nuclear weapons in a verifiable way. [We were successful] because we told them they would get their monetary value out of the highly enriched uranium, which was taken out of those bombs and blended down into low enriched uranium which is burned by power plants all over the globe. We bought the [low enriched uranium]. That program is about halfway through. Twenty percent of America's electricity today comes from nuclear power. Fifty percent of the low enriched uranium that is burned in power plants in the United States comes from former Soviet warheads that were aimed at us. So theoretically, if you look at those light bulbs up there, one out of every ten of them is being powered by the nuclear material that was 20 years ago aimed at us in the form of missiles.

So there is hope. We have done some things. In terms of getting the materials and weapons under control in the former Soviet Union, if ten is a perfect score, over the last 15 years we've done about five — we and Russia. If you look at other measures, the materials around the globe, in terms of getting those under control, we haven't done as well. On a scale of ten we are about three or four there, although we are working on them. There are some crucial things missing

from the agenda though, [such as] doing anything about battlefield nuclear weapons, the kind they were trying to buy in this film. We don't know how many the Russians have, and we don't know where they are. They're not subject to any arms control agreements. They've had thousands of them. We had thousands of them. We've gotten rid of a lot of ours, but we need a regime of transparency and accountability between the United States and Russia on battlefield nuclear weapons. It doesn't have to be public for the whole world, but we really need to know where they are and how many there are, because if you don't know how many you've got, you don't know when one of them is missing.

Another missing part of the agenda is cutting off the production of fissile materials. We're spending billions of dollars to try to get this stuff under control, but countries are still producing more of it. We need an agreement around the whole world to not produce any more fissile material. We've got plenty of it in the world and we need to secure what's out there [already].... I would also like to add that we and the Russians need biological transparency. In my view, they're not going to use biological weapons against us — if they were, they would have done it during the Cold War — but they made everything. They had tons and tons of weaponized smallpox. They even made a smallpox strand in violation of the biological treaty that was resistant to all known vaccines. They have tremendous knowledge here. We've got to be partners in dealing with the biological threat, not just in the form of the Soviet Union, but around

TWENTY PERCENT OF AMERICA'S ELECTRICITY TODAY COMES FROM NUCLEAR POWER. FIFTY PERCENT OF THE LOW ENRICHED URANIUM THAT IS BURNED IN POWER PLANTS IN THE UNITED STATES COMES FROM FORMER SOVIET WARHEADS THAT WERE AIMED AT US.

the globe. We are doing things [but] we just aren't doing them rapidly enough or with enough focus, and we don't have enough leadership at home or from other countries.

Audience Questions

Jason Blackstock

Hi Senator. My name's Jason Blackstock. I'm a student of Graham Allison's over at the Kennedy School. You just started with a list of some of the things that can be done, but I wanted to ask more particularly about the nuclear non-proliferation regime. The 2005 Review Conference illustrated a lot of the differences between the United States' position and the positions of different parts of the world, particularly on things like fissile cutoff and whether or not there should be a comprehensive treaty. And we see countries like Brazil, Iran, and North Korea continuing [nuclear proliferation]. What are the steps that the United States in particular can take in order to prepare for the next Review Conference in 2010? What steps should we be taking to reassure the other countries of the world that they'll be able to develop civilian nuclear technologies — which are necessary for environmental reasons in some cases — [in light of] their concerns that that will not be allowed by the rules that the United States is looking for?

Sam Nunn

Well, that's a really good question. We were not prepared in the last conference at all, and we were blamed for the breakup. We probably weren't the only culprit, but we really weren't prepared. Our own government says that now. The Non-Proliferation Treaty was signed in 1968-1969. Every president since then, including the current president, George W. Bush, has endorsed that treaty. That treaty has three legs on the stool. One leg is that the countries that have nuclear weapons basically pledge to get rid of those nuclear weapons over time. The second leg of the stool of the Non-Proliferation Treaty...which how many countries signed?

Graham Allison

One hundred and eighty-three.

Sam Nunn

One hundred and eighty-three countries — almost unprecedented. The second leg is that the countries that did not have nuclear weapons would not seek nuclear weapons. And that's what Iran and North Korea are now violating, in my opinion. The third leg of the stool is that every country that signed [the treaty] would have access to nuclear technology. That is, the ability to be able to produce nuclear power, the good side of the nuclear equation. All three legs of that stool are now eroding. My own view is that we could tell the world that we have a vision of a non-nuclear world. Now that vision is on the top of a mountain if you look at it as that. We can't see that mountain now, but what we can see is we're heading the wrong way. We're heading downhill. The nuclear powers are emphasizing nuclear weapons rather than deemphasizing. The least we could do under our treaty obligation Article 6 is to deemphasize nuclear weapons, making [them] less relevant. And the increased warning time would be one way of doing that. So Director El-Baradei won the Nobel Peace Prize last year, head of the IAEA — that's the International Atomic Energy Agency. He said that it's very hard to keep people from smoking and to keep them from starting to smoke if you're chain-smoking yourself. And that's the way we and Russia and the other nuclear powers are viewed in the world.

A vision coupled with steps is all-important to create a climate where we can get the cooperation we need on these

other areas, like the fissile material cutoff and not having more and more countries get into enrichment, which about eight countries now are thinking about [doing]. Leadership requires example, and we, being the nuclear powers, [must provide that example]. There are at least ten to 15 crucial steps, including the step of verification, that we've got to work on very hard if we're ever going to get to the top of the mountain. So what I would say is we need to recreate the vision that was encompassed in Article 6, but we need to have the steps laid out that are going to be required to get there, which are not part of the Non-Proliferation Treaty. So in effect, by rising above the Non-Proliferation Treaty, I think we can strengthen it. That's the way I would approach it.

Graham Allison

For those of you who don't know, there's a very provocative op-ed that was in *The Wall Street Journal* on the fourth of January by four of the wisest heads in American national security policy: Sam Nunn; Bill Perry, the Secretary of Defense under Clinton; Henry Kissinger; and George Schultz, who was the Secretary of State under Reagan. [The article] lays out both this vision and a program of action. So that's January fourth, *The Wall Street Journal*. I'm just putting in an ad here.

Thomas Swythe

Hi, I'm Thomas Swythe. I attend Phillips Academy in Andover, Massachusetts, and I'm originally from Augusta, Georgia. I agree with you, Senator, that my generation has not inherited that Cold War mentality of the existential threat. And we're, I think, more worried about radiological terrorism — the sort of low-level [threat], shipping a dirty bomb into a city and contaminating several blocks rather than killing thousands of people. So my question is: What's the Nuclear Threat Initiative doing to address radiological terrorism? And what can our government do to address that threat?

Sam Nunn

Good question. Very quickly, I think that number one, it's a more likely threat than a fissile bomb going off because that kind of material is much more obtainable and much less protected. Number two, it's not going to kill a huge number of people in all likelihood. Number three, it's probably better — easier to detect because it is radiological and

has a lot of emission. Number four, we're not prepared for it psychologically. This is one of those things [for which] we really need to work with public opinion. We're not going to close down every single ounce of radiological material around the world. There's too much of it out there — it's used in commerce and everywhere else. We need to try, but we're not going to get it all. We need to prepare people to be able to distinguish between [a dirty bomb] and a real nuclear detonation so that we have our priorities correct, but also so that people don't panic when that happens. A panic after one of those attacks would be much more damaging than the attack itself. So you're exactly right to be concerned about that. This is something we can do something about. I would like to see a radiological-type war game in every major city in the country involving police, public health officials, fire officials, and the news media so that people can understand what it's all about. Understand that we're going to do everything we can to stop it, but it cannot be allowed to panic our nation. That's very important and we haven't done that.

Graham, what's your prediction about the likelihood [of a nuclear attack on the U.S.]?

Graham Allison

In the nuclear terrorism book I say more likely than not in the decade after 2004, so 51 percent likely over the course of the whole decade. So you'll live to see it, God forbid.

Sam Nunn

The consequences are so great and the destabilizing effect on the economy is so great. 9/11 was a terrible thing — I don't want in any way to diminish that — but a nuclear weapon going off in a city would make 9/11 look like a minor tragedy. The consequences are huge, so you have to look at consequences when you're looking at priorities on defense.

Matt Schubert

Thank you, Senator Nunn. My name is Matt Schubert. I also go to Phillips Academy in Andover. Some might argue that the U.S.'s perceived aggressive presence in the Middle East contributes to the animosity of al-Qaeda and other terrorist organizations. Are there ways that you see [in which] the U.S. might remodel its foreign policy in the Middle East to decrease that animosity?

Sam Nunn

Well, one of the things that we've done on that score in recent times is we've dramatically reduced our ground presence and our footprint in countries that are highly religious and also highly symbolic to the Muslim religion. After the first Persian Gulf War — I thought it was a mistake then, and I still think it was — we had a large number of military forces that stayed there stationed in Saudi Arabia. We have a vital stake in that region, but in my view, [our troops] ought to be on ships offshore. They should be able to come back. And I think we've moved to that posture.

We don't have to get into [a debate about the war in] Iraq, but I think right now our biggest challenge in that region is to prevent a civil war from spreading around the whole Persian Gulf. That means keeping other forces and other countries from intervening in Iraq. It also means trying to do everything we can to prevent Shiite-Sunni conflict all over the Middle East. Preventing regional conflict would be my top priority over there. That means military power but it also means diplomacy. It means talking to people. I think there's some kind of strange theory in this administration that the way you punish your enemies is not to talk to them. I think if you don't want

to get into a shooting war you have to have diplomacy. We talked to the Soviet Union the whole time, and they threatened our existence. After Nixon went to [talk to] China, it was viewed as one of the great things he did. Before that we didn't have communication. I think we've got to talk to Iran. I think we've got to talk to Syria. We may not make progress. And we certainly would have a difficult kind of communication. But nevertheless, I think it's a mistake to basically take diplomacy off the table.

To the administration's credit, we have coalitions with a number of countries and we're having discussions in that kind of forum about their nuclear programs. I'm all for that, but there needs to be a bilateral element when required, even if it's informal. For a long time we had a policy of not talking to North Korea. We were doing it all in the Six Party Talks. Fortunately in the last eight months the administration changed that. They had bilateral discussions within the framework of the Six Party Talks. Those discussions led North Korea back to the table and led to an agreement within the Six Party Talks.

We're in real trouble in terms of credibility around the world. We don't need to be loved but we need to be respected and

The question was asked in Germany: Do you fear the United States more, or do you fear Iran more? Forty-eight percent of the people in Germany said the United States was feared more; 32 percent said Iran....

We spent, by my last computation, something like three trillion dollars defending Europe, including Germany, from 1945 until 1991. Three trillion. And 48 percent of the people are saying that.... / Senator Sam Nunn

**WE ARE NOT PREPARED
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we need to be viewed as credible. And right now — I saw a poll last week that was just almost amazing. The question was asked in Germany: Do you fear the United States more, or do you fear Iran more? Forty-eight percent of the people in Germany said the United States was feared more; 32 percent said Iran. Now that's a country where we spent, by my last computation, something like three trillion dollars defending Europe, including Germany, from 1945 until 1991. Three trillion. And 48 percent of the people are saying that. And it's even worse in countries like Turkey and others. We've got a lot of repair work to do around the globe, and we're going to have to do a lot more listening to other people. I think to lead successfully you have to listen, not just talk.

Graham Allison

I think the question is in the case of countries that may not be eager to cooperate in the first instance, like Iran or North Korea, how to secure weapons or materials at the source. Does the U.S. need to get to the mountaintop first in order to give them an example?

Sam Nunn

No, I don't try to make the case that Iran and North Korea would change if we announce a vision and steps to get there to the mountaintop, to use my analogy. What I do believe is we'll get the help we need much more readily from other countries to put pressure on countries like Iran and North Korea to, as in the case of North Korea, get rid of the weapons

they already have and, as in the case of Iran, not to develop them. It's a matter of enlisting opinion all over the world. I don't expect — no matter what we say — that Iran is going to run out and get rid of their weapons. I do think we need cooperation in that area of the world and all over the world to put the kind of squeeze on them that they can really understand is going to do damage to their country unless they get out of the nuclear weapon making business. Now there's inevitably going to have to be some kind of backup fuel supply, some kind of bargaining if Iran is going to do that. Also, you always have to keep on the table the possibility of military force if everything else fails because it would be a very serious blow to that whole region, and I think it would cause a number of other countries to go nuclear if Iran ends up with nuclear weapons. So I think it's a really serious problem and we're going to have to use all the tools, [but] I think the military tool would be the very last resort. And I also believe that while we're bogged down in Iraq — and we are bogged down over there — it would be very difficult for us to have military action against Iran that would not pour right over into Iraq to the great detriment of our military forces that are there.

Adam Chekov

I'm Adam Chekov. I go to Pace Academy in Atlanta, Georgia. And this is actually, in a sense, an extension of the question about Mid-East foreign policy. A lot of antagonism is generated by what is perceived as blind U.S. support to Israel,

I think we ought to lead a world effort with a lot of partners around the globe in the fight against infectious disease....

What is in the Asian continent or the African continent one day can be in the Boston airport the next....

considering we give as much aid to Israel as we give to Latin America, Sub-Saharan Africa, and the Caribbean. My opinion is that U.S. support to Israel is inherently a good thing. But on the other hand, Israel has been covertly — although it's pretty obvious now — developing a nuclear weapons program of their own, and they have a stockpile of their own right now. The U.S. is covering Israel's nuclear program and blindly giving support to Israel no matter what its actions are in the Middle East or in the occupied territories, the West Bank, Gaza, etc. Doesn't this antagonize the situation with Iran so that it is motivated to get nuclear weapons as a way to stand up to what it perceives as U.S.-Israeli imperialism?

Sam Nunn

Well, there's no question, number one, that we are going to remain very friendly to Israel. We're going to be a steadfast ally to Israel and we have a vital stake, as we've said so many times, in their continued existence and their continued sovereignty. Having said that, I do not believe it is in the United States' interest or Israel's interest for us to agree with every single thing they do. And in this administration, I have to say, we have pretty much done that. I think it is detrimental to Israel and I think it is detrimental to us. We lose the credibility we need to bring pressure to bear on Israel's neighbors to make some kind of reasonable peace agreement on the Palestinian question and others. So is it a problem? Yes, the Palestinian-Israeli conflict pours over into, not just the Middle East, but the whole Muslim world in terms of perception. It's used as an excuse for a lot of leaders who avoid being held accountable. And there would still be a lot of problems in the Middle East, even if you solved the Israeli-Palestinian problem. But I think we ought to be viewed as a friend, as a steadfast friend of Israel, who's not unwilling to tell Israel

when they go too far. I've thought for a long time that the settlements were not in the United States' interest. Many of the settlements, in my view, are not defensible, and therefore, not in Israeli interest. So I think we need to be a more reliable partner by being willing to say things to the Israeli government when they go too far in any direction.

Concluding Roundup

Sam Nunn

Now, the nuclear side in Iraq in terms of the allegations of nuclear weapons — I think the evidence was very scant there. And that pretty much blew up on the administration with the African memo and so forth. The thing that I fault the administration for...with the mustering of a considerable amount of military force before the war broke, the Bush administration succeeded in getting the IAEA back into Iraq. And then they basically took the position — and they said this publicly — “The IAEA doesn't know what they're doing. We want them out because we're going to come in.” And in effect, that's what happened. Turns out the IAEA did know what they were doing. They were right, we were wrong. And that has hurt us a great deal around the globe.

The next question — leadership, egos... I think there is entirely too much unilateralism with this administration. It wasn't just on the Iraq war. I think it spreads to global climate change. In my view there were a lot of problems with the Kyoto Treaty but President Bush said we're not going to follow the Kyoto Treaty. Then he said we were going to have an alternative. Well, the world's still waiting on

that alternative six years later, so there is a feeling that the Americans were tossing things overboard that had been negotiated over the years without having a replacement.

I think we were entirely warranted to use military force in Afghanistan. For the first time NATO invoked Article 5, which says if you attack one of us you attack all of us. The NATO alliance had never invoked that during the whole Cold War — never had to, thank God. I think we made a correct military decision in the technical sense, but a profoundly erroneous political decision by saying to the NATO allies who offered to go in with us to Afghanistan, “Thank you very much. We don't need you.” From a purely military point of view we didn't, but it's pretty apparent we needed them after the war. And they're in there, but in a pretty feckless way. I think ego may have something to do with it. September 11 had a lot to do with it. And there's no doubt that we had a tremendous reaction to that, as well we should, but you do need allies. There's a lot of difference between bombing a country and taking military action, and occupying it. “When you occupy,” as Colin Powell said, “you own it.” Now we own it. We own Iraq in many senses, and we're not doing a good job. We are not prepared in this country for post-conflict occupation. That is not what America has done historically. Our military doesn't like the mission. The rest of our government is incapable of doing the mission. We need to be able to successfully occupy Afghanistan and Iraq, we need to have agriculture specialists, health specialists.... We needed all that right at the beginning. We needed to take care of the human needs. We weren't prepared for that. A few years back, I asked retired General John Shalikashvili, who was a former Chairman of Joint Chiefs, “What is the biggest need of the U.S. military?” This was long before Iraq and Afghanistan. He said, “The biggest need of the U.S. military is for the other departments of government to be able to play a role in post-conflict resolution. The military is the only one that can do it, and therefore we are saddled with that.”

As far as changing views of other countries, it's going to take quite a while. But I think we ought to lead a world effort with a lot of partners around the globe in the fight against infectious disease. And that would include clean water for the globe. I think those ought to be goals that our country announces as goals that we're going to work on hard. I think

that would have a huge effect on world health. It would also protect our own security because the fight against infectious disease is enormously important to America. What is in the Asian continent or the African continent one day can be in the Boston airport the next, in terms of disease. So those would be my candidates for a broad foreign policy goal that would begin to help shape the image of America. I don't know how many children die around the globe every day from the lack of clean water and infectious disease, but it's huge. It's huge.

The final question was increased enforcement capacity. We've got to go all out to make the old Reagan maxim “trust but verify” a part of our policy. The administration has tossed in the towel saying we can't verify the biological treaty. We're not even negotiating. We need to find ways to verify the biological treaty, even if it's not perfect. Ninety percent verification is a lot better than no percent, zero percent, or ten percent verification. We also need to do the same thing on fissile material cutoff. Our verification provisions are tied to arms control agreements which are expiring over the next two or three years. We need an all out effort technically and policy-wise on verification in our country and in partnership with others.

Thank you very much. I appreciate the honor of being with you.



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BARRIOS

Mie Inouye grew up in the Boston area and wrote this when she was studying in Santiago, Chile, 2008. She is a member of the inaugural class of Synaptic Scholars of the Institute for Global Leadership. A junior at Tufts, she studies International Letters and Visual Studies and Political Science. Her academic interests include literature and political theory. She is currently researching representations of political trauma in Chilean literature. Among other things, she loves to travel, cook, write, talk, and people-watch.

I have never lived in a neighborhood where people greet each other on the way home from work, exchange pies, and discuss each other's business. Growing up in the fast-paced, individualistic culture of the Northeast, I often barely knew my literal neighbors. Still, the concept of a neighborhood, somewhat abstracted, has been building and changing in my mind, gathering strength over time as I have moved from one town to another, left home and returned. I imagine and observe neighborhoods both as physical spaces and as bonds between people who are otherwise unconnected; and,

as I travel and reflect on displacements in my own history, I become aware of what it means to be a stranger.

In an increasingly globalized world, neighborhoods as entities that collide and combine shape many people's identities. Maybe I began thinking about neighborhoods because of the mixings and displacements in my own family history. My paternal great grandfather never intended to stay in the United States when he came to Hawaii from Japan as an indentured servant. Thanks to a series of accidents, the final event being Japanese internment during World War II, my family ended up in Gunnison, Utah, a small agricultural town, and my father and his siblings were baptized into the Mormon Church. My mother descends from Southern aristocracy but grew up in Central Illinois, the daughter of a composer and a painter. Her parents left the South to break free of the conservative values imposed on them by their communities and raised their children in the avant-garde world of their professional circles. In the North Carolina town they returned to when my great grandmother got older, the street signs bear our family names.

When my parents divorced, it was partly because their cultural differences — those that arise from ethnicity, socio-economic standing, family history the traditions and expectations that develop over generations of events and places and relationships — were too great to reconcile. Sometimes I wondered what the fate of their marriage meant about my personality, the product of mixings of disparate cultures and family histories, of complications and incompatibilities. Did my family history make me alien, in some way, to myself? Did it give me more or less of a place in the world?

In New Orleans last spring, I learned about literal neighborhoods as I spent a week walking door to door in St. Bernard's Parish, interviewing people about how they had been affected by Katrina and what help they still needed to recover their lives. My nametag, clipboard, and association with the Red Cross gave me access to stories I would never have encountered otherwise as a stranger wandering through an unknown neighborhood. On a hot afternoon I sat in a FEMA trailer with a young couple and their three kids who tugged at my jeans and offered me snacks. The trailer was parked on their front lawn and a huge tree had sprung up from the ground directly behind it. They told me their story — how they had used all their FEMA money to begin house repairs and were now waiting for a grant to continue work. They confided in me their suspicion that neighbors had stolen things from their home while they were rebuilding, as though they expected me to make note of it. "You can't trust any of these people these days." The father was angry. "That

couple across the street got ten grand more than us, and they don't even have kids."

I walked farther down the street, past abandoned houses baking in the sun. Sitting on the steps to her trailer door, a woman remembered standing on her roof while the hurricane hit. "The water, the wind, the noise. You would have thought the world was ending." I asked her what her greatest loss had been and her eyes filled with tears. "The hardest thing was the day I came back — seeing the street look like people were on vacation. We still haven't really come back — this community is desperate for mental health care. You can see the fog in people's eyes."

At the end of the street, I interviewed an old woman who reminded me of my grandmother. She proudly showed me the furniture and clothing she had bought with her savings. As we stood at her front door, she lowered her voice and gestured down the street. "The house with the big tree. That man ran over a six-year-old in the neighborhood four months ago." I remembered his three-year-old boy who had hugged my leg and offered me chips from a can and caught a glimpse of the suffering that had unfolded between members of this community in the recent past. At the end of the afternoon, I felt overwhelmed by having been so intimate

with so many complete strangers. I was left with a pile of needs assessment interviews and a vision of a neighborhood that had been torn apart by personal and natural disasters.

—
I'm running in the Garden District, where our hostel is located. Like much of New Orleans, this neighborhood feels magical. Flowers burst over wrought iron fences surrounding sprawling Victorians and Greek Revivals, painted lavender or yellow and adorned with expansive porches and elegant columns. The streets are cobbled and strewn with Mardi Gras beads and the street names are written in the sidewalks with blue and white tiles. In the late afternoon, the air is tropical on my face and legs as I leap over twisted roots that burst from the sidewalks.

Within ten minutes I'm lost, running down a main street that looks familiar but turns out not to be. The houses are less antique and more dilapidated. I pass an empty lot that smells of urine and an abandoned school with its windows broken. A local man told me that the ghetto and the upper class neighborhoods of New Orleans are in unusually close proximity — am I entering the ghetto? I keep running but notice a difference in myself along with the change in my surroundings. I am the only non-black person on the street, definitely the only runner, and I'm drawing attention from people sitting on their porches. I shouldn't be here. My group leader would panic if he knew I was running alone in the ghetto. But what if I didn't know this was the "ghetto"? Would I feel so uncomfortable?

I turn off the main street and into the path of two middle-aged black men. I look them in their faces and smile, "Excuse me."

"Hey, there." They nod in my direction and I jog on.

The street is completely residential now and the houses are thin-walled and thin-roofed, sometimes missing a door or part of a wall or window. I can't tell whether Katrina damaged this part of the city or whether these houses have always looked this way. In the late afternoon, silhouettes move inside homes and people stroll along the empty street. Should I be running on the sidewalk, instead? Up ahead is a group of people sitting on the curb — are they male or

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AND EXCLUSION.

female? Teenagers or a family? I get close. It's a group of teenage boys and a girl who looks to be in her twenties, all staring at me. I intentionally make eye contact with the girl and smile. She doesn't smile back. Then she speaks. "Girl, I need to be doing what you're doing." Soon I find my way back to the hostel.

—
Back in Boston, preparing to teach a Sunday school class at the Mormon church I attend in Harvard Square, I continued to contemplate the existence of neighborhoods as separate entities with their own internal dramas and physical characteristics, and the possibility of only by chance seeing neighborhoods that look different from my own. In a sense, a church congregation substitutes for a neighborhood by bringing people together who would otherwise have nothing to do with each other. Because of my job as a Sunday school teacher, I stood in front of a classroom of twenty-some-year-olds every week, trying to provoke discussion on passages of scripture. One week, the lesson in the manual was entitled, "Who Is My Neighbor?" and I wondered how to teach the story of the Good Samaritan to this particular group of people. It occurred to me that the biblical story is framed with two questions. A lawyer, seeking to clarify the parameters of the commandment to "love thy neighbor," and, perhaps, to limit the scope of his responsibility, asks, "Who is my neighbor?" Jesus responds with the story of a Jew who was attacked by thieves and passed over by two "respectable" members of his own community. It was, finally, a stranger — an unknown and alien Samaritan — who stopped and cared for the suffering man. Jesus concludes the parable by asking, "Which of these three, thinkest thou, was neighbor unto him who fell among the thieves?"

Listening to my peers' responses to questions from the teaching manual, I realized that our congregation of college students trying to live according to the same set of beliefs is connected by virtue of the things we share. But the same commonalities that make our church a "neighborhood" sometimes make discussion of complicated issues predictable and easy. Moreover, the strength of our community relies in part on the existence of others who don't belong — who don't share the same beliefs or answers. Our congregation gives us a sense of belonging and safety

from the rest of the world, but it can also result in isolation and exclusion.

The possibility of feeling protected from the world in one's neighborhood became more meaningful to me when I arrived in Santiago, Chile to study abroad for a semester. Santiago is equated with Chile in many Chileans' minds. It began growing rapidly in the early twentieth century and now is home to nearly 40 percent of the country's total population. The city is divided into 34 *comunas*, each with its own municipal government, and is thoroughly segregated by class. During our first week we went on a "social geography" tour of Santiago, which involved driving in a tour bus from Las Condes, the wealthiest *comuna* and the closest to the Andes, south and west, away from the *cordillera*. As you descend in altitude within Santiago you descend visibly in socioeconomic class. Las Condes, with its wide paved streets and high-rise office buildings, green spaces and bike trails, looks like any affluent city in the United States. As we circled through the city, we passed through the middle class *comuna* of Ñuñoa, down to the lower middle class neighborhoods, or *barrios*, of La Florida, where houses grew closer together and lower to the ground and we began to see more empty edifices and graffitied walls.

Eventually, we entered a *población* — an unquestionably poor neighborhood, a *barrio bajo* — within one of the *comunas* lowest in altitude and class. We prepared to disembark the bus, removing jewelry and cameras at the advice of our guide, who was a native to the area. "You're about to witness a kind of poverty that you have probably never seen, and that many *Santiaguinos* never see." We piled off the bus and walked across the park into an area classified as a shantytown — a neighborhood within the *población* that does not receive electricity or running water and consists of houses constructed out of scrap material on vacant land. Many of the houses were built with boards nailed together and a piece of tin as a roof, but some families had managed to acquire bricks for their walls. All of these people had constructed their homes by hand.

—
It's sunset in winter, getting dim but not too cold. Walking through a shantytown in Lo Espejo, my immediate instinct is to take photographs. Everything looks new and interesting

Later on during our orientation we met with political activists from the poorest *comunas* in Santiago and learned that the *poblaciones* and shantytowns have developed strong networks of community organizations in their battle for improved living conditions, especially during the military dictatorship, when many of these neighborhoods were targets for repression.

to me, and I feel like I'm getting a glimpse into something inaccessible. But what would it mean to snap shots of this neighborhood, of the kids flying kites from a dirt path between rows of houses or the men playing soccer, who stare at us and whistle, but to whose lives I have no relationship beyond that of a spectator? Some of us gringos look at the ground while others try to separate themselves from the group and fix their gaze directly ahead. We pass a man fixing his house and a woman standing inside her home, watching us. Even without cameras we are tourists capturing people's personal lives with our eyes. Do we bring shame to this community by virtue of our perspective as outsiders? Is our presence here meaningful?

Later on during our orientation we met with political activists from the poorest *comunas* in Santiago and learned that the *poblaciones* and shantytowns have developed strong networks of community organizations in their battle for improved living conditions, especially during the military dictatorship, when many of these neighborhoods were targets for repression. Organizations that work in the poor districts of Santiago are very aware of the stigma associated with living in a *barrio bajo*. Recently, an investigative reporting special on a Chilean news channel featured one of Santiago's most stigmatized *barrios* in a special called "Legua Emergencia: the Ghetto of Death" which portrayed only the violence, drug

trafficking, and delinquency that occurs in La Legua. In a copy of *La Cuneta*, a literary and cultural review published by the *comuna* in which La Legua is located, I read one interpretation of this type of media coverage. "They create, through their media, an imaginary situation: there are the 'good people,' who live in nice houses, who have cars and other resources. These people are submitted to the siege of the multitudes of scum who live all around them." This conception of class has real implications in the lives of people who encounter discrimination on the basis of their neighborhoods and in a country that, despite its relative prosperity, has one of the most extreme wealth distribution gaps in Latin America.

Despite my awareness of the potential exclusivity of communities, I wanted to belong to one in Santiago, where I was away from anyone to whom I felt attached. My host family was supposed to serve that function but, for the time being, we seemed to be bewildered by one another. On my third night in the house, I made the mistake of commenting on a news story that related to Augusto Pinochet, Chile's ex-dictator, and my conservative mother challenged me to counter her continuing allegiance to the now gone military regime. She and my leftist host brother fought bitterly for the next two hours. Breakfast alone with my host mother each morning consisted of long silences alternating with exasperated attempts at conveying simple ideas

about weather conditions and jam. So, on my first Sunday with my host family in Providencia, an upper-middle class neighborhood below Las Condes, I sought out a Mormon church near my home. Congregations in Chile are also called *barrios*, and to reach mine I walked through my new *barrio* in Providencia, along a carefully landscaped running trail, past a series of identical high-rise apartment buildings and the occasional colonial style house. I wondered how living here, as opposed to in La Legua or Las Condes, would affect a person's identity.

I grew up in two neighborhoods and each is a part of my history. I spent my early childhood in Cambridge, Massachusetts, where my family and I lived in an apartment building with a concrete patio and a clothesline for a backyard. I remember the lilac bush that grew through the chain link fence surrounding the patio and the experimental public school I attended, where many of my classmates were bilingual children of recent immigrants. Cambridge, in my memory, is academics, immigrants, Brattle Street's aged elegance and Central Square's commerce and noise, homeless people and hipsters gathered around "the pit" in Harvard Square. When, after rent control ended and we could no longer afford the cost of our apartment, we moved to an upper-middle class suburb, I felt myself change with my new surroundings. Lexington, like Providencia, is a nice place to live, with a good public school system and a series of quaint storefronts and expansive lawns in the town center. My new friends attended sleep-away camps in the summers and graduated to top tier private universities. In Lexington, maybe because I was growing up, I became self-conscious about my appearance. I cut my long tangled hair and begged my parents for sweatshirts and jeans with brand name logos. Both neighborhoods included examples of extreme privilege, but the second lacked the perspective of other realities. Amid the comfort and uniformity of my new surroundings it was hard to imagine the existence of the homeless people I used to pass on the way home from school.

The next Sunday in Santiago I tried another congregation — this one in Puente Alto, a *barrio bajo*. Francisco, my one Chilean friend, had warned me against taking the metro that far south. "It's dangerous and dirty," he informed me. I smiled — "Are those the same thing?"

This Sunday morning is warm and feels like spring, which reminds me of summer. Last night I had a lucid dream. I remember a wave, and throwing dishes from a roof, and a friend who was present though I couldn't see him. Today the metro is packed and people sit on the floors and lean against the doors. A father and son kneel together, holding onto the pole in the middle of the car. The father looks old to have such a young son, his hands are rough and his jacket is worn. Out the window there is a sea of tin roofs, cherry blossoms, and palm trees. The Andes float in the background, suspended in the pale blue morning smog. For some reason everyone on this metro looks beautiful to me. I see an older man wearing a red collared tee shirt and holding a copy of a popular tabloid and feel an inexplicable desire to hug him.

I transfer to a micro, one of Santiago's many crowded, rickety buses, and sit next to a teenage girl clutching a backpack on her lap who looks at me like I'm crazy when I ask if the bus

passes a certain intersection in my gringa Spanish. At her suggestion, I get off about a mile too early, and start walking down a main street, keeping an eye on the rising house numbers. It's a Sunday morning but the street is vibrant. Cars drive by, windows down, playing music. Tiendas blare Chilean pop. I pass a Catholic church with its doors open and hear lively singing and clapping from inside. I want to stop, but I'm afraid of feeling out of place, so I don't. Outside a sandwich shop, four young guys in tee shirts sit at a table and glance over as their pitbull jumps at me and I fall off the curb. Its mouth is muzzled. I recover myself and keep walking, and soon I recognize the chapel.

The Mormon church in Puente Alto looked just like any I'd seen in Boston or Utah. I made it there in time for Sunday school and the teacher had us turn to Luke, chapter 10 — the story of the Good Samaritan. “*Hermana, quieres leer un poco, para practicar tu castellano?*” He smiled at me encouragingly. I remembered, as I stumbled through the verses, something from my own Sunday school lesson. The Samaritan who attends to the Jew acts without regard for the other's identity. Similarly, the lawyer calls him a neighbor despite his identity as a Samaritan. The parable, then, seems to require identifying as “neighbor” the person whose beliefs we may not know or share but whose actions reflect true compassion.

Standing at the top of a cliff overlooking Arica, Chile, I can see all of the city, where it stretches into the Atacama Desert on the right and runs into the Pacific Ocean on the left. We've just returned to Chile from a bus trip through Bolivia and Peru, in time for the national holiday. At the base of the hill are the fondos, rows of stands selling homemade alcohol and empanadas. People, moving through the aisles, drinking chicha and buying fair food, are barely visible from this altitude, but I follow their paths, see them pouring out onto the main plaza and dispersing into the city streets. Black sea birds circle above the city, close to my eye level. It's as strange to imagine being one of the dots on the ground, moving through the city, as it is to imagine being one of these birds. From this hill, I see people go from point A to point B, I see their paths and the places they don't go, I have a perspective on their lives of which they aren't aware. So many lives in the world, and we are each limited to one perspective.

When I consider the definition of *neighbor* and the extent of my own neighborhood, I conclude that there are those people I know and love and therefore feel responsibility toward; there are those I know by proximity; and then there are so many people I don't, and may never, know. One can choose one's literal neighborhood and neighbors by changing residence. It seems to me, sitting in this building that is familiar, despite my never having been here before, that it is also possible to expand one's neighborhood by venturing into the world. Choosing to be a neighbor, then, means choosing to see more of the world and feel more responsibility. In this sense, my neighbor is a stranger. But the other half of my preoccupation with this question has to do with wanting to overcome anonymity. Concern with neighborhoods and belonging arises from being an outsider, a stranger to another person, and the desire to overcome that distance.

Black sea birds circle above the city, close to my eye level. It's as strange to imagine being one of the dots on the ground, moving through the city, as it is to imagine being one of these birds. From this hill, I see people go from point A to point B, I see their paths and the places they don't go,

I have a perspective on their lives of which they aren't aware. So many lives in the world, and we are each limited to one perspective.

I am still in Santiago. In the metro, on the way back to my host family's home, pressed between an overweight man and two squealing teenage girls, I contemplate the similarity between the words *barrio* and *barrera*, or “barrier”. My own

family is both cohesive and divided because of cultural legacies and barriers. Religion, it seems, has the capacity to provide union between strangers as well as divisions between believers and non-believers. Wandering through neighborhoods in New Orleans and Chile I have considered the perceived or real social barriers that come from being a foreigner in an established community and the visible barriers that arise from geographical and socioeconomic segregation. Standing on a hill above Arica made me aware of the physical limitations that prevent any two people from

ever completely sharing one perspective, one mind. Now, smashed against the back of a guy on a train, I feel like I'm part of one huge, sweating, exasperated organism.

Soon, I'll get off the train and emerge from the station. I'll take the running trail from the station entrance to my host family's apartment, past the identical apartment buildings and quiet streets of my neighborhood. I'll enter the front door and announce my arrival, and my host mother will have prepared a meal. We'll sit at the table and try to tell each other something about our days, me with my broken Spanish and her with her over-exaggerated enunciation and constant repetition, and, despite the barriers between us, maybe something will come through.



*we live to design
but sometimes we stop
and look at the sky*

*mailbox@de-mo.org
www.de-mo.org*

de.MO

NOTES

Urbicide : Lagos and the Crisis of the Megacity

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Balkanized Justice : International Involvement in the Domestic Prosecution of War Crimes in Bosnia and Herzogovina

¹ Nidzara Ahmetasevic, “Bosnia’s Book of the Dead,” Balkan Investigative Reporting Network BiH: Justice Report <<http://www.bim.ba/en/68/10/3361/>> 20 June 2007.

² Bosnia and Herzegovina will be referred to as BiH or Bosnia throughout this paper.

³ Many interviewees wished to speak candidly and remain anonymous. For this reason the names of some interviewees are not cited by name.

⁴ Declaration of the Peace Implementation Council Steering Board of June 12, 2003.

⁵ The OHR is enabled to do this through the “Bonn Powers,” which refer to the power given to the High Representative at the 1997 Peace Implementation Council meeting to impose law and remove from office public officials.

⁶ The Law on the State Court of BiH, “Official Gazette” of BiH, number 16/02.

⁷ OSCE Mission to BiH Human Rights Department, *War Crimes Trials Before the Domestic Courts of Bosnia and Herzegovina: Progress and Obstacles* <<http://www.oscebih.org/public/document.asp?d=6&l=eng&dep=0>> March 2005.

⁸ Office of the High Representative, *War Crimes Chamber Project: Project Implementation Plan Registry Progress Report*. October 2004.

⁹ Nerma Jelacic, Director of Balkan Investigative Reporting Network (BIRN), interview with author, Sarajevo, 4 January 2007.

¹⁰ Michael Scharf and Paul R. Williams, *Peace with Justice? War Crimes and Accountability in the Former Yugoslavia* (Lanham: Rowman & Littlefield, 2002), 39-61.

¹¹ OSCE: *Progress and Obstacles*, section 5.4; Legal Officer in the Special Department for War Crimes (SDWC), interview with author, Sarajevo, 9 January 2007; Director of Zene Zenema NGO, interview with author, Sarajevo, 16 January 2007.

¹² OSCE: *Progress and Obstacles*, section 5.4; Svetlana Broz, (Director of the Sarajevo

GARIWO NGO), interview with author, Sarajevo, 8 January 2007. Her remarks were based on her experience collecting stories during the war for her book, *Good People in an Evil Time*.

¹³ Human Rights Watch, “Country Summary of Bosnia,” *World Report 2007* <<http://hrw.org/wr2k7/>> (Human Rights Watch, January 2007); OSCE: *Progress and Obstacles*, section 5.7.

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¹⁷ “General Information,” *International Tribunal for the Former Yugoslavia* <<http://www.un.org/icty/glance-e/index.htm>> (United Nations, 8 May 2006).

¹⁸ BIRN, *Guide to the WCC*, 87-89.

¹⁹ UN Doc S/RES/1503 (2003); UN Doc S/RES/1534 (2004).

²⁰ Author interview with legal officer in the SDWC, Sarajevo, 9 January 2007.

²¹ Author interview with legal officer in the Prosecutor’s Office, Sarajevo, 9 January 2007.

²² OHR, *Implementation Plan*, 8-9.

²³ BIRN, *Guide to the WCC*, 87-89.

²⁴ Court of Bosnia and Herzegovina, Public Information and Outreach Section *Frequently Asked Questions* <www.sudbih.gov.ba> (9 June 2007).

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²⁷ High Representative’s Decision of December 17th 2004, <<http://www.registrarbih.gov.ba/index.php?opcija=sadrzaji&id=8&jezik=e>>

²⁸ Author interview with official in Legal Affairs Department of the Office of the High Representative, Sarajevo, 12 January 2007.

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³⁰ Author interview with legal officer and international prosecutor in the SDWC, Sarajevo, 9-12 January 2007.

³¹ Author interviews with two legal officers, two judges, international prosecutor, and court officials, Sarajevo, 9-15 January 2007.

³² Author interview with Miroslav Zivanovic (Head of Library and Documentation Department at the Human Rights Centre, University of Sarajevo), Sarajevo, 15 January 2007.

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³⁴ Param-Preet Singh, *Narrowing the Impunity Gap: Trials Before Bosnia’s War Crimes Chamber* <<http://hrw.org/reports/2007/ijo207/>> (Human Rights Watch, February 2007).

³⁵ “Integration Strategy of the National Staff of the Registry into the Justice Institutions of BiH 2006-2009,” “Official Gazette” of BiH-International Agreements 3/07 <<http://www.registrarbih.gov.ba/index.php?opcija=sadrzaji&id=8&jezik=e>>.

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³⁷ Author interviews with two international legal officers and international prosecutor in SDWC, Sarajevo, 9-12 January 2007.

³⁸ OSCE: *Progress and Obstacles*, section 5.5; author interviews with several international staff in the State Court, Sarajevo, 9-12 January 2007. This point was especially emphasized in an interview with the International Director of the Defense Support Council.

³⁹ Author interview with legal officer in the Prosecutor’s Office, Sarajevo, 9 January 2007.

⁴⁰ OSCE: *Progress and Obstacles*, section 5.3; author interviews with several national and international Court Staff, Sarajevo, 9-16 January 2007.

⁴¹ OSCE: *Progress and Obstacles*, 42. References the OHR document, “The Future of Domestic War Crimes in BiH,” May 2002.

⁴² This was evidenced in author interviews with nationals both inside and outside the Court.

⁴³ For discussion regarding the need for a bold international presence in the initial stages of the judicial reform and accountability efforts, see Michael Hartmann, “International Judges and Prosecutors in Kosovo: A New Model for Peacekeeping,” <<http://www.usip.org/pubs/specialreports/sr112.html>> (United States Institute for Peace, October 2003). This is especially interesting as Hartmann was recently appointed an international prosecutor for the WCC.

⁴⁴ OHR, *Implementation Plan*, 31.

⁴⁵ Author interview with staff member in the Prosecutors Office, Sarajevo, 9 January 2007.

⁴⁶ Michael Johnson, former Register of the State Court, in phone conversation with author, 2 January 2007.

⁴⁷ Author interviews with Nerma Jelacic, Director of BIRN, Sarajevo, 3 January 2007 and Rosemary Armao, Editor in Chief of CIN, Sarajevo, 5 January 2007. Both are media representatives, so this may be slightly biased opinion, but it seems plausible.

⁴⁸ Author interview with staff member in the Prosecutor’s Office, Sarajevo, 9 January 2007.

⁴⁹ Author Interview with staff in the Prosecutor’s Office, Sarajevo, 9 January 2007; HRW: *Narrowing the Impunity Gap*, 6.

⁵⁰ Author interview with two Bosnian State Court Judges, Sarajevo, 15 January 2007. This relationship was best characterized by an email from an American Judge shown to me by a national Judge. It expressed both a personal and professional respect, and indicated a good working relationship.

⁵¹ Author interview with Director of Defense Support Council, Sarajevo, 15 January 2007.

⁵² Criminal Procedure Code of BiH, “Official Gazette” of BiH, numbers 3/03, 32-03.

⁵³ OSCE: *Progress and Obstacles*, see section 5.5 for issues of the 2003 CPC.

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⁵⁵ Author interview with official in the legal affairs department of the OHR, Sarajevo, 14 January 2007. This was the general position of the Office of the High Representative in 2006 under High Representative Christian Schwarz-Schilling. This opinion is explained in his article, “Bosnia Run by the Bosnians,” *Wall Street Journal*, 12 February 2007.

⁵⁶ Author interview with official in the Legal Affairs Department of the OHR, Sarajevo, 14 January 2007.

⁵⁷ Organization for Security and Cooperation in Europe Mission to BiH, OSCE: *Human Rights: Domestic War Crimes Prosecutions* <www.osce.org/human_rights/warcimes>

⁵⁸ The Research and Documentation Center in BiH, Belgrade Humanitarian Law Center in Serbia, and Dokumenta in Croatia, see OSCE: *Progress and Obstacles*, 50.

⁵⁹ Based on comparison of statistics and reports of efficiency from the *Registry Quarterly Report*.

⁶⁰ *Registry Quarterly Report*, 19.

⁶¹ Author interview with legal officer in the Prosecutor’s Office, Sarajevo, 9 January 2007.

⁶² Author interview with legal officer in the Prosecutor’s Office, Sarajevo, 9 January 2007.

⁶³ HRW: *Narrowing the Impunity Gap*, 8-11; author interview with legal officer in the Prosecutor’s Office, Sarajevo, 9 January 2007.

⁶⁴ Author interview with legal officer in the Prosecutor’s Office, Sarajevo, 9 January 2007.

⁶⁵ HRW: *Narrowing the Impunity Gap*, 47.

⁶⁶ *Ibid.*, 11-13.

⁶⁷ “General Information,” *International Tribunal for the Former Yugoslavia* <www.un.org/icty> (United Nations, 8 May 2006).

⁶⁸ There was no clear consensus throughout the interviews I conducted on the necessity of the capture and prosecution of Karadzic and Mladic, but all interviewees expressed that it would be a positive development. There was an overall skepticism about there ever being a prosecution.

⁶⁹ Author interview with legal officer in the Prosecutor’s Office, Sarajevo, 9 January 2007; Author interview with Director of Zene Zenema, Sarajevo, 16

January 2007.

⁷⁰ For discussion of the development of this concept at the ICTY and ICTR see ASIL Insights: *ICTY Judgments in Blaskic and Krstic*, August 2004.

⁷¹ Author interview with survivor of Srebrenica, Mevludin Oric, Ilijas, 6 January 2007. This interviewee gave the most powerful expression of the dissatisfaction with sentencing.

⁷² Article 42 of the 2003 BiH Criminal Code, “Official Gazette,” 3/03.

⁷³ Two separate author interviews with Court Staff in SDWC, Sarajevo, 9 and 10 January 2007.

⁷⁴ Author interviews with Nerma Jelacic, Director of BIRN, Sarajevo, 4 January 2007; Rosemary Armao Editor-in-Chief of Center of Investigative Reporting, Sarajevo, 6 January 2007; Boris Grubestic, Press Officer for the Prosecutor’s Office, Sarajevo, 12 January 2007; Selma Hadzic, Press Officer of PIOS, Sarajevo, 15 January 2007.

⁷⁵ OHR Implementation Plan, 27.

⁷⁶ Author interview with Selma Hadzic, Press Officer for PIOS, Sarajevo, 15 January 2007; see also <<http://www.sudbih.gov.ba/?opcija=sadrzaji&kat=7&id=81&jezik=e>>

⁷⁷ Interviews with media representatives. The Court is also the main source of information in many international arenas. For example the “War Crimes Prosecution Watch,” an on-line newsletter produced by Case Western Law School has articles taken directly from the Court’s website in its section concerning the WCC.

⁷⁸ Author interview with Tarik Abdul, Head of Court Management, Sarajevo, 9 January 2007.

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⁸⁰ Interviews with media representatives.

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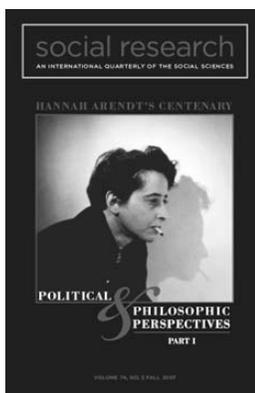
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