



WORLD OUTLOOK

An Undergraduate Journal of
International Affairs

Fall 2013 Issue 44

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Maritime Dispute

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in Occupied Japan, 1945-1952

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in Saudi Arabia and Abu Dhabi

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Featuring:

An interview with Marc Lynch
on the ramifications of
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“Today we use the term ‘the world’ with what amounts to brash familiarity. Too often in speaking of such things as the world food problem, the world health problem, world trade, world peace, and world government, we disregard the fact that ‘the world’ is a totality which in the domain of human problems constitutes the ultimate in degree of magnitude and degree of complexity. That is a fact, yes; but another fact is that almost every large problem today is, in truth, a world problem. Those two facts taken together provide thoughtful men with what might realistically be entitled ‘an introduction to humility’ in curing the world’s ills.”

— President Emeritus John Sloan Dickey,
1947 Convocation Address

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World Outlook is a student-run journal of international affairs that publishes papers written by undergraduate students. Its name and missions are motivated by the words of late Dartmouth President John Sloan Dickey.

Subscription Information:

World Outlook (ISSN 0895-7452) is published bi-annually. Subscription requests should be directed to worldoutlook@dartmouth.edu. *World Outlook* is free on demand for all current and former Dartmouth students, faculty, and alumni. All contributions are tax-deductible.

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U.S. INTERESTS IN THE SINO-PHILIPPINE MARITIME DISPUTE

Jake Rascoff

As the United States' military engagements in the Middle East draw to a close, some observers project that the defining conflicts of the coming century will be fought in the contested waters of East Asia. Fears of a rising China threatening U.S. hegemony in East Asia have informed national debate and policy decisions, as evidenced by the Obama administration's strategic "pivot" to the region. The prospect of naval clashes in the South China Sea is particularly significant for the U.S., given its treaty obligation to provide military assistance to the Philippines in the event of armed conflict with China. In this paper, I examine the maritime territorial disputes between China and the Philippines over the Spratly Islands and Scarborough Shoal, two of the defining flashpoints of the South China Sea. I analyze the validity of each nation's respective historical claims to islands in the sea, the legal elements of the dispute under the 1982 U.N. Convention on the Law of the Sea, and U.S. interests in the dispute.

In recent months, Western media's focus on East Asian affairs has concentrated largely on the ongoing diplomatic standoff between Japan and China over a series of uninhabited islands in the East China Sea, referred to as the Senkaku Islands by the former and Diaoyu by the latter. Escalations in the Senkaku/Diaoyu conflict have alarmed observers worldwide, and numerous maritime standoffs near the islands raise the prospect of armed conflict between the two regional powers. The U.S. has a particularly substantial stake in the outcome of the quarrel. While the U.S. government officially maintains neutrality in the territorial disputes, it is obligated, under Article V of the 1960 Treaty of Mutual Cooperation and Security with Japan, to provide military assistance to its treaty ally in the event of an armed attack "in the territories under the administration of Japan," and the Senkaku Islands are currently under Japan's jurisdiction.¹

A number of similarly precarious territorial disputes exist in the South China Sea among China, Taiwan, Vietnam, Malaysia, Brunei, and the Philippines. The disputes in this region present an entirely new set of diplomatic concerns other than the Sino-Japanese conflict in the East China Sea. One dispute in particular risks dragging the U.S. into another Asian maritime debate: the struggle between the Philippines and China over the Spratly Islands and Scarborough Shoal, two of the three primary groups of small islands contested by the six regional players.

In a situation strikingly similar to the one in the East China Sea, the U.S. is treaty-bound, by the Mutual Defense Treaty of 1951, to "act to meet the common dangers" of an armed attack on the metropolitan territory of the Philippines, island

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territories under Philippine jurisdiction in the Pacific, or “on its armed forces, public vessels, or aircraft in the Pacific.”² In 1979, U.S. Secretary of State Cyrus Vance stated in a letter to the Philippine Foreign Secretary: “...an attack on Philippine armed forces, public vessels, or aircraft in the Pacific would not have to occur within the metropolitan territory of the Philippines or island territories under its jurisdiction in the Pacific in order to come within the definition of Pacific area...”³ In 1999, U.S. Ambassador to the Philippines Thomas C. Hubbard further clarified, “the U.S. considers the South China Sea to be part of the Pacific Area.”⁴ Clearly, disputed territory like the Spratly Islands and Scarborough Shoal fall well within the definition of “Pacific Area” previously articulated by U.S. diplomats. Therefore, as in the case of the Senkaku/Diaoyu conflict, the U.S. has a vested interest in the peaceful settlement of maritime territorial disputes between China and the Philippines, as armed conflict between the two nations would likely compel the U.S. to provide military support to its ally.

THE IMPORTANCE OF THE PHILIPPINES

Four member states of the Association of Southeast Asian Nations (ASEAN) are currently engaged in territorial disputes with China, Taiwan, and each other in the South China Sea, referred to as the West Philippine Sea in the Philippines. The Sino-Philippine dispute concerns a territory that occupies fewer islands and reefs than Vietnam’s territorial claims, and the Philippine claims to this territory have provoked fewer direct confrontations with China than Vietnam’s claims have provoked.⁵ However, from an American perspective, the Sino-Philippine dispute is particularly relevant for several reasons.

First, the Philippines and United States have a longstanding relationship as close regional partners, stemming from the colonial period that began in 1898 with the Spanish-American War, that lasted until the U.S. renounced its sovereignty over the islands in 1946. After the conclusion of the colonial relationship between the two nations, the signing of the Mutual Defense Treaty in 1951 established an important bilateral alliance and the U.S. maintained a presence on the islands through Subic Naval Base and Clark Air Force Base.⁶ Although the Philippine Senate voted in 1991 to repeal the Military Bases Agreement that established those outposts and to force their closure, in 1999 the RP-US Visiting Forces Agreement was ratified, reestablishing a partial U.S. military presence in Philippine territory and allowing the two allies to conduct joint military operations.⁷

U.S.-Philippine relations deepened after September 11th, 2001, when the War on Terror brought U.S. attention to violent Muslim separatist groups in the southern Philippines, primarily the al-Qaeda-linked Abu Sayyaf Group based in the Sulu island chain.⁸ Counterterrorism measures aimed at weakening these militant Islamist groups led to the formation of the Joint Special Operations Task Force-Philippines as part of Operation Enduring Freedom, as well as an enormous increase in U.S. material and consultative assistance to the development of the Philippine military. The Armed Forces of the Philippines (AFP) is one of the weakest military forces in the

region, with outdated naval and aircraft fleets and widespread institutional flaws. To help remedy these shortcomings, the administration of President Benigno Aquino III has made extensive reforms to the Philippine military, increasing the AFP's budget by more than 80% in 2011.⁹ Leaders in the Philippine government and the AFP also saw an opportunity to strengthen their fledgling military in the U.S. commitment to battling global terrorism, and from 2001 to 2011, U.S. military assistance to the Philippines increased from \$10.5 million to \$40 million.¹⁰ The combination of these defense reforms and joint U.S.-Philippine military activity succeeded in severely weakening the terrorist networks in the southern Philippines. As a result, the focus of the military alliance has shifted away from internal security threats to external threats in the South China Sea, a development which the Chinese government objects.¹¹

Second, according to a report by the Congressional Research Service, "The United States has long been the largest source of foreign investment in the Philippines, with nearly \$6 billion in cumulative foreign direct investment (FDI) at the end of 2009."¹² That figure has since decreased, but U.S. FDI in the Philippines still exceeded \$5 billion in 2011, and two-way goods and services trade was calculated at \$22 billion.¹³ Additionally, the classification of the Philippines as a "front-line state" in the War on Terror helped make it one of the leading recipients of U.S. foreign aid in Southeast Asia. This foreign aid is not only for military purposes, but also for extensive social development programs. Sixty percent of those programs focused on Muslim areas in the southern Philippines like Mindanao and the Sulu islands with the intention of reducing the poverty and political conditions that helped foster extremism in those regions.¹⁴ The decreased threat of Muslim insurgency over time has not lessened the U.S. commitment to development in the Philippines, however, as the aid package requested by the U.S. Agency for International Development (USAID) to the Philippines for fiscal year 2013 was \$144,432,000—more than any of the five preceding years.¹⁵

The United States and the Philippines have deep strategic and economic bonds. The U.S. has demonstrated its interest in improving the Philippines' defense capabilities and socio-economic structure. The Philippines and the U.S. also have common interests in free trade and maintaining stability in the face of a rising China. In a 2010 survey by the BBC, 82% of Filipinos said their views of the U.S. were positive. In the same survey, only 55% of Filipinos expressed positive perceptions of China, a figure analysts say has deteriorated because of diplomatic tension between the countries, including China's assertive treatment of Philippine ships in the South China Sea.¹⁶ The public image of the U.S. in the Philippines has benefited from Filipinos' negative perceptions of Chinese actions in the region, and while economic ties to China remain vital in the Philippines, a failure to resolve the territorial disputes in the South China Sea will put stress on the diplomatic relationship between the two Asian nations. This, in turn, will drive the Philippines closer to the U.S., which will put a strain on the critical relationship between the United States and China.

Finally, the Philippines stands out from other ASEAN countries in its deter-

mination to resolve territorial conflicts with China through arbitration. Article I of the 1951 Mutual Defense Treaty states, "The Parties undertake.... to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security are not endangered."¹⁷ Although that diplomatic solution appears increasingly elusive, the Philippine government has consistently adhered to both the Mutual Defense Treaty and the Charter of the United Nations, and has strived to resolve its disputes peacefully. In the culmination of these efforts, on January 22, 2013, Manila filed a claim, under the 1982 United Nations Convention on the Law of the Sea (UNCLOS), to initiate official proceedings with China before a UNCLOS arbitral tribunal. China, however, claims indisputable sovereignty over the contested territory; it staunchly opposes arbitration of the multilateral type proposed by the Philippines. They instead insist on bilateral negotiations, free from what Chinese officials perceive to be meddling Western influences. It was for this reason that Beijing refused to include its South China Sea territorial claims in the agenda of the 2011 East Asia Summit, ostensibly because the United States is a member of the summit.^{18, 19} While China offered to jointly explore and develop resources in the South China Sea with the Philippines until a permanent agreement can be reached, the Philippines rejected this offer. President Aquino boldly declared, "We are ready to defend what is ours."²⁰ Despite the inability of the two parties to reach a diplomatic agreement thus far, the efforts of the Philippines to bring the matter to UNCLOS arbitration are unique among ASEAN and consistent with the provisions of the Mutual Defense Treaty.

ORIGINS OF THE DISPUTE

In *Island Disputes and Maritime Regime Building in East Asia: Between a Rock and a Hard Place*, Min Gyo Koo proposes a "territorial bargaining game approach" to help explain the roots of maritime territorial disputes like the one in the South China Sea. The territorial bargaining game approach requires an "initial impetus" to spur a shift in the territorial status quo of a region.²¹ In the case of the South China Sea, a compelling argument can be made showing how this initial impetus was the end of World War II, when the yokes of imperialism and wartime occupation were lifted off much of East Asia, and opportunities for the expansion of national territories and the creation of a new status quo were recognized by regional players. The chronology of Chinese and Philippine claims to disputed territory, namely the 3-square mile area of the Spratly Islands, lends validity to this theory.

While the Philippine government only officially claimed the Spratly islets as part of Philippine territory in the 1970s, its claim is contingent on the notion that the islands were *res nullius*, or "no one's thing," after World War II, which allowed Filipino settler Tomas Cloma to claim the islands in 1947, declare them protectorates in 1956, and deed them to the Philippine government in 1974.²² China, meanwhile, cites historical usage of the islands dating back 2,000 years as evidence of its sovereignty. However, China exercised authority over the islands only intermittently

before the end of World War II, and its ancient records are insufficient proof of continuous Chinese occupation of the Spratly chain.²³ China's current assertion of sovereignty over the Spratly Islands, and the rest of the South China Sea, relies on the "nine-dotted line," an ambiguous and extremely controversial set of boundary lines that Beijing says demarcate Chinese sovereign territory. The nine-dotted line, while only submitted to the United Nations by China as recently as May 2009, appeared on an official map for the first time in 1947 in the immediate aftermath of World War II. The "Republic of China," rather than China's current government, was in power at the time.²⁴ The respective territorial claims of China and the Philippines warrant further examination, but it is evident that the "initial impetus" of the dispute was the shift in status quo generated by the end of World War II, as both countries made their first official claims to the disputed territory during the late 1940s. The evolution of the initial dispute into a confrontational debate is a more recent development, due to a combination of several complicating factors.

ESCALATION OF THE DISPUTE

According to the territorial bargaining game outlined by Min Gyo Koo, the initiation phase of a conflict will be followed by an escalation phase of "territorial nationalism." Koo states, "The initial impetus and subsequent changes in the value of territory may result in contending *territorial nationalism*, often manifested in the form of either resource nationalism (focused on tangible values) or irredentism (focused on intangible values), or both."²⁵ The Sino-Philippine dispute in the South China Sea certainly exhibits the characteristics of territorial nationalism. Both resource nationalism and irredentism factor prominently into the escalation of the conflict.

Resource Nationalism

The contested territory in the South China Sea is, above all, what Koo would call "tangibly-valued territory." It has significant economic value as a private good, and exclusive possession of it would increase any nation's wealth and power.²⁶ The South China Sea is the second busiest shipping lane in the world.²⁷ According to a recent report by the U.S. Energy Information Administration (EIA), over half of the world's annual merchant fleet cargo in 2010 passed through the Straits of Malacca, Sunda, and Lombok in the southwest portion of the sea, near the Spratly Islands.²⁸ Every day, roughly one third of the world's oil, or about 14 million barrels of crude oil, travel through the South China Sea, with over 90 percent passing through the Strait of Malacca.²⁹ Another crucial resource, liquefied natural gas (LNG), is already in high demand in East Asian countries like South Korea, Japan, China, and Taiwan, with demand projected to grow in the coming years. In its report the EIA also estimates that over half the world's LNG trade passes through the South China Sea every year.³⁰

The maintenance of freedom of navigation in the South China Sea is a crucial economic concern for the U.S. and other nations. However, the main point of

contention in the “resource nationalism” aspect of the Sino-Philippine dispute is not control of these vital shipping lanes, but rather the promise of natural resources below the surface of the South China Sea. The rapid economic growth of countries in the area, particularly China, creates a constant demand for oil and natural gas, and a desire to break current dependence on foreign oil. China is especially interested in the development of natural gas as an energy source, setting a goal for natural gas to comprise 10 percent of its overall energy sources by 2020.³¹ This lofty ambition, and China’s insatiable demand for energy sources in general, has served as a principal motivation for Beijing’s claims to the waters of the South China Sea. For the Philippines, resource development in the South China Sea is also of great importance for national infrastructure. In May 2012, Philippine energy officials announced that the Malampaya gas field, the current source of nearly half the energy in the economically vital region of Luzon, will run dry within twelve years, making further exploration in the South China Sea imperative.³²

This raises the question of just how resource-rich the waters in the South China Sea are. The Chinese National Offshore Oil Company boldly estimated in November 2012 that the sea contains 125 billion barrels of oil reserves and 500 trillion cubic feet of natural gas reserves. The projections by the EIA are far more conservative, but still substantial: 11 billion barrels of oil and 190 trillion cubic feet of natural gas.³³ To put that in perspective, from 1996 to 2004, the total production of crude oil in Alaska was 3.549 billion barrels. This figure, in theory, would be dwarfed by the reserves in the South China Sea.³⁴ Some sources even estimate that energy reserves in the sea rival those of Kuwait.³⁵ In terms of the area directly contested by China and the Philippines, the EIA stated in its report that the area around the Spratly Islands has almost no proven oil reserves, but the U.S. Geological Survey assessed that undiscovered resources in the Spratly region could contain up to 5.4 billion barrels of oil and 55.1 trillion cubic feet of natural gas.³⁶ Another important resource in the South China Sea that doesn’t derive from fossil fuels is marine life such as fish. The sea contains significant breeding and habitat grounds for shrimp and tuna in particular, and diplomatic tensions and maritime standoffs between China and the Philippines have often involved fishing rights.³⁷

Virtually none of the contested islands in the South China Sea present any strategic value as military outposts or settlement locations; indeed, the Scarborough Shoal is merely an atoll which, at high tide, contains only a few rocks protruding above sea level. The significance of the islands to China and the Philippines is primarily due to their economic promise: if the islands officially fall within a nation’s territorial boundaries, the fishing and underground exploration rights in the area of the islands belong solely to that nation. But beyond the scope of economic potential are the complex issues of nationalism and social symbolism.

Irredentism

Critics of Chinese territorial aggression often postulate that the hawkish

stances of many prominent Chinese leaders are part of a grand attempt to distract the masses from widespread corruption, internal unrest, and human rights abuses. They suggest that by rallying the nation around a common patriotic cause and espousing anti-Western and anti-Japanese sentiment, Chinese leaders hope to draw attention away from domestic shortcomings and embarrassing political scandals. As John Pomfret said in a February 5, 2013 op-ed in *The Washington Post*, “While many people here [in China] are justifiably proud of their country’s economic rise, they are not happy about a slew of issues, including endemic corruption, polluted air, lack of press freedom, an opaque legal system and sketchy food safety. Diverting the people’s gaze toward a hated neighbor is an easy, if short-term, fix.”³⁸ While there may be some validity to this theory, it fails to account for a deep-seated phenomenon in Chinese culture and history.

Americans frequently speak of “China’s rise,” a seemingly innocuous phrase describing the ascent of the People’s Republic of China from the impoverished years of the Great Leap Forward and Cultural Revolution to its current place as a dominant regional power with the potential to overtake the U.S. as a global superpower. But Zheng Wang, a Public Policy Scholar at the Wilson Center, emphasizes in a recent editorial that China’s impressive progress is not a “rise” from nothingness, but rather a “rejuvenation.”³⁹ The difference may seem a simple discrepancy in terminology, but it is significant in understanding China’s patriotic self-image and territorial assertiveness.

Exceptionalism has been a strong cultural force throughout all of Chinese history. The Mandarin name for China, *Zhongguo*, literally means “Middle Kingdom,” implying that China is the center of the world. But the onset of colonialism in East Asia, beginning with the First Opium War with Britain in 1839, gave rise to a period that would last until the defeat of the Japanese in 1945, a period the Chinese still refer to as the “century of humiliation.” Zheng Wang explains, “China’s memory of this period as a time when it was attacked, bullied, and torn asunder by imperialists serves as the foundation for its modern identity and purpose....After suffering a humiliating decline in national strength and status, the Chinese people are unwavering in their commitment to return China to its natural state of glory.”⁴⁰

This patriotic Chinese desire to reclaim the nation’s historical stature is a particularly potent factor in the Senkaku/Diaoyu conflict with Japan in the East China Sea. Furthermore, the far-right administration of Japanese Prime Minister Shinzo Abe has done little to soothe historical animosity between the countries. Abe has taken measures to significantly strengthen Japan’s military for the first time since World War II, and has publicly credited the U.S. military’s “pivot” to Asia as deterrence against China’s aggression. He has further enraged China by downplaying Japanese culpability for war crimes, announcing plans to minimize a previous admission of a government-sanctioned World War II sex slave program.⁴¹

A significant discrepancy in Japanese and Chinese perceptions of territorial disputes is rooted in the countries’ respective education systems. In his first term, Abe called for a more patriotic curriculum in Japanese schools, but has also criticized

China's patriotic curriculum as inherently promoting "anti-Japanese sentiment."⁴² While the Japanese form of patriotic curriculum leaves students relatively unaware of Japan's war crimes, the current Chinese curriculum extensively details Japanese atrocities, instilling students with a strong sense of patriotic indignation. Zheng Wang ties this educational inconsistency into current perceptions of territorial conflict: "The Chinese youth are emotional in regard to the territorial dispute because they connect the current standoff with past humiliations, but the Japanese consider these completely separate issues. The Japanese indifference towards historical issues in turn further infuriates the Chinese."⁴³

The point Wang raises regarding educational inconsistencies helps to explain why the disputes in the South China Sea are so hard to resolve diplomatically. The Filipinos' attempt to bring their disagreement with China to UN arbitration seems to most observers in the U.S. to be a completely reasonable means of resolving the dispute. As Wang puts it, "It seems inconceivable to the Philippines....that China's historical evidence of sovereignty over islands in the South China Sea should take precedence over modern international law."⁴⁴ But to many Chinese, historical justification for territorial possession is not only conceivable, but indisputable. While the U.S. and the Philippines think China is merely justifying its assertive territorial revisionism, Wang states, "The Chinese see their country as a status-quo power whose actions are inherently defensive....Far from seeking to gain an advantage over others, the Chinese are simply restoring the justice that was previously shattered by Western colonial powers."⁴⁵ As Henry Kissinger put it, the American and Philippine expectation that China will participate in the post-World War II global order, and submit to international arbitration, is "grating to a country that regards itself as adjusting to membership in an international system designed in its absence on the basis of programs it did not participate in developing."⁴⁶

The tangible rewards of the South China Sea's vast resources and value as a shipping lane, and the intangible social consequences of China's celebrated rejuvenation from the "century of humiliation," have combined to escalate the Sino-Philippine conflict far beyond its initial stages in the 1940's. With the basis for the maritime dispute established, it is important to further examine each country's claims to the contested territory, and the possibilities for a peaceful, diplomatic, and mutually acceptable compromise.

THE CHINESE CLAIM

The "Nine-Dotted Line"

The United Nations Convention on the Law of the Sea, or UNCLOS, was adopted in 1982 and entered into force in 1994. Both China and the Philippines have ratified UNCLOS, and are therefore obligated, at least in theory, to adhere to its provisions. It outlines rules for determining a country's maritime zone, measured from a set baseline. A maritime zone consists of a territorial sea extending 12 nautical miles (NM) in which a nation can institute laws to regulate the area. A contiguous

zone extends 12 NM beyond that. An exclusive economic zone (EEZ) measures 200 NM from the baseline and is where a nation may possess sovereign rights to “exploring and exploiting, conserving and managing the natural resources” of the sea. The maritime zone includes a continental shelf, which may extend jurisdiction over an area’s resources further than the EEZ if it is part of the “natural prolongation of [a state’s] land territory to the outer edge of the continental margin.”⁴⁷ Under these provisions, the Philippines claims disputed waters as part of its EEZ and continental shelf. However, as already mentioned, China does not conform to the standard of territorial measurement outlined in UNCLOS and instead relies on historical evidence to validate its claims to the South China Sea.

The development of China’s “nine-dotted line” claim began under Chiang Kai-shek’s Kuomintang “Republic of China” government. In the early 1930’s, in response to encroaching imperialism, Chiang Kai-shek directed a commission to begin outlining China’s rightful historical territory. The resulting U-shaped territorial claim was first made public in 1947, when the Republic of China published a map of the South China Sea’s archipelagos, using “11 interrupted lines” to define the islands, reefs, and waters over which China claimed sovereignty. After two of the lines in the Gulf of Tonkin were eliminated, the claim came to be known as the “nine interrupted lines” or “nine-dotted line.”⁴⁸ The significance of the line being “dotted,” according to a 1994 statement by prominent Chinese military researcher Pan Shiyang, is that “the application of the interrupted lines, rather than uninterrupted lines makes future adjustments possible.”⁴⁹ Despite this apparent flexibility, the nature of the claim has always been ambiguous: China has still not clarified whether the nine-dotted line establishes sovereignty over the land features within the line, thereby also laying claim to the EEZs of those land features, or whether the nine-dotted line establishes sovereignty over the entire area it encloses, which is over 1.94 million square kilometers and more than 70% of the sea’s waters.⁵⁰ China merely refers to the area within the line as part of its “territorial waters,” an unspecified term that does not meet the criteria of a national maritime zone as established by UNCLOS.⁵¹

The only possible explanation for China’s nine-dotted line claim that may be acceptable under UNCLOS is if China designates the contested areas as “historic bays” or “historic waters,” a practice which has seen very limited usage in international law. Article 10 of UNCLOS acknowledges that historical claims to waters or coastal areas that don’t formally meet the criteria of “bays” can be valid in some instances.⁵² Historical claims were successfully invoked before the International Court of Justice in a 1951 case involving Norway’s coastal waters, and again in the 1992 *Gulf of Fonseca* case.⁵³ According to a 1962 study by the International Law Commission, three factors must be satisfied for a historical claim to be legitimate. First, authority over the area must be exercised, such as the regulation of foreign vessels, the measurement of surrounding waters, and the maintenance of ownership through legislation. Second, that authority must be exercised continuously over time. Third, foreign states must either consent to the claim or merely decline to challenge it. In addition to these three

criteria, geographical proximity and self-defense requirements may be taken into consideration.⁵⁴

China's claim, aside from being ambiguous in nature, fails to meet nearly every standard of validity set by the International Law Commission. The Spratly Islands and Scarborough Shoal are both much closer in proximity to the Philippines than China, and neither present strategic self-defense value to China. Foreign littoral states clearly do not acquiesce to the Chinese claim, and the historical evidence China relies on to support it is also dubious. China cites the South China Sea as an important third century navigational and military route, and as a main trade route from the 10th century to the 16th century, but neither of those constitute continuous usage.⁵⁵ However, China is undeterred by its failure to conform to the standards set by the International Law Commission, as it already rejects arbitration as an appropriate means of resolving this dispute. While the nine-dotted line assertion does not measure up to the standards for a national maritime zone established under UNCLOS, or even to the standards of historical sovereignty invoked in several other international cases, China presents other evidence of its historical control over the Spratly Islands and Scarborough Shoal.

Spratly Islands

Sporadic references to the Spratly Islands as "sandy banks" appear in Chinese cartography from the 12th century through the 17th century, but more consistent evidence of Chinese presence in the Spratly chain begins in the 19th century. Such evidence includes tombstones and utensils traced to the reign of Emperor Tongzhi, from 1862 to 1875.⁵⁶ The first official claim of sovereignty over the islands was not made until 1883, when Chinese forces expelled a German survey team from the Spratly Islands. It is possible that China made no statements of sovereignty before 1883 because before the 19th century it was the "centre of a universal state" and "oversaw a hierarchy of tributary states," therefore rendering the actual delineation of territorial boundaries unnecessary.⁵⁷ The modern struggle over ownership of the Spratly Islands began the Sino-Philippine dispute itself at the end of World War II. Japan had assumed a physical presence in the Spratly area by the 1930's, but was forced to relinquish the islands in the 1951 San Francisco Peace Treaty. China, although not specifically granted ownership of the islands in 1951, and unable to establish a regular presence in the Spratly area thereafter, still claims legitimate sovereignty over the entirety of the islands.⁵⁸ China now occupies nine features in the Spratly islets, a fairly recent development.⁵⁹

Under the principles of international law, China's claims to the Spratly Islands are, again, weak. Historical records do not provide sufficient evidence of prolonged Chinese occupation or administration of the islands, and Chinese sovereignty over the islands was undoubtedly interrupted by international occupation in the 1930s.⁶⁰ While China has displayed interest in the Spratly Islands at intervals throughout its long history, the limited evidence that exists to support Chinese claims is not consistent with

the legal precedent of “continuous occupation” established in other international cases like the *Palmas Island* arbitration between the U.S. and the Netherlands.⁶¹ If the three factors of historical legitimacy outlined by the International Law Commission are applied to China’s Spratly Islands claim, it appears even weaker, as neither geographical proximity nor foreign acquiescence are applicable to the Spratly case. China has recently undertaken a massive scholarly effort to produce maps and documents, whether ancient, modern, domestic, or foreign, that support its claims, and has even revised its weather reports on state-controlled television to include forecasts for the Spratly Islands.⁶² In the event of international arbitration, the fruits of these efforts are unlikely to outweigh the Philippine claim to the islands under the provisions of UNCLOS. However, as long as China refuses to submit to arbitration and continues to demand bilateral negotiations, it can persist in its insistence on historical sovereignty, unconvincing as its evidence may be.

Scarborough Shoal

Referred to by the Chinese as Huangyan Island, Scarborough Shoal is an atoll, submerged at high tide with only a few rocks above sea level, which rose to prominence after the inception of UNCLOS. Although China claims sovereignty over the shoal dating back to the 13th century Yuan dynasty, its waters fall within the Philippines’ maritime zone, so China’s claims to the atoll are subject to the same legal scrutiny as its claims to the Spratly Islands. Despite the apparent insignificance of the atoll’s small rocks, the waters of the Scarborough Shoal not only offer a wealth of resources, but are also significant to China’s entire nine-dotted line claim to the South China Sea. Scarborough Shoal is part of an archipelago the Chinese call Zhongsha Qundao, and the rocks of the shoal are the only features of the archipelago above water; therefore, if China fails to prove its sovereignty over Scarborough Shoal, its claims to the archipelago and, by extension, the South China Sea, would also be threatened.⁶³

China’s earliest evidence of sovereignty over Scarborough Shoal, according to the Chinese Embassy in Manila, is a map made by Yuan dynasty astronomer Guo Shoujing in 1279.⁶⁴ However, even this basic claim is tentative. Guo Shoujing’s survey has also been used repeatedly by the Chinese in their dispute with Vietnam over the Paracel Islands, a different set of islets to the north of Scarborough Shoal. However, it would appear that Guo visited neither the Paracel Islands nor Scarborough Shoal, as the southernmost of the 27 coordinates he mapped in his incredibly accurate survey were actually in “Zhu Ya,” or modern day Hainan, which is north of both Scarborough Shoal and the Paracel Islands.⁶⁵ Chinese imperial maps published before 1909 confirm Hainan Island as the southernmost point in the Chinese empire, with no mention of Scarborough Shoal as Chinese territory.⁶⁶ If Guo Shoujing’s maps are insufficient evidence of Chinese sovereignty over Scarborough Shoal, the earliest official Chinese claim to the atoll is the nine-dotted line. This significantly reduces the validity of China’s claims to historical ownership of Scarborough Shoal.

THE PHILIPPINE CLAIM

Spratly Islands

The Philippine claim to the Spratly Islands is based on geographical proximity, national security, economic necessity, continuous occupation, and the theory that the islands were *res nullius*, or unowned, after World War II.⁶⁷ According to the Philippines, the abandonment of the Spratly Islands after the war allowed Tomas Cloma, a lawyer and businessman, to claim the islets in 1947. When Cloma declared the islets protectorates in 1956, calling them “Kalaya’an,” or “Freedomland,” his claim was announced officially for the first time. Philippine President Ferdinand Marcos made the Kalaya’an Islands part of the Philippines in 1971, by “occupying” the islands with a drilling operation off the Reed Bank, but Cloma did not officially deed the islets to the Philippine government until 1974. In 1978, Marcos again formally claimed the Spratly chain for the Philippines, and occupation began on eight of the islands’ features.⁶⁸

The Philippines’ evidence of sovereignty over the Spratly Islands does not stand up to scrutiny much better than the Chinese claim does. The *res nullius* argument is stridently rejected by the Chinese, who claim continuous occupation of the Spratly chain themselves. Furthermore, the Philippines cannot reasonably claim continuous occupation of the islands since 1947, because Tomas Cloma was a private individual acting without government sponsorship or approval when he occupied the islets.

Scarborough Shoal

The Scarborough Shoal is named for a British boat, the *Scarborough*, which wrecked in the waters of the atoll in 1748, and its coordinates were first mapped in 1800 by a Spanish ship that departed from Manila.⁶⁹ Before the 20th century, it did not occur to any colonial powers to claim a feature as inconsequential as Scarborough Shoal, but the proximity of the atoll to the Philippine island of Luzon obligated the colonial Spanish navy in the Philippines to rescue vessels marooned in the shoal. When control over the Philippines was transferred to the U.S. at the turn of the 20th century, this duty fell to the new colonial power.⁷⁰ While the Chinese assert that the Philippines did not claim the shoal until very recently, there is also no current evidence of Chinese objection to the navigation of Scarborough Shoal by colonial ships, launched from the Philippines, in the 19th and early 20th centuries.⁷¹

Despite evidence of colonial-era Philippine involvement in activities in the Scarborough Shoal, the Philippine Department of Foreign Affairs stated in April 2012, “The basis of Philippine sovereignty and jurisdiction over the rock features [of Scarborough Shoal] is not premised on the cession by Spain of the Philippine archipelago to the United States under the Treaty of Paris.”⁷² Furthermore, “the basis of Philippine sovereignty and jurisdiction....is distinct from that of its sovereign rights over the larger body of water and continental shelf.”⁷³ In other words, the Philippine Department of Foreign Affairs emphasizes that its claims to the actual rocks of Scarborough Shoal are independent from its claim to jurisdiction of the surrounding waters under UNCLOS. While the Filipinos feel they are entitled, under the Law of

the Sea, to a maritime zone in the South China Sea, they also claim to have “exercised both effective occupation and effective jurisdiction” over Scarborough Shoal since the end of the colonial era, thereby granting the Philippines, and not China, sovereignty over the shoal itself.⁷⁴ However, this claim, like all declarations of “continuous occupation” made by both parties in the Sino-Philippine dispute, is weak.

In the Statement of Claim it recently submitted to the United Nations, the Philippine government neglected to raise the topic of historical occupation, saying, “The Philippines does not seek in this arbitration a determination of which Party enjoys sovereignty over the islands claimed by both of them.”⁷⁵ This is not only sensible on the part of the Philippines, but also a necessary clarification: the International Tribunal for the Law of the Sea does not deal with conflicts of territorial *sovereignty* over insular features like the Spratlys and Scarborough Shoal, but rather with issues of *jurisdiction* over a maritime area. As the Philippine Department of Foreign Affairs puts it, “The question of who owns the rocks is a matter governed by the principles of public international law relating to modalities for acquiring territories. On the other hand, the extent of its adjacent waters is governed by UNCLOS.”⁷⁶ Therefore, the Philippine government ignores its historical claims to the Spratly Islands and Scarborough Shoal in its Statement of Claim, and instead argues that China’s territorial advances violate the Philippines’ rightful maritime zone, and prevent the Philippines from exercising lawful jurisdiction over that zone.

Notification and Statement of Claim under UNCLOS

In Article 121 of UNCLOS, an island is defined as “a naturally formed area of land, surrounded by water, which is above water at high tide.” An island, unlike a rock, is entitled to its own territorial sea, contiguous zone, EEZ, and continental shelf. In order to further distinguish an island from a rock, Article 121 continues, “Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf.”⁷⁷ This distinction between islands and rocks has become the critical point of contention between China and the Philippines in the legal sphere of their territorial dispute, particularly in the conflict over Scarborough Shoal. The largely unsubstantiated claims of historical sovereignty and continuous occupation made by both nations are only significant in the context of UNCLOS, as sovereignty over those insular features would entitle a nation to a corresponding maritime zone in the waters surrounding the features. But it is the physical extent of territorial waters adjacent to an insular feature that makes the legal distinction between islands and rocks so crucial.

Whereas possession of an island affords a nation jurisdiction over considerable territory, potentially more than 200 NM if a continental shelf extends beyond the limits of the island’s EEZ, possession of a rock only entitles a nation to a maritime zone of 12 NM. Therefore, outside the bounds of the Sino-Philippine dispute over Scarborough Shoal and the Spratly Islands themselves, there is another conflict over whether to define the insular features as islands or rocks. China, determined

to defend its aforementioned claim to the vast Zhongsha Qundao archipelago that contains Scarborough Shoal, insists that the features of the shoal are islands. Even if China conclusively proved its sovereignty over Scarborough Shoal, if the shoal was legally defined as a rock, rather than an island, China would only be granted a 12 NM maritime zone around the shoal. As the rocks composing Scarborough Shoal are the only features of the Zhongsha Qundao archipelago above water, in addition to proving its sovereignty over Scarborough Shoal, China needs to prove the shoal to be an island, rather than a rock, to justify its jurisdiction over the whole archipelago.⁷⁸ If China were unable to do so, the legality of its entire nine-dotted line claim would be seriously jeopardized. Unfortunately for China, in the event of U.N. arbitration, it is extremely unlikely that a tribunal would find Scarborough Shoal to be an island. Not only is the atoll literally composed of rocks, but it also fails to meet the criteria for an island outlined in Article 121 of UNCLOS, as the shoal cannot sustain human habitation or economic life of its own.

The Philippine government's primary legal complaint against China is that the nine-dotted line is invalid under UNCLOS, as it extends Chinese territorial claims 870 NM beyond the nearest Chinese coast, within 50 NM of the Philippine coasts of Luzon and Palawan, and therefore well within the Philippines' EEZ and continental shelf.⁷⁹ As a result, China interferes with the Philippines' exclusive right to the resources within its maritime zone, and the right of Philippine vessels to freely navigate Philippine territorial waters. As evidence of these offenses, the Philippine government points to a Chinese law, effective as of January 1, 2013, which "requires foreign vessels to obtain China's permission before entering the waters within the 'nine dash line,'" and threatens to inspect, expel, or detain vessels that do not seek Chinese permission to navigate those waters.⁸⁰ This is a troubling development for the U.S., as well, since freedom of navigation throughout the South China Sea is a crucial American interest. Secondary to this overarching concern is China's classification of the physical features of the Spratly Islands and Scarborough Shoal as islands.

In regards to the Spratly dispute, the Philippine government argues that the features of the Spratly chain occupied by China are not islands at all, but rather submerged features and protruding rocks. Whereas the features of the Scarborough Shoal fail to meet the Article 121 requirement that an island be able to sustain human and economic life, the Chinese have successfully constructed outposts on the Spratly Islands that can technically sustain human habitation. In the case of these features, the Philippine government argues that China violated the Article 121 definition of an island as "a naturally formed area of land," because the Chinese constructed artificial islands atop submerged features that otherwise would not qualify as islands.⁸¹ The Filipinos apply this logic to four Chinese-occupied Spratly features: Mischief Reef, a submerged bank upon which China "constructed buildings and other facilities on stilts and concrete platforms" in 1995; McKennan Reef, a low tide elevation atop which China did the same; Gaven Reef, a low tide elevation; and Subi Reef, another low tide elevation.⁸² The Philippines also points out three features in the Spratly chain

that, like Scarborough Shoal, meet the definition of “rocks” under UNCLOS because they are uninhabitable and unable to support economic life in their natural states. Those three features are Johnson Reef, Cuarteron Reef, and Fieri Cross Reef.

Of course, the entire debate over Article 121 and the definition of an island assumes that China’s nine-dotted line lays claim to the *features* it encompasses in the South China Sea, rather than the *water* of the sea itself. China has refused to clarify this ambiguity, making its nine-dotted line claim all the more confusing. As for actual ownership of the maritime features themselves, neither nation makes a strong claim to sovereignty. As one commentator put it, “The historic sovereignty claim.... can generally be summarized as incomplete, intermittent, and unconvincing... In reality, ‘transitory presence,’ by passing mariners and itinerant fishermen, formed the bulk of the historic ‘occupation’ of the Spratlys. Indeed, the uninviting geography of these insignificant insular features encouraged little else, until the prospect of hydrocarbons became apparent.”⁸³

The Philippines’ UNCLOS claim is the most substantial argument made in the entire maritime dispute thus far, but China’s refusal to resolve disputes through arbitration doomed the effort from the start. On February 19, 2013, China officially rejected the Philippine attempt at arbitration, with Foreign Ministry spokesman Hong Lei stating that the proposal was “historically and legally incorrect and contained unacceptable accusations against China.”⁸⁴ The Chinese are determined to use the regional power disparity to their advantage and keep all negotiations strictly bilateral, and it appears arbitration is not going to resolve the Sino-Philippine territorial disputes. With China absent from the arbitral proceedings, the Philippines will pursue its claim unilaterally in a UNCLOS tribunal, but a favorable decision from the tribunal would be more symbolic than practical. UNCLOS lacks a mechanism to enforce its rulings, so regardless of whether or not it participates in the proceedings, China could ignore a decision from the tribunal.⁸⁵ China’s decision to opt out of arbitration, while permissible under UNCLOS, is likely to draw international condemnation and weaken China’s image abroad. China’s international standing would be further damaged if it ignored a ruling in favor of the Philippines. Thus, a favorable ruling would provide the Philippines with legal support and moral vindication in the conflict, but would do little to effectively resolve the tensions in the sea.

As an additional option, U.S. State Department spokeswoman Victoria Nuland encouraged ASEAN to present a united front and negotiate a binding code of conduct with China.⁸⁶ However, this approach is also unlikely to work in a timely manner, as only four of ASEAN’s ten member states are currently in territorial feuds with China, and economic interests constrain the other six states from reaching a common consensus on dealing with China’s territorial assertiveness.⁸⁷ The divisions within ASEAN were displayed when Cambodia assumed the organization’s rotating chairmanship in 2012, and blocked all attempts by other member states to release a statement on disputes in the South China Sea.⁸⁸ With no mutually acceptable diplomatic resolution to the conflict in the foreseeable future, China and the Philippines

are left to argue over the waters of the South China Sea, raising the risk of a dangerous naval encounter.

IMPLICATIONS FOR THE UNITED STATES

On March 1, 2013, USS *Freedom* departed San Diego for Singapore, becoming the first of four U.S. Navy shallow-water littoral combat ships to be deployed to Southeast Asia.⁸⁹ The departure was one of the first materializations of the U.S. “pivot” towards East Asia, and it occurred amid mandatory, across-the-board cuts to Defense spending caused by sequestration. Admiral Cecil Haney, commander of the U.S. Pacific Fleet, commented: “Even in the face of potential budget cuts, there should be no doubt that the U.S. Pacific Fleet remains on watch and that we will continue to deploy our most capable units forward to operate with our allies and partners.” Pentagon spokeswoman Maj. Cathy Wilkinson said, “The *USS Freedom’s* deployment to Southeast Asia.... is a tangible sign of our commitment to the Asia-Pacific region.”⁹⁰ As decade-long engagements in the Middle East draw to a close, the U.S. military has turned its eye eastward, wary of China’s coercive territorial policies and a combative North Korea. U.S.-China relations have recently been strained by Chinese government-sanctioned cyber-attacks against U.S. government agencies and private companies, but the partnership remains a vital one. China and the U.S. are so economically interdependent that armed conflict between the two is almost unthinkable, and China is coming to play an increasingly important role in tempering a rogue and nuclear North Korean regime. However, maritime territorial disputes threaten to disrupt not only regional stability, but also the stability of the U.S.-China partnership, as American diplomats struggle to reconcile an obligation to provide support to treaty allies with the need to maintain a friendly relationship with China.

The U.S. must strike a careful balance in its pivot towards Asia. Affirming treaty obligations and providing material assistance are important parts of reassuring regional allies of the American commitment to preserving stability and countering the power disparity between China and its neighbors, but such moves are also seen by the Chinese as irritating provocations. However, while maintaining neutrality in the Sino-Philippine dispute, the U.S. has vital economic and strategic interests in maintaining freedom of navigation in the South China Sea, and some recent Chinese behavior has been worrying in that respect. In April 2012, for example, a Manila-based archaeological research vessel carrying several French nationals was apprehended by a Chinese surveillance ship near Scarborough Shoal, with the Chinese accusing the research vessel of intrusion.⁹¹

In considering China’s reaction to the U.S. military pivot, it is not only important to consider threats posed by the Chinese to U.S. interests in the region, but also to remember that the U.S.-China relationship is not an exclusively cooperative partnership. The two nations are also rivals, and the U.S. is loath to lose its primacy as a guarantor of the regional status quo. Historically, global power transitions have rarely occurred peacefully, and if a regional power transition is indeed imminent be-

tween the U.S. and China, the maritime disputes in the East and South China Seas could prove fertile ground for a conflict. Such a conflict need not be intentional, but with encounters between Chinese ships and their Philippine or Japanese counterparts growing more confrontational, an accidental collision or miscalculated warning shot could trigger a diplomatic crisis and escalate the dispute into violence.

For now, China's behavior in the South China Sea is assertive, coercive, and objectionable from a U.S. perspective, but it is not yet aggressive enough to warrant direct intervention. The most concerning maritime incidents thus far have largely been tense standoffs between fishing or exploration vessels from one nation, and naval or coast guard ships from the other. Such events provoke saber rattling from hawks on both sides of the conflict, and dire predictions from media pundits, but generally pose more of a diplomatic threat than a military one. Still, the most important U.S. consideration in the South China Sea is how to prevent China's behavior from becoming aggressive to the point of hostility, while simultaneously encouraging the pursuit of a diplomatic compromise China and the Philippines can agree on.

In seeking a diplomatic solution to the Sino-Philippine dispute, the U.S. inclination is to settle the matter through international bodies of adjudication. The Philippine Statement of Claim was preferable to U.S. diplomats not only because it was in keeping with the provision of the Mutual Defense Treaty that requires the parties to "settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security are not endangered," but also because the U.S. strongly emphasizes the importance of respecting and adhering to international law.⁹² Ironically, the extent to which the U.S. can compel China to honor international legal obligations is extremely limited, as the U.S. has not ratified UNCLOS itself. The U.S. claims that the provisions of UNCLOS are customary international law, and therefore applicable to every nation, regardless of whether or not that nation is party to UNCLOS. However, China is still very critical of the hypocrisy in the U.S. stance on international law, and appears completely unwilling to submit to arbitration irrespective of U.S. opinions on the matter.

If a diplomatic compromise is not currently attainable, the U.S. must explore ways to effectively counter the potential for Chinese aggression, while still remaining technically neutral in the territorial dispute. During a visit to the Philippines on November 16, 2011, then-Secretary of State Hillary Clinton signed the Manila Declaration, reaffirming the U.S.-Philippine alliance, and announced from the deck of an American warship in Manila Bay: "We are making sure that our collective defense capabilities and communications infrastructure are operationally and materially capable of deterring provocations from the full spectrum of state and nonstate actors."⁹³ Clinton's comments were consistent with the current U.S. strategy in the dispute: reaffirm treaty commitments, maintain neutrality, and avoid specifics. However, if a diplomatic resolution to the conflict cannot be reached, and China's assertiveness becomes aggression, mere material assistance to the Philippines will not be enough to compensate for the power disparity in the region.

One option is to stop speaking in generalities, and declare unambiguously that Chinese military aggression against the Philippines would warrant U.S. intervention. This approach by the U.S. would only be justifiable if Chinese behavior in the South China Sea became undeniably belligerent, a development which doesn't appear to be forthcoming. The state-controlled *China Daily* newspaper declared in May 2012 that, "...the current Philippine leadership is intent on pressing us into a corner where there is no other option left but the use of arms,"⁹⁴ but threats of this type are the rhetoric of hardliners within the Chinese government and People's Liberation Army. Economic interdependence and level-headedness would likely prevail in preventing actual armed conflict between China and the U.S.

A direct threat of intervention in the South China Sea should be a last case scenario for the U.S. For now, the U.S. can deter any increase in Chinese aggression by shifting the focus of its military support away from post-9/11 counterterrorism strategy, and towards the external naval threat posed by China, by helping the Philippines develop a more effective maritime defense program and encouraging other regional allies to contribute to the effort. Japan has already agreed to donate patrol boats costing \$11 million each to the Philippines this year, and has announced plans to train Philippine coast guard personnel.⁹⁵ Increased cooperation between the U.S. and Philippine militaries, and an increase in U.S. troops serving temporarily in the Philippines, would also make clear to China that the American commitment to honoring its treaty obligations with the Philippines is unwavering.

Above all, the United States must encourage ASEAN to reach a consensus on how to respond to China's coercive practices. If the dispute is not be resolved in a tribunal, the only way the Philippines can reach an agreeable compromise with China is if the entirety of ASEAN presents a united front. This will not be a simple feat, but it remains the only feasible way to resolve the territorial conflict diplomatically, rather than just putting off negotiations and leaving the parties to quarrel indefinitely. In the meantime, the U.S. can prevent China's territorial assertion from escalating into violence by increasing military presence in the South China Sea, ensuring that the Philippines is prioritized in U.S. foreign aid programs, and making clear to China that the provisions of the Philippine-U.S. Mutual Defense Treaty apply to disputed territory.

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THE EXPERIENCES OF AFRICAN AMERICANS IN OCCUPIED JAPAN, 1945-1952

Lauren Strainge

Following the surrender of Japan in September 1945, American occupying forces embarked on a mission to instill the values of democracy, equality, and personal freedom among the Japanese, who they believed had been oppressed and coerced into war. In the midst of this lofty rhetoric, however, thousands of African American troops and support staff faced institutionalized segregation and discrimination within the United States military. In this paper, I examine the experiences of black Americans in the Occupation forces, in their daily lives, in relation to the military establishment, and in their complex interactions with the Japanese. These paradoxical experiences were largely defined by the power and privilege African Americans enjoyed as members of the occupying forces, and the persistent racism they faced within the military. Interactions with the Japanese were similarly contradictory, and complicated existing notions of racial hierarchy. Combined, these experiences helped to highlight the oppression and injustice of the American racial system, feeding into the burgeoning civil rights activism in the postwar United States.

INTRODUCTION

The occupation of Japan following World War II professed two primary goals for the people of the conquered nation: demilitarization and democratization. The American occupying forces sought to instill the values of liberty, freedom, and equality among the Japanese, whom they believed had been manipulated and oppressed by militaristic factions that led the nation into war. While to a large extent this claim proved true, and many Japanese looked upon General Douglas MacArthur and the occupying forces as liberators, the irony was that the Americans, so self-righteous in their espousal of the dictates of freedom and equality, blatantly denied these principles to the numerous African American soldiers and support staff stationed across Japan.

Although largely ignored by history, more than ten thousand African American troops served each year of the occupation.¹ These men and women made important and lasting contributions to the occupation effort, and their experiences in Japan and interactions with the Japanese were different from those of the American post-war enterprise as a whole.

Black Americans under the occupation were confronted with a paradox of privilege and limitation, of increased freedom and persistent discrimination. African Americans enjoyed many of the prerogatives inherent in their roles as members of the occupying forces, reaping the benefits of enhanced economic power and a greater degree of personal liberty than was available to them in the United States. Despite

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these advantages, black military personnel in Japan faced segregation and discrimination on both an individual and an institutional level, even amidst ostensible policies of integration put forth by Washington DC. Interactions with the Japanese people were similarly contradictory, as interracial exchange undermined certain stereotypes while reinforcing others.

In this paper, I examine the experiences of these men and women over the course of the occupation in terms of their everyday lives, their place within a segregated military establishment, and the racial dynamics of their interactions with Japanese civilians. In general, the lives of African Americans in occupied Japan were defined by the inconsistencies between their roles as privileged members of the occupying forces and as second-class citizens within the American military. Despite the increased freedoms enjoyed by blacks under the occupation, the discrimination they faced in the military and their complex interactions with the Japanese all served to complicate existing notions of racial hierarchies in profound and far-reaching ways.

LIFE IN THE OCCUPATION FORCES

To a large extent, life as an American in occupied Japan was comfortable and relaxed, regardless of one's race. In contrast to the Japanese, many of whom were destitute and starving, both black and white American soldiers lived well, enjoyed abundant leisure opportunities and took advantage of the positions of power they inhabited as members of the conquering army.

Initially, living conditions for American soldiers were less than ideal, largely due to the physical destruction of Japan during the war. Many units, both black and white, struggled with a lack of adequate housing during the early months of the occupation. Gradually, the Army corrected this problem by constructing barracks for enlisted men and housing for officers, most of whom found their new accommodations quite satisfactory.²

Stationed at Camp Majestic, ten miles from Gifu City in central Honshu, the all-black 24th Infantry Regiment initially dealt with "rudimentary" accommodations marked by filth, rodent infestations and a lack of indoor latrines.³ For several months, the regiment was also faced with severe shortages of basic amenities, including soap and decent shoes.⁴ Nevertheless, as the occupation persisted and supplies caught up with units stationed across the country, living conditions for black soldiers improved dramatically. At Camp Majestic, the 77th Engineering Combat Company (ECC), an all-black unit attached to the 24th, was housed in a medieval castle.⁵ The ancient stables served as garages and the courtyard doubled as a drill field. The camp, which was home to the vast majority of African American combat personnel serving in Japan, eventually included a swimming pool, a library, a movie theater, a post office, and a school for dependent children. At one point, Camp Majestic even held a zoo, complete with monkeys, parrots, and pet dogs.⁶

Like their white counterparts, African American soldiers stationed in Japan were able to enjoy ample leisure time. Occupation duties were not typically demand-

ing, and there was little concern for combat readiness or preparation for war. As Charles Bussey, commander of the 77th ECC, wryly observed, "The Eighth Army and the Supreme Headquarters gloried under the clouds cast by the two atomic blasts. A future war was impossible; an immediate war, unthinkable."⁷ As a result, training was "slipshod and routine," and the general physical condition of troops was quite poor.⁸

Most occupation forces had "few major tasks," and those they had were not particularly difficult.⁹ Even the Army establishment seemed lax and largely unconcerned with potential shortcomings among their troops. A report from the end of the war described the 24th Infantry Regiment as "fully capable of rendering excellent service in the process of occupying these islands."¹⁰ Although there were internal reports and observations of officers like Bussey which warned that the troops were far from combat-ready, they were still deemed highly qualified to carry out their duties in the occupation forces. Clearly, the demands placed on occupation troops were far from strenuous.

Without strict training regimens or arduous tasks to fill their days, American soldiers were free to largely spend their time as they pleased. Cards and gambling were popular pastimes. At Camp Majestic, black soldiers ran their own newspaper, and even had their own photography laboratory. The 24th Infantry Regiment routinely dominated inter-Army competitions in baseball, basketball, football and boxing, and the regimental band won renown "throughout the Far East Command," frequently being called upon to perform at special functions and events.¹¹ Samuel Kelly, a lieutenant in charge of overseeing supply shipments in Yokohama, half-jokingly reported, "Things were so routine that I started playing golf."¹² All in all, life for African Americans in the occupation forces was "comfortable and leisurely."¹³

In addition to their abundant free time, black soldiers and support staff were able to move about Japan almost completely unrestricted, and were, in fact, encouraged to do so. Army policies allowed all enlisted men to travel without escort wherever they chose, and occupation forces were provided with complimentary transportation on Japanese trains. General Robert Eichelberger, commander of the Eighth Army, declared "I want every soldier given the opportunity to see as much of Japan as possible while he is stationed here."¹⁴ African American soldiers seem to have taken full advantage of this freedom – they felt comfortable moving around Japan and frequently took advantage of the opportunity.¹⁵ Furthermore, unlike most contemporary transportation in the United States, the military cars attached to Japanese trains were not segregated by race, and soldiers were able to travel without being treated as second-class citizens.¹⁶

More than anything else, however, life for African American personnel in the occupation forces was marked by unprecedented economic freedom. Black soldiers were able to enjoy a much higher standard of living in Japan than would have been available to them in the United States because of their status as members of the conquering army, the shattered state of the Japanese economy, and the policies of the military, which encouraged personal consumption by soldiers and their families.¹⁷

The strength of the dollar meant that their pay went much further in Asia, and “good living was the order of the day.”¹⁸ Many soldiers also supplemented their earnings through participation in the black market. The prevailing attitude seemed to be, “The occupation may not last forever, get yours whenever and however you can.”¹⁹

In addition to their own economic enterprises, American soldiers benefitted from the widespread impoverishment that plagued Japan following the war. Desperate for a paying job in the midst of a decimated economy, Japanese civilians frequently worked for the occupation forces in service positions. It was not uncommon for black and white American officers to live with their wives and children as well as a handful of servants, who came “a dime a dozen.”²⁰ Japanese barbers, janitors, laborers, and attendants waited on enlisted men as well.²¹

This was an especially dramatic contrast for black Americans, as many who now presided over Japanese servants had recently held service positions in the United States. For African American women in particular, many of whom worked as domestics back home, the economic benefits they enjoyed in Japan made it a “paradise,” and they reveled in the fact that their “dish washing, suds busting, and scrubbing days [were] over for a while.”²²

Although black experiences in the occupation forces were largely pleasant and relaxed, problems within everyday military life did arise. The most serious issue within the Eighth Army for both black and white soldiers was the pervasiveness of venereal disease (VD). Supreme Commander for the Allied Powers (SCAP) reports lamented, “With licensed prostitution legal and flourishing, in brothels and in the streets, the spread of venereal disease was practically unlimited.”²³ Infection rates were so high that nearly sixty government-supported hospitals were set up across Japan, specifically for the treatment of VD.²⁴ SCAP also issued a strict Venereal Disease Prevention Law, which proscribed harsh fines and potential jail time for prostitutes or brothel owners who continued operating business “with knowledge of [the] presence of VD.”²⁵

Black units were especially concerned with the presence of VD. In December 1947, infection rates across the Eighth Army were 202 per thousand among blacks, compared to 121 per thousand among whites. To combat the issue, the 24th Infantry Regiment subjected enlisted men to monthly inspections, and punished soldiers more severely for contracting VD than for many other minor offenses. After one infection, soldiers were disciplined with eight weeks of intense physical training. After a second, the individual’s parents or wife were notified by his commanding officer. A third infection resulted in a dishonorable discharge.²⁶

The Eighth Army was also forced to contend with a growing drug problem as the occupation progressed. Although drug use and addiction never achieved the same degree of prevalence as venereal disease, it nonetheless posed a significant obstacle. Although alcoholism was not uncommon, heroin use presented the greatest challenge. Readily available in port cities and highly addictive, heroin became such an issue in the 24th, especially among units returning from port duties in Kobe, that at

one point in 1950, needles and syringes could be found scattered about everywhere in the latrines.²⁷ The Army worked vigorously to address the problem, but inevitably, some soldiers brought their habits on to future deployments, and eventually back home.

To a lesser extent, black soldiers sometimes struggled with boredom, loneliness, fatigue, and homesickness, although these emotions were most pronounced in the earlier months of the occupation, when battle-weary soldiers were anxious to return home. In late 1945, a bureaucratic investigation into the living conditions of black soldiers in the Pacific reported “a tendency to boredom and homesickness now that the war [was] over and there [was] no more of the excitement, or danger,” and noted that these emotions tended to be more pronounced among African American soldiers than their white counterparts.²⁸

Despite these problems, life was good for black soldiers in occupied Japan, and African American men and women reaped the economic benefits inherent to their privileged status as members of the occupying forces. As Officer Charles Bussey explained,

“Occupation meant occupying the best of Japanese commercial, residential, and recreational facilities, holding a glass in one hand and a Japanese girlfriend in the other, and seeing how much food and drink one could indulge in and how much hell one could raise. Single soldiers concentrated on the good life with lovely Japanese girls, and married soldiers concentrated on opulent living with families, if they were present.”²⁹

Outside of their minimal military obligations, black soldiers were able to do as they wished, go where they pleased, and take advantage of ample outlets for entertainment. In addition to abundant leisure time and a high degree of personal freedom, they were able to enjoy “social services and creature comforts largely unavailable” to blacks at home in the United States.³⁰ For many African Americans, their experience of increased liberty and prosperity in Japan seems to have highlighted their sense of the oppression they faced at home, and fueled their belief that the American racial system was neither inevitable nor acceptable.

SEGREGATION: RHETORIC AND REALITY

Despite the physical comforts and economic boons African American men and women enjoyed under the occupation, their positive experiences were complicated and undermined by the segregation and racial discrimination they faced within the armed forces. During this era, bureaucrats in Washington and the military establishment worked to institute policies promoting racial equality and gradual integration. Despite these efforts, the implementation of such policies in Japan was lackluster and inconsistent; black troops and support staff remained segregated for the duration of the occupation, and the Army allowed individual and institutional discrimination to persist.

In April 1946, the War Department issued Circular 124, outlining the military's policy for the "utilization of Negro manpower in the postwar Army."³¹ Circular 124 established an expectation of racial equality in the armed forces and laid out the groundwork for limited integration, calling for "the grouping of Negro units with white units in composite organizations."³² In a follow-up message the next year, General Douglas General MacArthur reported that Army policy under the occupation adhered to these instructions. He asserted, "Composite groups of combat or service units consisting of both white and negro [*sic*] personnel are formed wherever the occupational mission will permit."³³

While this assertion may appear indicative of progress, General MacArthur's intentionally vague use of the phrase "wherever the occupational mission will permit" enabled him to hide the fact that Army units in Japan were by no means composites of black and white soldiers. Instead, contradictory to what General MacArthur's language suggested, all-black units operated independently within all-white units.³⁴ The 24th Infantry Regiment, for example, operated in Japan as part of the larger 25th Infantry Division, along with two other regiments – the 27th and the 35th. The 24th, however, was composed entirely of African American personnel, while the 27th and 35th were exclusively white. With housing and occupation duties designated by regiment, black and white enlisted men would rarely, if ever, intermingle.³⁵

Several additional facts indicate that this racial division was undeniably intentional. When the 24th arrived at Gifu in February 1947, it numbered 102 officers and 3,263 enlisted men.³⁶ Throughout the occupation, despite the high degree of turnover across the Eighth Army, the 24th remained the only regiment in Japan with a full complement of battalions. This is attributable to the fact that, as the only all-black combat unit in Japan, all incoming African American combat troops in the Pacific were assigned to the 24th.³⁷ Had the U.S. Army in the Pacific been truly dedicated to the ideal of integration set forth in Circular 124, and later in President Truman's Executive Order 9981, newly recruited black soldiers would not have simply been shuffled into an already segregated unit.

Furthermore, support units for the 24th Regiment, such as the 77th Engineering Combat Company, were also exclusively African American. During the occupation, the 77th remained separate from the all-white 65th Engineering Battalion, which provided the same engineering services to the rest of the division, the all-white 27th and 35th regiments.³⁸ Thus, black engineers only interacted with black combat troops, and white units were able to receive technical support from exclusively white engineers. These patterns indicate that the American military in the Far East not only made little effort to integrate black and white troops, but also actively preserved organizational systems that maintained racial divisions. As a black G.I. stationed with the 24th lamented, "Nobody is interested in 'integration' except the colored people. Camp Majestic is, for all practical purposes, an isolated, solid colored community."³⁹

African American women in the military were similarly segregated. Serving in the Women's Army Corps (WAC), several hundred black women contributed

to the occupation efforts in various and diverse ways.⁴⁰ Visiting Japan in 1951, war correspondent Ralph Matthews reported that while African American WACs were a common sight in and around Yokohama due to the large black unit stationed there, there were few to be found in Tokyo, reflecting the segregated nature of their housing situation and the policy of assigning black personnel to exclusively black units.⁴¹ Many other black women worked as Red Cross nurses in small divisions of the U.S. Army Nurse Corps attached to black units across Japan.⁴² Despite their valuable contributions and impeccable service, they too faced segregation and discrimination within the military.

In addition to segregated units and housing on base, African Americans in occupied Japan also had to contend with racial divisions and discrimination that persisted off base. Circular 124 called for integrated “recreational facilities, and membership in officers’ clubs, messes, or similar organizations,” and General MacArthur reported that officers and enlisted men clubs, recreation areas and hotels were “available for all personnel, both white and negro [*sic*].”⁴³ In reality, however, segregation extended into the domains of leisure and entertainment. Officers’ clubs remained divided long after the policy of formal integration was enacted, and social events at black officers’ clubs were “more infrequent and limited than those in the white officers’ clubs.”⁴⁴ Furthermore, areas surrounding bases were unofficially designated ‘black areas’ or ‘white areas,’ and soldiers adhered to this division quite strictly. Bars, taverns, clubs, and brothels owned by Japanese civilians generally followed the same patterns of racial segregation.⁴⁵

Beyond simply segregating African American men and women, the U.S. military establishment in Japan also discriminated against black personnel and undermined their contributions to the occupation efforts. The majority of black units were assigned to menial or unskilled labor. Following promotion to the rank of first lieutenant, Samuel Kelly was still restricted to working in support positions through assignment to a gear and maintenance section in Yokohama.⁴⁶ Even black combat troops of the 24th regiment were frequently designated to work in construction crews and trucking units, or were called upon to serve as utilities personnel and cooks.⁴⁷ Lester Granger, an African American bureaucrat in the Department of Defense reported, “All the heavy, laborious, ... unskilled work was being done by Negroes, whereas the Whites were confined to white-collar or skilled and supervisory jobs. It is an unfortunate duplication of the conditions we find in civilian life.”⁴⁸

The military attempted to defend these practices by citing the limited educations and professional backgrounds of most black troops. While it is true that less than 20 percent of African Americans serving in the military at the end of World War II had graduated from high school, as compared to 40 percent of white troops, this fact alone does not account for all the discrepancies in treatment, as even highly qualified black soldiers, like the combat engineers of the 77th ECC, were frequently limited to menial tasks.⁴⁹

Black soldiers also faced discrimination elsewhere in the armed forces. Af-

frican American units were sometimes housed in inferior barracks, and often had to make do with second-rate supplies and amenities. In the early months of the occupation, before adequate housing was obtained for all military personnel, black troops were billeted in tents while white troops slept in concrete buildings.⁵⁰ White troops were also frequently granted access to the best food and supplies before they were made available to black soldiers. Ice cream, for example, was served to white troops months before it was served in black units.⁵¹ African American troops were even forced to make do with equipment and clothing that was passed down from white troops, especially heavy winter uniforms or coats.⁵²

Even worse for most soldiers than menial tasks, inferior housing and second-hand gear, however, was the blatant racism they were forced to endure from white officers and the pervasive racism among the military as a whole. Kelly, writing of his experiences in occupied Japan, stated, "The treatment of black troops was, I thought, abominable."⁵³ Bussey, serving later in the occupation and under very different circumstances, nonetheless reiterated the sentiment, explaining, "Black infantry men and black soldiers of any branch were treated discourteously in military life and mistreated brutally in military courts."⁵⁴ Even reports by the Army, so keen on presenting the impression of racial equality and harmony, were forced to admit to "instances of abuse and discrimination."⁵⁵

There seem to have been some white officers who respected African American officers and enlisted men, and who recognized the effects of discrimination on black morale and performance, but by all accounts, they were a small minority. White officers from the South commonly referred to their men as 'boys,' 'darkies,' and 'jigaboos.'⁵⁶ A black MP with the 24th complained that the CO of his unit had court-martialed "all but 40 of the men," simply out of prejudice.⁵⁷ Those who were not flagrantly racist often maintained deep-seated reservations about the abilities of black soldiers. A high-ranking white officer quoted in an Army study entitled, *The Training of Negro Troops*, expressed concerns about the intellectual capabilities of African American troops, who, he claimed, "learn slowly and forget quickly."⁵⁸

Most of the time, the United States military attempted to ignore or gloss over complaints of discrimination and unfair treatment. A naval report issued near the end of the war confidently proclaimed that among African Americans in the Pacific, "all personnel appeared to be well satisfied, and there was no evidence of racial discrimination," although this was patently false.⁵⁹ When forced to confront and address the reality of racial inequalities, the Army typically attempted to portray manifestations of prejudice as isolated incidents that were the fault of individual officers. Again, this was untrue; the military establishment as a whole was guilty of racist attitudes and discrimination.

In occupied Japan, General MacArthur himself attempted to use guidelines established by Circular 124, initially intended to promote black involvement in the military, to instead limit the number of African American personnel assigned to the Pacific. Reporting that the percentage of black soldiers in Japan was 12.2 percent,

higher than the suggested 10 percent, he “recommended that this figure be reduced to a figure that is commensurate with Circular 124.”⁶⁰ General MacArthur’s attitudes were not unique, and his less-than-subtle attempts to appear compliant with integration policies while steadfastly resisting them permeated down throughout the Far East Command.

At an institutional level, the most common form of discrimination against African American personnel occurred in relation to officer promotions. In 1946, Circular 124 established the principle of equal promotion procedures for qualified black COs. Despite General MacArthur’s claims that “Negro personnel [had] been promoted on equal basis with whites,” as of February 1947, no black officers were assigned to overhead positions in Japan.⁶¹ He attempted to explain away this gross inconsistency by stating, “At the present time, the services of negroes [*sic*] possessing special skills are required in the negro units.”⁶² Thus, according to the logic of the American military, black officers in Japan were considered for promotion not on the basis on their abilities, but rather on the necessities of maintaining an unjust, segregated system.

Black officers intensely resented the limits imposed by discriminatory promotion practices. It was widely believed to be impossible for a black man to rise above the rank of captain, to the point where junior black officers joked that “once you got to first lieutenant, that was as far as you were going to go, so why should you work any harder?”⁶³ Their beliefs were not unfounded; a study of Army Ground Forces near the end of the war counted only one African American colonel, one lieutenant colonel, and eight captains in the entire service.⁶⁴ The same study went so far as to criticize African American anger in the face of such clear discrimination, attributing the discrepancy to the shortcomings of black officers. The study read, “in view of the retarded development of the colored race, the general run of Negro officers could not compete on equal terms with the average white officer.”⁶⁵ The report also cited a “lack of honesty and forthrightness among the colored troops” as a deterrent for promoting black soldiers.⁶⁶ Not only did the American occupation forces in Japan maintain discriminatory promotion practices in violation of military policy, they also defended these practices by invoking demeaning and racist stereotypes of African American soldiers.

These policies and practices had a profoundly negative effect on the morale of black men and women in Japan. A sociological study conducted in 1951 found morale in all-black units in the Pacific to be “decidedly lower” than morale in white units.⁶⁷ Many black officers and enlisted men developed a sense of futility and bitterness in response to the blatantly unequal treatment they faced on a daily basis.⁶⁸ Black combat units in particular suffered from a lack of closeness and “*esprit de corps*,” a fact that would prove extremely detrimental when they were re-posted to active duty in the Korean War.⁶⁹

Despite the profoundly unjust treatment endured by African American men and women during the occupation of Japan, most still enjoyed a greater degree of personal liberty than would have been afforded them in the United States, especially

in the South. The complicated interplay between their enhanced status as members of the occupying forces and the obstacles they faced as second-class citizens within the military was by far the most salient aspect of their time in Japan.

RACIAL DYNAMICS IN OCCUPIED JAPAN

Independent of their interactions with whites, the complex racial interactions navigated by black men and women in Japan were largely shaped by the asymmetrical power dynamic between the occupying forces and the occupied Japanese public. Segregated as they were from Caucasian soldiers, most African Americans interacted with the Japanese on their own terms in ways that complicated the black/white dichotomy that defined the racial system in the United States. Placed in positions of power over another racially distinct group, the experiences of African Americans in Japan served to undermine the notion of an inevitable racial hierarchy, while perpetuating certain racial stereotypes.

Initially, numerous black intellectuals questioned the notion of benefitting from American hegemony over another non-white people.⁷⁰ However, as the occupation wore on, such attitudes became increasingly infrequent, and the majority of blacks, both in Japan and at home, accepted the role of the United States as conqueror in the Far East. Indeed, many African American soldiers readily adopted the attitude of the “conqueror of the Japanese people,” a mindset encouraged by the black press.⁷¹

Black soldiers and support staff, often relegated to transport and shipping details, were frequently placed in charge of Japanese laborers. Samuel Kelly recalled, “Black GIs like myself primarily supervised the unloading of cargo, while most of the backbreaking work was done by Japanese men and women.”⁷² In most cases, African Americans oversaw and interacted with Japanese workers without interference from white officers. Thus, black exchanges with the Japanese tended to place them in positions of power uncomplicated by their second-class status in relation to Caucasians.

As discussed above, African American men and women also enjoyed enhanced economic positions over the Japanese thanks to their role in the occupation forces and the shattered state of Japan following surrender. Additionally, throughout the occupation, SCAP demanded varying degrees of separation between the Japanese and the American military as a means of maintaining distance and authority.⁷³ The combined effects of the positions of power they enjoyed in the workforce, the dramatic difference between their own high standards of living and the economic destitution they witnessed everywhere, and the separation imposed by SCAP all served to encourage subtle but marked African American attitudes of superiority over the people of Japan.

In view of their relative power and the sense of supremacy fostered by both the American establishment and the black press, it is unsurprising that most black participants in the occupation reported positive relations with the Japanese individuals they encountered. Most African American officers and enlisted men were treated

with respect in their personal interactions.⁷⁴ Despite an “initial awe and unconcealed curiosity,” on the part of Japanese civilians, especially children, black GIs reported, “We have encountered not the slightest sign that the Japanese regard us as anything but Americans.”⁷⁵ These encounters led many African American personnel to believe that the Japanese were less racist than white Americans. They also began to question the notion of natural, inevitable racial hierarchies used to justify and maintain systems of oppression in the United States.

A large proportion of black-Japanese interactions took the form of relations between African American soldiers and Japanese women. In many ways, black representations of Japanese women were highly stereotypical, particularly those in the black press. Yasuhiro Okada asserts that “Orientalist” black representations of Japanese women helped to fuel a sense of black masculine empowerment.⁷⁶ Black magazines and newspapers typically portrayed Japanese women in one of two ways: either as docile and submissive partners or as highly sexualized objects.

In articles with such titles as “Why Tan Yanks Go For Japanese Girls” and “Do Japanese Women Make Better Wives?” the black press extolled the virtues of Japanese femininity.⁷⁷ Black GIs praised the women they encountered as “consistently loyal, affectionate, and devoted,” “kind, sweet, and appreciative,” and perhaps most telling, “submissive and servile to the men folk.”⁷⁸ One soldier even raved, “My [Japanese] wife waits on me hand and foot!”⁷⁹ While these representations were ostensibly positive portrayals of interracial relationships, they were highly stereotypical and perpetuated racial clichés.

Even more deleterious was the black press’s tendency to portray Japanese women as hyper-sexualized objects. Articles routinely referred to their “promiscuity” and “legendary” sexuality.⁸⁰ To make matters worse, many such articles implied that Japanese women used sex to manipulate and deceive innocent African American GIs. Some posited that black soldiers were being tricked into fathering children, while another went so far as to claim that a string of rape cases could not possibly have been the fault of the accused black soldier, given that “girls in Japan are very sexually overtrained.”⁸¹ These kinds of representations served to fuel and perpetuate negative stereotypes that undermined the worth and individuality of Japanese women. To a large extent, they also freed African American soldiers from the consequences of their actions – unplanned pregnancies and even rape could be attributed to the immoral character of Japanese women instead of rape or inappropriate relations.

Interestingly, despite the positive interactions reported by black soldiers, Japanese views of African Americans also seem to have been highly stereotyped. In Japanese postwar literature, “the black soldier is rarely permitted to represent anything other than his race.”⁸² Subsequently, postwar representations of blacks allude to their ‘animalistic’ and ‘primitive’ qualities with a particular emphasis on sexuality, and tend to portray African American men as “irrational beings at the mercy of their savage instincts.”⁸³ For instance, during the occupation, it was widely believed among Japanese civilians that black soldiers had tails.⁸⁴ Although this rumor appears to have been

fueled by racist white Americans, it still serves to illustrate the tendency among the Japanese to see blacks as abnormal and less than human.

Just as with black representations of Japanese women, even well meaning Japanese writers tended to betray racist mindsets. Concerned with the welfare of black-Japanese children after the occupation, advocates for their protection asserted that with the “cultivation of better knowledge, will power, and personality through good education,” half-black children would be able to “become respectable Japanese.”⁸⁵ To be accepted in Japanese society, the author cautioned, biracial children had to be carefully conditioned to overcome the limits of their black heritage. Although motivated by a humanitarian desire to help others, this argument clearly indicates a profoundly racist view of mixed race children and blacks in general. Thus, both African American and Japanese responses to interracial exchanges seem to have perpetuated existing stereotypes to a significant degree, especially in the press and other literary endeavors.

Negative perceptions of black Americans on the part of the Japanese appear to have become more manifest in daily life as the occupation progressed. Many black soldiers reported that the Japanese learned patterns of discrimination and segregation from the white-dominated occupation forces.⁸⁶ While this is likely true, many Japanese were prejudiced against African Americans even before the occupation began. For instance, some Japanese were even more disheartened by defeat when presided over by black soldiers. Occupation by African American GIs following surrender was considered an additional humiliation.⁸⁷ Furthermore, even before the influx of African American GIs, there was a widespread association of black men with sexual violence. Upon the arrival of the 24th Infantry Regiment at Gifu, a local man remarked, “Kurombōs [a derogative term used to refer to blacks] are coming; all the women will be raped by them.”⁸⁸ Thus, racist perceptions of African Americans do not seem to have originated solely from white occupation forces.

Instead, it seems likely that a combination of factors contributed to shifting racial dynamics as the occupation persisted. The economic gains made during the initial years of the occupation meant that many Japanese escaped the destitution that had forced them into unskilled positions under the supervision of black soldiers. No longer desperate for work and income, they may have reverted to prejudices initially masked by fear and a dependence on the occupation forces. Bussey also notes, “the Japanese people were accustomed to feeling racially superior to the Koreans and other Asian people,” and may have subsequently slipped into similar patterns of thought regarding blacks.⁸⁹ Whatever the reason, the shifts in Japanese behavior do not seem to have dramatically altered the perceptions of black soldiers toward the Japanese public as a whole. Instead, they blamed the racist policies of the American military for instilling patterns of segregation and discrimination where none had previously existed.⁹⁰

Interacting with Japanese civilians on their own terms, largely outside the realm of white interference, African Americans in occupied Japan were able to develop their own sense of justification and superiority based on their privileged status as

members of the American establishment. Although interracial exchanges perpetuated misperceptions and harmful stereotypes in many ways, these experiences also broadened the perspectives of both the Japanese and African Americans personnel. For black soldiers and support staff, interactions with the Japanese further complicated the existing structure of the American racial hierarchy in profound and meaningful ways.

CONCLUSION

Recalling his service in postwar Japan, Nelson Peery writes, "Negro troops got a taste of racial equality in foreign lands."⁹¹ The daily lives of African American men and women under the occupation were marked by experiences that complicated existing racial frameworks in the United States. Economic empowerment and interactions with the Japanese from positions of authority convinced many black personnel that the injustices they faced at home were not inevitable and should be fought. Indeed, the freedoms and economic privileges enjoyed by African American personnel in occupied Japan made it virtually impossible that they would return to their lives of social and economic oppression at home without a struggle. The persistence of segregation and discrimination within the armed forces angered many who believed their military service entitled them to respect and equal opportunity, and solidified their conviction that they were entitled to the same rights the United States was so keen to promote among the Japanese.

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EXAMINING AND CONTEXTUALIZING HUMAN RIGHT VIOLATIONS AGAINST PALESTINE REFUGEES LIVING IN LEBANON

Nora Hammond

This paper examines the human rights situation of Palestine refugees living in Lebanon. It seeks to evaluate the rights to which refugees are entitled to or denied according to international human rights law by focusing on how the current system of human rights protection, which asks states to ensure the protection of individuals within their borders, creates a gap in the protection of refugees. It will then assess how these rights are implemented or ignored in the refugee camps through either practice or law. Lebanese and Arab laws have been used to hamper international law and are sometimes used to enforce disparities between Palestine refugees and other groups within Lebanon. Palestine refugees are in a vulnerable situation because of the international state-centric human rights regime that asks the state to protect human rights, despite the fact that states are often the biggest transgressors of human rights. To understand how these rights are implemented or ignored, this paper addresses three central problems facing refugees in the camps: lack of freedom of movement, economic disparities, and limited educational opportunities.

In May 2007, an armed conflict between the Lebanese Armed Forces and an Islamic fundamentalist group, Fatah al-Islam, destroyed the Nahr al-Bared Palestine refugee camp in northern Lebanon. Forty thousand refugees were made homeless and forced to flee to other refugee camps in Lebanon during the months-long struggle.¹ Four hundred people, mostly civilians, died.² Six years later, the camp still has not been rebuilt and the displaced refugees lack basic necessities.³ The Lebanese army surrounds the refugee camp, and the Palestinians require a special permit to travel outside of the camp, while few Lebanese citizens are allowed into the camps without permits.^{4 5} The refugees, who number 436,000 (constituting around eight percent of the total population of the country), are trapped inside camps and inside a country that they cannot leave, with limited rights – despite the fact that some have lived in Lebanon since the *nakba* of 1948.⁶ Since they are not citizens of Lebanon, they have none of the basic rights granted to citizens. Since there is no Palestinian state, they are not entitled to reciprocal rights that form the basis of Lebanese legal code on the treatment of foreigners, and nor are they entitled to return to Palestine. This situation will not change anytime soon, since the Lebanese constitution expressly forbids Palestine refugees the right of permanent settlement in Lebanon.⁷ Thus, neglected and isolated, refugees are trapped inside the camp with little hope of change. Yet the case of Nahr al-Bared is important, not only because it is unique, but also because it typifies the problem of Palestine refugees who live in Lebanon. Nor is the problem unique to Lebanon; refugees throughout the world are vulnerable to marginalization and human rights violations.

Nora Hammond graduated from University of California-Berkeley in 2013 with a degree in Political Science and a minor in Interdisciplinary Human Rights and Middle Eastern studies. She is particularly interested in refugee studies and plans to pursue a career in international refugee policy.

This paper will examine how the state-centric protection of human rights creates a gap in the protection of Palestine refugees living in Lebanon. It will evaluate what rights refugees are entitled to or excluded from according to international human rights law. It will then assess how these rights are implemented or ignored in the camps through either practice or law. To do this, three main areas will be explored: lack of freedom of movement, economic disparities, and limited educational opportunities. This paper will examine how Lebanese and Arab laws have been used to hamper international law and are sometimes used to enforce disparities between Palestine refugees and other groups within Lebanon. Lastly, it will show how Palestine refugees are in an inherently vulnerable situation. The situation is created by the international system because they are not citizens of any state, but the international system is set up so that states are charged with being the primary protectors of basic human rights. I will argue that while there may be future improvements in the conditions of Palestine refugees in Lebanon, they will always be inherently vulnerable because of the very nature of the system of refugee rights. This will change only if there is a resolution of the Israeli-Palestinian conflict that includes a solution for the refugees. This gap between the basic human rights to which refugees are entitled and their actual treatment in Lebanon and around the world exists because of the international human rights regime relies on states to protect human rights, despite the fact that many refugees are stateless.

LIMITATIONS OF THE PAPER

Domestic Lebanese politics influence the circumstances of refugees in Lebanon; however, it is beyond the scope of this paper to discuss this or offer a prescriptive analysis of domestic politics. It is sufficient to note that the divisions in Lebanese politics are based on the religious sects in the country. This system, the confessional system, creates a delicate balance of power between Sunni, Shi'a, and different Christian sects, each with pledged offices reserved for members of their sect. A possible influx of thousands of Sunni Muslim Palestinians voters would upset the balance of these divisions. In fact, the treaty that ended the Lebanese civil war, the Ta'if Agreement of 1989, specifically prohibits *tawteen*, the Arabic word for naturalization of refugees.⁸ Despite the specific obstacles in Lebanese politics to naturalization of refugees, international human rights treaties still do apply to protect the basic rights of Palestine refugees in Lebanon. While Palestine refugees may never receive citizenship rights, they are still entitled to basic human rights, which apply to people regardless of their citizenship status.

Secondly, while conditions faced by Palestine refugees are bleak in most places, they are slightly better in Jordan and were once better in Syria than in Lebanon. Although there is still widespread discrimination, some Palestine refugees in Jordan have received Jordanian nationality, and in Syria they have citizenship rights without being citizens, though the ongoing civil war has disrupted this.⁹ Although a comparative analysis is outside the scope of this paper, the fact that the same category of refugees,

Palestine refugees, have different rights depending on which state they happened to flee to underscores the role of the state in providing rights and implementing treaties.

Similarly, though this paper stresses the importance of finding an adequate solution for the Palestine refugees, it is beyond the capacity of this paper to offer specific solutions to the Israeli-Palestinian conflict. Rather, this paper focuses on the specifics of Palestine refugees in Lebanon and the wider problems facing refugees. However, it is important to note that a solution to the Arab-Israeli conflict that includes the right of return for these refugees would change the discourse of Palestine refugeehood.

DEFINING REFUGEEHOOD

In order to qualify for services and international protections, refugees must meet certain criteria. Palestine refugees, however, are considered a different “category” of refugees and thus get different services and protections from other types of refugees. The term “refugee” has a very particular legal definition. The overriding international legal document on refugees is the 1951 United Nations Convention Relation to the Status of Refugees and the follow-up 1967 Protocol. The Convention was created in the aftermath of World War II and was designed to specifically address the needs of post-Holocaust refugees. The 1967 Protocol expanded the mandate to include all refugees everywhere. The 1951 Convention defines a refugee as:

“a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

This is the most widely accepted definition of a refugee. However, Article 1D of the Convention offers an important exception, that “this Convention shall not apply to persons who are at present receiving from organizations or agencies of the United Nations other than the United Nations High Commissioner for Refugees (UNHCR) protection or assistance.” In effect, this meant that Palestine refugees who fled the 1948 conflict and were receiving assistance from the United Nations Relief Works Agency for Palestine refugees in the Near East (UNRWA) were excluded from the definition of a refugee and are not entitled to the protections in the 1951 Convention. Yet UNRWA operates under a specific directive, UN General Assembly Resolution 302(IV) of December 8, 1949, created after the formation of Israel. Thus, Palestine refugees are the only group of refugees with a mandate directed specifically toward them.

Since the UN High Commission on Refugees and the 1951 Refugee Conven-

tion does not deal with Palestine refugees, the UNRWA defines who is a Palestinian refugee and thus determine who gets their services, including education, health, relief and social services programs.¹⁰ The UNRWA operating definition of a Palestinian refugee is as follows: “a person whose normal residence was Palestine for a minimum of two years preceding the outbreak of the conflict in 1948 and who, as a result of this conflict, has lost both his home and means of livelihood.” In addition, the descendants of fathers who meet the original definition are also considered to be Palestine refugees. This allows some to be considered Palestine refugees by the UNRWA, even after those who fled in 1948 have passed away. Currently, there are 4.3 million registered Palestine refugees; one third of these registered refugees live in refugee camps.¹¹ Since the refugees do not have to be ethnically Palestinian (although the overwhelming majority of them are), but rather people who lived in Palestine, they are referred to as Palestine refugees rather than Palestinian refugees. While UNHCR refugees are individually assessed for refugee status based on the particulars of their case, UNRWA Palestine refugees are refugees simply on the basis of displacement in 1948.¹²

Technically, only those displaced in 1948 are considered UNRWA refugees, but the UNRWA does provide services to others. For example, an estimated 300,000 Palestinians from the West Bank and Gaza were displaced during the Six-Day War in 1967. Even though the majority of these refugees settled in Jordan and not Lebanon, it is still important to note that there was an influx of refugees into Lebanon post-1967.

The UNRWA mandate, which has been renewed repeatedly by the UN General Assembly, is to “carry out direct relief and works programmes in collaboration with local governments,” to “consult with the Near Eastern governments concerning measures to be taken preparatory to the time when international assistance for relief and works projects is no longer available,” and to “plan for the time when relief was no longer needed.” The UNRWA is not responsible for security inside of the camps. While the UNRWA seeks a “just and durable solution” for Palestine refugees, they cannot catalyze solutions, although they are often criticized for providing either too much political help to the Palestine refugees or not enough, depending on the discourse. However, UNRWA is strictly a humanitarian relief organization operating in Jordan, Syria, Lebanon, the West Bank, and Gaza.

While Palestine refugees must meet a specific UNRWA definition in order to receive protection and services as outlined in the UNRWA mandate, this does not mean that their rights are protected in practice in Lebanon. In many areas, Lebanese domestic and Arab regional law and practice limit the application of those rights. This is especially true in three areas: lack of freedom of movement, economic disparities, and limited educational opportunities.

While the relevant international law will be discussed on an issue by issue basis, it is important to note that Lebanon is a signatory to both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on

Economic, Social, and Cultural Rights (ICESCR), both of which can trace their roots back to the Universal Declaration of Human Rights (UDHR). UDDR is an aspirational declaration of principles, while ICCPR and ICESCR are the binding legal documents that contain the principles of UDHR divided up into two categories to ease the ratification process.

Domestic law in Lebanon incorporates international human rights law provisions relevant to Palestine refugees. As noted above, Lebanon signed various human right treaties ensuring rights including freedom of movement, the right to employment and the right to an education. The preamble of the Lebanese Constitution itself protects the rights enshrined in Universal Declaration of Human Rights.¹³ In addition, Article 2 of the Code of Civil Procedure gives precedence to international treaties over common law when the two types of law contradict each other.¹⁴ In other words, the rights enshrined in the treaties in which Lebanon is a signatory cannot be violated in accordance with domestic law. This order has been affirmed by the Civil Court of Cassation in Decision No. 59.¹⁵

LAWS AND CONDITIONS IN LEBANON, PART 1: LACK OF FREEDOM OF MOVEMENT

Despite the importance of freedom of movement within Lebanon, as established by international law, refugees are often confined to squalid camps that they cannot leave without a permit from the army. The International Covenant on Civil and Political Rights (ICCPR), which Lebanon committed to through Decree No. 3855 on September 1, 1972, prevents discrimination between persons residing in a given State. It states: “each State Party to the present Covenant undertakes to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.¹⁶ Since Lebanon lets its citizens travel freely throughout the country and exit and enter the country, it is obligated as a signatory of the ICCPR to do the same to Palestine refugees. In addition, while Lebanon has not signed the 1951 UN Convention on Refugees nor the 1967 Protocol, the Convention pledges that refugees will be treated in the same manner as foreigners, plus it guarantees some additional rights including the right to continuity of residence and the right to obtain identity papers and travel documents.

While the Arab League, through its Directorate General for Palestinian Affairs, has offered rhetoric calling on the Arab host states to treat the refugees like their own nationals with respect to civil, social, and economic rights including freedom to work and mobility in the spirit of Arab hospitality and brotherhood, this standard has not yet been codified in regional Arab law.¹⁷ The Casablanca Protocol, signed in 1965, was an official endorsement of the Arab position on the Israeli/Palestinian issues. However, Lebanon made official reservations to some of the rights that host countries were supposed to guarantee refugees. The Arab League signatories wanted to “preserve Palestinian identity through preserving the status of refugees...they

reflect the perspective of ‘temporarily’ Arab states had for the presence of Palestine refugees”.¹⁸ In other words, Arab countries were reluctant to push forward legislation dealing with Palestine refugees because they believed their status as refugees to be temporary; the refugees would return to Palestine. The Cairo Agreement, signed in secret in 1969 between the Palestinian Liberation Organization and the Lebanese government, granted Palestinians freedom of movement in Lebanon. However, because it also allowed Palestinians to conduct armed struggle and commando activities in coordination with the Lebanese Army, Palestinians became entangled in internal Lebanese politics; this Agreement was later cancelled in 1987 without creating further laws to ensure freedom of movement for refugees.¹⁹

In Lebanon, the relevant legal rule for the right of refugees to enter and exit the country comes from the Minister of Interior Decision No. 319 dated August 2, 1962.²⁰ This Ministry decision granted resident cards to Palestine refugees in Lebanon; previous to 1962, the Government of All Palestinian in Exile issued passports, which were generally not recognized by other states due to political disputes.²¹ Currently, according to Amnesty International, some Palestine refugee children born to parents who, for whatever reasons, are not considered Palestine refugees by the state, are not issued identity documents from the Lebanese state.²² Among other things, this restricts their rights to move freely within and out of Lebanon.

While Palestine refugees should have freedom to move throughout Lebanon, in practice, they are often confined to the refugee camps and can only leave with special permission.²³ For example, in the Nahr al-Bared near the northern Lebanese city of Tripoli, refugees who wish exit the neighborhood or camp need a special permit from the army.²⁴ The Lebanese Army surrounds the camp to enforce this policy and keep the refugees physically separated from the rest of the population. This is an imposition that neither Lebanese citizens nor other foreign nationals have to deal with. In addition, Decree No. 2867 dated December 1959 grants the Lebanese government, Department of Palestinian Refugee Affairs within the Ministry of the Interior, ultimate discretion to receive and review applications for travel documents for travel outside of Lebanon. The Department also grants permits for refugee relocation from one camp to another.²⁵

Clearly, while Palestine refugees have the international legal right to move about the country, this is not always the case in practice. Instead, they are beholden to the whims of the Lebanese Army to receive a permit. This hides them from the Lebanese population at large (who may be more willing to enact certain policies to those who are invisible in society) and it prevents the refugees themselves from maintaining any meaningful relationships or employment outside the camps, unless they happen to get a permit.

LAWS AND CONDITIONS IN LEBANON, PART 2: LACK OF ECONOMIC OPPORTUNITIES

A number of international treaties provide for Palestine refugees’ right to work. Despite this, Palestine refugees often struggle to obtain basic work permits

and are excluded from gaining employment in some respected and well-paid professions. Lebanon is a signatory to the International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966) as well as the Convention concerning Forced or Compulsory Labour (1932) and the Discrimination (Employment and Occupation) Convention (1959).²⁶ In theory, the rights included in these treaties are applicable to the Palestine refugees.

ICESCR address specific economic rights people are entitled to. For example, Article 6 recognizes the “right to work, including the right of everyone to the opportunity to gain his living by work which he/she freely chooses or accepts” and asks states to take “appropriate steps to safeguard this right”.²⁷ While this does not mean states need to guarantee everyone a job, but rather that there is equal opportunity to work. Article 9 recognizes the right to social security and Article 8 identifies the right of everyone to form and join trade unions “subject only to the rules of the organization concerned, for the promotion and protection of their economic and social interests. No limitations may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others.”

In addition to rights enshrined in ICESCR, the Universal Declaration of Human Rights, issued by the UN General Assembly on December 10, 1948 and voted in favor of by Lebanon, addresses some of the specific economic human rights. Article 22 of the UDHR recognizes the right of social security, realized through “national effort and international cooperation in accordance with the organization and resources of each State”.²⁸ Article 23 references the right “to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment”, as well as to the right of “everyone, without any discrimination, to equal pay for equal work”. Article 25 goes on to state that everyone has “the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his control.”

In June of 1977, Lebanon ratified the International Labour Organization’s Convention 122 concerning employment policy. The Convention stipulated that signatory States should ensure that there is “freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his skills and endowments in, a job for which he is well suited, irrespective of race, color, sex, religion, political opinion, national extraction or social origin.”²⁹ However, the Convention does allow for the Member States to use their own discretion to adopt specific laws in accordance with this Convention but within the framework of a coordinated economic and social policy.

Besides being signatories to these various Conventions, domestically, the Lebanese Constitution states in its preamble that Lebanon is “...a founding and ac-

tive member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights. The Government shall embody these principles in all fields and areas without exception".³⁰ Therefore, Lebanon cannot claim that its discriminatory domestic law should be held higher than its international treaty obligations. While the Universal Declaration of Human Rights is a Declaration and not a codified law, the Lebanese government has chosen to agree to it by enshrining it in their own Constitution.

Contrary to prevailing international legal protections, Palestine refugees in Lebanon are restricted in which occupations they may enter. There is no overarching law dealing with the economic rights of Palestine refugees; this creates a legislative vacuum whereby some of the most pressing issues are not addressed and there is a sharp division between the rights afforded to Lebanese citizens, other foreign nationals, and Palestine refugees.³¹ Palestine refugees are prohibited from gaining certain jobs in two different ways. First, some professions are reserved only for Lebanese citizens. The Lebanese legal system divides these rights up according to the personal status of the individual. For example, all non-citizens are excluded from obtaining certain jobs, such as tour guiding in Lebanon. While this is not directed specifically towards Palestine refugees, it nonetheless proves problematic and imposes restricts on the right to labor. The second way in which Palestine refugees are prohibited from specific jobs, usually non-professional wage-earner jobs, is by virtue of their statelessness and lack of reciprocity clauses. Palestine refugees, by the very definition of refugees, are not citizens of any recognized state and therefore do not benefit from any reciprocity clauses which could enable them to be eligible for certain jobs and social security benefits in Lebanon.³² These two methods of exclusion will be explored further.

Historically, Palestine refugees have been prohibited from gaining employment in the public sector in Lebanon by virtue of their status as foreigners. This is because the Minister of Labour may restrict jobs and trades to only Lebanese nationals.³³ For example, Ministerial Decree No. 621/1 of 1995 declared approximately fifty jobs, trades and professions off limits to non-nationals.³⁴ While there is a special application process that Palestine refugees can apply for to override these provisions in theory, there is little evidence that this actually occurs in practice.³⁵ This list is updated according to the needs of the labor market at the time, although many have claimed the Ministry has used the tool for political purposes rather than the list being purely market-driven.³⁶ The Casablanca Protocol, the Arab League document on Palestine refugees, specifically granted Palestine refugees the right to gain employment on equal footing in an Arab host country. However, Lebanon included a reservation that this right was "subject to economic and political circumstances prevailing in the country".³⁷

The second method of discrimination is indirect. It is caused by Palestine refugees' status as stateless persons. Many professions require a 'reciprocity of treatment' clause necessary for foreigners to obtain a work permit.³⁸ This is impossible

for the stateless Palestine refugees to satisfy. The principle of reciprocity states that foreigners are allowed to work in Lebanon only to the extent that the country of that particular foreigner accords a Lebanese worker the same rights.³⁹ This principle is what guarantees “protection for the national workforce in the State itself or for nationals working in other countries”.⁴⁰ This principle is enshrined in Decree No. 17561, issued on September 18, 1964, which stated that in order to receive work permits to work in Lebanon, foreign workers must come from a country that observe the principle of reciprocity.⁴¹ There has been anecdotal evidence that the Minister of Labour, the agency in charge of issuing work permits, has been historically lenient when considering the issue of reciprocity as it applies to Palestine refugees. While this may be true, it ultimately remains up to the pleasure of the Minister in the charge, meaning Palestine refugees in identical circumstances may receive different treatment according to when they happen to apply. Another obstacle to obtaining a permit is the requirement of a work contract with a specific employer, which may be difficult in professions where the employing party changes quickly such as painters or construction workers.⁴²

In addition to being prevented from working for the government and the need to gain a work permit, Palestine refugees are often prohibited from working in professional jobs. While there are some professions that are generally off-limit to all non-Lebanese foreigners (such as money exchangers or driver trainers), there are also ones that specifically affect Palestine refugees due to their statelessness. In addition to meeting the requirements of reciprocity to gain a work permit, skilled foreigners must also meet the conditions required to practice in their own country.⁴³ For example, in order for physicians to practice in Lebanon, they must be licensed to practice medicine in their own country. This is obviously discriminatory to Palestine refugees, who have no recognized state that can license them to practice medicine. Similar rules exist for dentists, health inspectors, lab workers, accountants, engineers, registered nurses, and real estate agents. Palestine refugees are generally forbidden from practicing law unless they are registered with a Bar Association that is recognized by the Beirut Bar Association. This means that Palestine refugees are restricted from some of the most well-respected and highest paying jobs in the country because they do not come from a recognized state that can license them to practice in their home country.

If refugees do manage to gain a job, they still do not receive the same treatment as Lebanese citizens. For example, the social security system places them at a disadvantage. Social security in Lebanon was delivered on an *ad hoc* basis until 1963; there was no overall system and it was up to individual courts to determine compensation owed to an individual based on their specific case.⁴⁴ However, under the current law, foreign workers who work without a work permit or those whose country of origin is not considered a reciprocal agreement country do not receive social security benefit even though their wages can be docked to pay into the system.⁴⁵ When this policy was challenged, there were mixed results. For example, in an opinion by the Labor Arbitration Board, No. 62 dated Jan. 1975, the judge ruled that when determin-

ing if Palestinians should enjoy the same rights as Lebanese or other foreign workers, that the Palestine refugee suing needs to show “whether the State of Palestine prior to Israeli occupation accorded the Lebanese equality of treatment in respect to social benefits”.⁴⁶ In that case, social security benefits were denied since the claimant could not meet the burden of proof that the Lebanese workers under the Mandate system were treated fairly. Other decisions, such as Labor Arbitration Board of Beirut Decision No. 1354/98, Third Chamber, have ruled the opposite; that “the condition of reciprocity of treatment stipulated in Article 59/3 is to be considered an unachievable condition for Palestinian wage earners who reside lawfully in Lebanon...they should be regarded as not being concerned by this Article and should therefore benefit from the provisions of the Labor Law with respect to end of service compensation, and the requirement of a work permit is not mandatory.” In this case, the Palestine refugee was awarded social security benefits. Lebanon has not clearly communicated to refugees if work permits are necessary and, if they are, what rights come along with that employment.

However, there have been improvements in Lebanese law since August 2010. Under the new laws, Palestinians are now able to receive private-sector work permits for free and claim insurance for work-related accidents.⁴⁷ This follows previous laws meant to dissolve some of the obstacles Palestine refugees face such as Art. 2 of Decision No. 79/1 dated which June 2005, which permitted Palestine refugees born in Lebanese territory to not apply for foreign work permits.⁴⁸

While these changes remain promising, Palestine refugees still remain vulnerable to the discretion of different administrations that may reverse the policy concerning employment of non-nationals in Lebanon. Since refugees do not represent a voting bloc, it is relatively easy to change laws relating to their status without having to worry about possible political repercussion. It is still unclear if the implementation of this law will ultimately result in improvements in the living conditions of Palestine refugees. Some scholars argue that the law has not been fully implemented yet because the “global financial crisis provides a much-awaited opportunity for concerned states to escape fulfillment of their political commitment for the enforcements to recognize economic and social rights”.⁴⁹ The refugees remain vulnerable and may be easy targets for policies undertaken “by concerned governments responding to the recession”.⁵⁰ In addition, this paper only addressed legal discrimination against Palestine refugees. There is still widespread social discrimination that can affect a refugees’ ability to get a job. It is significant to note that the lack of economic opportunities create real inequalities; approximately 35% of those living in refugee camps are considered poor.⁵¹

LAWS AND CONDITIONS IN LEBANON, PART 3: LACK OF EDUCATIONAL OPPORTUNITIES

In addition to limits on freedom of movement and employment opportunities that Palestine refugees in Lebanon are subject to by domestic law and practice, the refugees are also limited in their educational opportunities. While the right to an edu-

cation has been recognized as a human right, Palestine refugees are severely limited in their ability to attend all levels of education because of their status as refugees. While UNRWA does provide some educational opportunities, standards remain below adequate levels.

The UN Universal Declaration of Human Rights, which Lebanon voted in favor of, defines the right to education. It states that, education is a right “without distinction of any kind of national or social origin...birth or other status...and with no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs”.⁵² This means that the rights enshrined should apply equally to Palestine refugees as to any other national, ethnic or refugee group. Article 26 guarantees the right to education, stating that “everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.” The International Covenant on Economic, Social and Cultural Rights (Article 13) also recognizes the right of free primary education available to all without discrimination. The Arab Charter on Human Rights, adopted in May 2004, also includes the right to education: “everyone has the right to education...the States parties shall guarantee their citizens free education at least throughout the primary and basic levels. All forms and levels of primary education shall be compulsory and accessible to all without discrimination of any kind” (Article 41.2).

While signing a treaty does not bound a state to its provisions (they must ratify the treaty for the provisions to legally hold), states must still act in ways that would not defeat the purpose and objectives of the treaty between the time of signing the treaty and ratifying it. In other words, Lebanon should still follow the provisions of the treaty, including the right to education. International treaties to which Lebanon has agreed make it clear that education, especially primary education, should be provided to all without discrimination based on ethnic origin.

However, despite the Palestine refugees’ right to education, public schools in Lebanon are restricted to Lebanese nationals, with some exceptions, in accordance with Decree Law 820 of September 1968.⁵³ While international norms recognize the importance of primary education especially, even these schools remain unavailable to Palestine refugees.⁵⁴ Similarly, access to public universities is also restricted to Lebanese nationals. While Palestine refugees may attend private schools, the cost of private education, combined with the lack of economic opportunities for refugees, make this prohibitive.⁵⁵ As a result of the poor or non-existent educational opportunities for Palestine refugees, the illiteracy level of Palestine refugees in Lebanon is twice that of Lebanese nationals and the rate of literacy of Palestine refugees in Lebanon is 10% lower than that of Palestine refugees who live in Syria.⁵⁶

However, the situation is not without hope. The UNRWA does provide education to Palestine refugees as one of its services.⁵⁷ UNRWA uses the curricula

and textbooks of Lebanon, supplemented by additional materials designed to foster thinking about human rights, tolerance, and conflict resolution.⁵⁸ This change in curricula is partly in response to public discussion on how the schools were teaching the Arab/Israeli conflict.⁵⁹ UNRWA currently operates nine secondary schools in Lebanon specifically for refugees; this highlights the difficulty that young Palestine refugees face in getting a secondary education in Lebanese schools.

While UNRWA students have historically done as well as or even better than their Lebanese counterparts, in recent years the educational efforts of UNRWA have been weakened by a combination of factors.⁶⁰ Performance drops have occurred across UNRWA schools due to an increasing number of students, fewer dollars available per student, and the distributive effects of stability in the region.⁶¹ In Lebanon in 2003, only 53% of 13-15 year old UNRWA students passed the government-issued standardized "brevet" tests while 76% of students educated in government schools pass the same test.⁶² However, more recent tests in 2007 show Palestine refugee students have a 96% passing rate for their end of school Baccalaureate exam, compared to 67% for Lebanese students.⁶³ In addition, students claim there are poor infrastructure, untrained teachers, and a very short school day with condensed class sessions.⁶⁴ Palestine refugees in Lebanon have higher drop-out rates than both the Lebanese population and Palestine refugees elsewhere.⁶⁵

Refugee students are vulnerable to program cuts. For example, in 1967 there were across-the-board cuts in secondary education spending that affected the quality of education available to students.⁶⁶ More research needs to be done to reach a conclusion about the quality of a UNRWA education. However, it is clear that UNRWA's budget has been increasingly vulnerable in recent years.⁶⁷ Since Lebanese schools are not available to Palestine refugees, it is possible that even a small change in UNRWA's budget will leave refugee children vulnerable to not getting an education.

While Palestine refugees are not consistently being denied their right to education, it is safe to say that the education Palestine refugees do receive is not at the same level as that of Lebanese nationals. This is discriminatory and against international norms and law. Education is especially important because it provides future opportunities for refugees to improve their situation and perhaps be active in the resolution of the conflict.

This paper has specifically examined three areas where Palestine refugees are especially disadvantaged and do not have their basic rights protected. However, it is not meant to be an exhaustive list. It should be noted that Palestine refugees in Lebanon also face different and discriminatory regulations than nationals regarding health, property, security, political participation, and housing.⁶⁸

LEBANESE LAW AND PRACTICE IN A LEGAL AND HUMAN RIGHTS CONTEXT

Palestine refugees in Lebanon are vulnerable because Lebanon fails to abide by its international treaty responsibilities that protect freedom of movement, the right

to work, and the right to an education. Domestic Lebanese laws often contradict aims of the international treaties Lebanon has signed. However, even if Lebanon did fulfill its treaty obligations, the Palestine refugees are still inherently vulnerable as stateless people living in a world where human rights are protected by the state.

The international human rights regime asks that states protect individuals from human rights violations. In this state-centric system, stateless people are especially vulnerable. However, the rights enshrined in international legal treaties are supposed to be the most basic rights provided to individuals on the basis of an individual's humanness rather than a gift from the state; they are non-negotiable.

This principle can be found in numerous treaties including the Universal Declaration of Human Rights, which states in its preamble that "member states have pledged themselves to achieve, in co-operation with the UN, the promotion of universal respect for and observance of human rights and fundamental freedoms."⁶⁹ In this particular case, Lebanon is supposed to ensure the basic rights of the refugees in their territory. While states are supposed to protect these basic human rights, they are often the most frequent violators of these rights.⁷⁰

While Lebanon stresses the cost of hosting these refugees, linking the poor treatment of refugees to the current economic climate, this argument is problematic because it connects human rights with what is politically or economically convenient to provide. Human rights are non-negotiable and Lebanon, by signing certain treaties, committed itself to respect these rights.

While this is the case for all human rights issues, it is especially true for refugees. By definition, refugees are those without adequate state protection, yet their human right are meant to be protected by a state. In this case study, Lebanon is both the protector of Palestine refugees and a violator of the refugee's basic rights. Even if there are some improvements in the political conditions of Lebanon that would create space to allow for more refugee rights to be fulfilled, that could easily be taken away by Lebanon as political will changes. This leaves refugees in an inherently vulnerable situation. Despite being legally entitled to freedom of movement, they are often stuck in the camps on the whim of the army. Although they should be free to seek personally meaningful and gainful employment in the areas in which they have skills, their choices are limited. Similarly, while refugees are entitled to education, Lebanon bars them from attending public schools and UNRWA is forced to fulfill the need.

Furthermore, the UNRWA, the UN organization that holds the mandate to provide services to the refugees, remains vulnerable to funding cuts both for political and economic reasons.⁷¹ This is especially problematic because UNRWA is often the only actor providing services on the ground. It is possible that with a worsening economic climate, as well as regional tension caused by the Arab Spring and Syrian uprising, that attention will turn away from Palestine refugees in Lebanon. This would increase the vulnerability of the already vulnerable Palestine refugees.

The current international human rights and refugee system leaves the Pales-

tine refugees in Lebanon particularly vulnerable. Despite making up eight percent of the total population of Lebanon, the refugees are often trapped inside the camps, unable to move about freely without permits from the army. They are unable to secure work permits and often the only jobs they qualify for are wage-labor, rather than professional, jobs. Most Palestine refugees also lack access to primary education, as they are excluded from attending public schools and must rely instead on private facilities, UNRWA camp schools, or receive no education at all. Despite treaties establishing human and refugee rights, the refugees are denied rights of employment, movement, and education. They are the victims of a state-centric refugee response system.

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THE RENTIER DILEMMA OF DEVELOPMENT: A COMPARISON OF ECONOMIC DIVERSIFICATION IN SAUDI ARABIA AND ABU DHABI

Mandy Bowers

The “resource curse,” a term which refers to the dependence of rentier states on a limited number of natural resources as the principal source of state income, has several ominous governance correlations and carries numerous risks. Modern rentier states like the United Arab Emirates and Saudi Arabia are not immune to these risks and have begun to undertake major programs of economic diversification to protect their futures in the event of declining oil incomes. In these two very different countries, neither leadership nor institutional effectiveness has been the limiting factor for each regime’s program of economic diversification. Instead, the limiting factor is an apathetic citizenry, which refuses to accept the costs of economic diversification. Both regimes are left with an uneducated and unmotivated population that is reliant on imported labor to run the national economy. The only hope for these regimes’ economic futures beyond oil lies in creating a strong national labor force through education, despite the threat education implies to these authoritarian monarchies.

Abu Dhabi, the capital and largest emirate of the United Arab Emirates (UAE), and the Kingdom of Saudi Arabia are relatively stable regimes that benefit from ample oil supplies, which turned them into rentier states. Rentier states acquire most of their revenue through the sale of natural resources, and leaders use this natural resource revenue to purchase citizens’ support for their rule, establishing a social contract based on the surrender of freedoms in exchange for benefits. In order to maintain this social contract, rentier governments require new sources of revenue when natural resource rents decline. Forward-thinking governments of rentier states work towards economic diversification, as economic diversification and its correlated development give these governments two hopes for survival in the post-rentier era. First, economic diversification can provide rents from other industries that can sustain regime power. Second, the ensuing development can establish the formerly rentier government as a capable modern institution, therefore earning the support of a liberal citizenry. The rentier governments in both Abu Dhabi and Saudi Arabia are working to diversify their economies away from oil, but with limited success.

This paper compares these governments’ paths towards economic diversification, noting similar levels of success despite very different histories. This survey of Saudi Arabia and Abu Dhabi suggests that there is a single, shared obstacle to economic diversification in a rentier state: an apathetic citizenry, spoiled by oil revenues, without the skills or motivation to form a productive workforce. In this analysis, I

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first discuss the social contracts of the current regimes in Saudi Arabia and Abu Dhabi, which both buy popular support with oil wealth to maintain stable, conservative Islamic monarchies. I also discuss how revenue changes affect governance. Second, I show that each regime's methods of governance have varied in terms of leadership, preparedness, and institutions, but that these differences have had limited impact on economic diversification progress in the face of a larger developmental obstacle: the citizenry. Finally, I will describe how the apathy and lack of education of the citizenry undermine diversification and development in both economies.

I. A COMMON FOUNDATION: WHY TO BUY POPULAR SUPPORT

Abu Dhabi and Saudi Arabia's regimes are relatively stable Islamic monarchies enjoying general popular support. Both regimes have strong historical, non-colonial roots providing a basis of legitimacy. Each regime purchases its national population's ongoing support through oil wealth. Oil revenues allow each government to provide extensive public services without taxation of citizens. Without taxation, there is no complaint of "taxation without representation"; citizens allow the reign and elaborate lifestyle of the monarchy with no demands for government accountability. Due to this social contract, these governments enjoy greater stability than many other Middle Eastern regimes. In this section, I give a short overview of the social contract Saudi Arabia and Abu Dhabi's governments have formed with their citizens. I then discuss how oil revenue has changed and will continue to change this social contract.

An Overview of Regime Governance

King Abdulaziz (also known as Ibn Saud) founded the Kingdom of Saudi Arabia in 1932. Since his death in 1953, all of Saudi Arabia's kings have been sons of Ibn Saud. Because the Al-Saud family labored since the eighteenth century to create a unified Arabian state, its reign is "widely accepted as legitimate,"¹ and even as "the glue holding [the country] together."² The declared purpose of the Saudi State is the advancement and protection of Islam, and most Saudi residents are devout Muslims who uphold this purpose; even younger reformers do not usually want to replace the system, merely open it.³ Although the regime cracks down on dissidents it sees as a threat to the state or stability, its preferred method of rule is to "persuade and bribe" nonconformists into the system.⁴ For the past forty years, the government has handed out employment, social services, and contracts to keep Saudi society quiet and fragmented.⁵ At the height of unrest during the Arab Spring, the king offered housing, salary, and education benefits worth \$100 billion,⁶ allowing the Saudi government to sidestep political concessions. Thus, Saudi Arabia's deal with its citizens is "material distribution for quiescence."⁷

Sheikh Zayed bin Khalifa Al-Nahyan consolidated rule over modern Abu Dhabi in the mid-nineteenth century. His family has ruled since then, with each succeeding monarch chosen from within the dynasty. The regime has legitimized itself not only through this centralization of power and strong historical tribal alliances,

but also through generous acts of public charity and financial support for Islamic causes, foreign aid donations, and advocacy for the emirate's history, culture, and environment.⁸ These generous acts are funded by oil rents. Among its national population, the monarchy legitimized itself by becoming "one of the purest examples of a benevolent allocative state" for national residents,⁹ who receive "enormous material benefits."¹⁰ These material benefits ensure regime stability: after listening to a speech warning that loyalty was a condition of citizenship and citizens must "embrace the values that have ensured social stability and security," one newly naturalized citizen of Abu Dhabi replied, "those who drink from a well would never throw dirt in it."¹¹

How Oil Revenue Changes Affect Governance

The key to buying popular support for each regime through oil wealth is continuous oil revenue. During the 1970s oil boom, both Saudi Arabia and Abu Dhabi used the new oil revenue to enhance infrastructure and social services. Saudi Arabia's boom period achievements were numerous and impressive. Projects included airports, industrial cities, roads, hospitals, schools, and housing. Electricity generation multiplied 25 times between 1969 and 1984; production of desalinated seawater expanded from 4.4 million gallons/day in 1970 to 355.3 million gallons/day in 1984.¹² Operating telephones multiplied more than tenfold between 1970 and 1984.¹³ The regime introduced social insurance, which covered 3.6 million people by 1984.¹⁴ Construction accounted for more than 10 percent of GDP during most of the 1970s.¹⁵ With huge oil revenues, the Saudi regime could deliver huge development results.

Under Zayed the Second, Abu Dhabi used oil revenues to modernize the economy. The regime prioritized hospitals and education, including secondary education and industrial training courses.¹⁶ Development projects for agricultural diversification and basic manufacturing followed, including a cement works and factories to manufacture piping, bottles, and other import substitution goods.¹⁷ Abu Dhabi needed massive infrastructure improvements to support these public works, so the regime spent 200 million dinars on paved roads, bridges, basic airport facilities, water pumps, and a sewage system.¹⁸ As in Saudi Arabia, large oil revenues delivered large development dividends.

In 1983 oil prices crashed, and output in Abu Dhabi and Saudi Arabia suffered. The UAE's GDP¹⁹ rose from \$14 billion in 1975 to \$49 billion in 1981; it fell from 1982, and after reaching a low of \$33.9 billion in 1986, did not break \$50 billion until 1990.²⁰ Saudi Arabia's GDP in 1968 was \$4 billion, but skyrocketed to \$45 billion by 1974 and peaked at \$184 billion in 1981.²¹ Official oil income shrank from 329 billion Riyals to 42 billion in 1986,²² putting the Kingdom's GDP at \$85 billion, less than half of its output five years earlier.²³ Saudi Arabia's output did not return to 1981 levels until 2002; the state continued its public allocation through major cuts to capital spending, bureaucratic pay freezes, and fiscal deficits.²⁴ Impressively, the regime financed fifteen years of substantial budget deficits throughout the late 1980s and 1990s, in which government debt reached 100 percent of GDP, without taxing

the general public.²⁵ King Fahd continued providing large subsidies to the population for agriculture, domestic higher education, and health while development expenditure disappeared.²⁶ Abu Dhabi similarly postponed new projects and used its remaining funds to maintain current expenditures until the Gulf War stimulated the economy.²⁷ With the loss of oil revenues, each regime could no longer plan for the future and became fiscally restrained by transfers to the civilian population. Each government lost the ability to provide non-oil development. Both regimes failed to prove themselves capable monarchies that could modernize a state without the assistance of oil revenues.

New Ways to Buy Popular Support

Abu Dhabi and Saudi Arabia's experience in the 1980s proved that buying popular support with one currently valuable commodity is dangerous. Neither regime depends on high oil prices for a balanced budget: the UAE's threshold price for a balanced budget is \$40 per barrel of Brent oil, and Saudi Arabia's is \$50.²⁸ Nor does either regime fear running out of oil. Saudi Arabia's reserves will last for eighty years at today's production levels, and Saudi Aramco keeps "pushing that eighty years forward every year" because of new discoveries.²⁹ Abu Dhabi estimates that its oil reserves will last another ninety years at current output.³⁰ The incentive for the regimes to diversify their economies is not, therefore, a coming shortage of oil. Instead, they fear running out of customers — that supply will exceed demand, prices will be higher than buyer's willingness to pay, and the market will wither.³¹ Even if countries meet their promises to reduce carbon emissions, oil will remain the dominant global fuel until at least 2035 — afterward, however, the outlook grows murky, and "the Saudis know it."³² Energy-savings technologies, alternative fuels, environmental concerns, and lower prices all threaten rentier states' future oil revenues. As former Saudi oil minister Ahmed Zaki Yamani purportedly said, "The stone age didn't end because of a shortage of stone."³³

Oil demand is the lifeblood of these rentier regimes. Even if these governments did not require oil revenues to buy popular support through social services, low taxes, and easy jobs, oil revenues fund the expense of living in a desert. The true oil dependence of the Gulf Cooperation Council (GCC) economies is much larger than oil rents as a percent of GDP — oil revenues fund feedstock supplies, the below market cost of power, food subsidization, and water desalinization.³⁴ Obtaining food and water security will be a burden for future governments without having to spend revenue on wasteful subsidies and empty jobs. Each regime requires a stronger, diversified economy that will generate revenue after oil wealth evaporates. If the regimes fail to find alternate sources of revenue to buy popular support, they will fail to uphold their social contract and face unknown repercussions.

II. DIFFERENT METHODS OF GOVERNING A RENTIER STATE:

HOW TO BUY POPULAR SUPPORT

Political science commentators often like to discuss the importance of leadership and institutions in economic development. These factors vary across economically diversifying rentier states, Saudi Arabia and Abu Dhabi included. Saudi Arabia's large royal court with many powerful, uncoordinated figures spawned an enormous, unwieldy bureaucracy. Abu Dhabi planned for diversification since the oil boom's beginning, with unified and careful leadership guiding its efforts. In this section, I discuss the historical development of each regime's attitude towards diversification and the current progress each is making in achieving diversification goals. The regimes' variations in 'good governance' have not had a noticeable impact on their relatively similar levels of diversification success.

SAUDI ARABIA

The Rise of the Modern Regime

Personalities in the 1950s and '60s, as much as structural forces, shaped the Saudi state's future "decisively and irrevocably."³⁵ Because state building was a top-heavy, elite-driven process, conflicts between princes impacted the fundamental structure of the Saudi state.³⁶ Institutions became tokens of political games to balance forces within Al Saud, which led to a segmented bureaucracy.³⁷ The opaque royal court with steep hierarchies, delegation on a strict case-by-case basis, and a clientelist mode of exchange created a complex bureaucracy based on direct royal patronage and islands of efficiency.³⁸

This highly centralized, uncoordinated bureaucracy was a recipe for inefficiency. Miscommunication, overlapping jurisdictions, redundancy, and over-centralization plagued the government without eliciting decisive action.³⁹ Ministries vetoed each other's grandiose projects; government agencies interpreted rules and procurement standards differently.⁴⁰ If a wealthy government agency lacked the general infrastructure required to achieve its goals, it would try to provide the service autonomously — including housing, education, or electricity generation.⁴¹ By the 1970s, eight different agencies were running clinics and hospitals. The Ministry of Interior, the Ministry of Agriculture and Water, the Water Desalination Organization, and the Ministry of Planning all shared responsibility for water policy.⁴² In short, the Saudi regime created an irresponsible, bloated bureaucracy stereotypical of a rentier state.

Although Saudi Arabia has discussed its economic future since the 1970s,⁴³ only in 1998, with oil prices below \$10 per barrel, did Crown Prince Abdallah tell Saudis that "the fat years were over, that they would have to learn to live with less, and it was time for a new lifestyle that did not rely entirely on the state."⁴⁴ Oil revenue as a percent of government revenue reached an all-time low of 56.5 percent in 1998, down from 91.2 percent in 1980.⁴⁵ Abdallah's leadership called the regime's attention back to diversification but had limited effect on the governance of princes and the bureaucracy. Abdallah's efforts to curtail princely privilege were not successful

because regime control was highly fragmented under the aging King Fahd's de jure rule.⁴⁶ Different government agencies' ambitions, goals, and plans overlapped in the hope of creating a modern, globally competitive, and industrialized state;⁴⁷ this overlap suggested coordination challenges as well.

The bureaucracy's challenge to economic liberalization is exemplified in the regime's effort to modernize foreign investment laws in 1997, which had not changed since 1979.⁴⁸ Saudi Arabia's openness to foreign direct investment (FDI) was restricted compared to its neighbors, including formerly socialist Egypt, because the Kingdom limited foreigners to minority stakes in local companies and required Saudi sponsors for foreigners to operate in the Kingdom.⁴⁹ Foreigners could not hold real estate and were subjected to a corporate tax rate of 45 percent.⁵⁰ Two years passed before a consensus in the senior leadership emerged on a new law (although the private sector was included in deliberations, the government ignored its interests wherever convenient⁵¹). With a regime consensus and the leadership of Prince Abdallah, who expedited the law, the Foreign Investment Act (FIA) became law on April 10, 2000.⁵² The FIA allowed 100 percent foreign ownership, a corporate tax rate of (after some fluctuation) 20 percent, and foreign real estate ownership: it was a "clear commitment to openness in international business."⁵³

An unsupportive bureaucracy challenged this step towards liberalization in an impressive variety of ways: ignoring the FIA altogether; disregarding the superiority clause of the FIA; stipulating investment conditions that contradicted the FIA; making incompatible documentation demands across agencies; sticking to incompatible or counterproductive administrative procedures, such as "changing internal procedures, based on [opaque] ministerial memos issued frequently and without warning;" or failing to provide Arabic translations of documents for investors.⁵⁴ Individual ministerial rulings "effectively had the force of law and were not publicized," while judges failed to keep appointments, worked slowly, and issued apparently arbitrary decisions.⁵⁵ A set of commercial courts to serve business did not appear until 2009.⁵⁶ In short, Saudi Arabia's bureaucracy was the epitome of wasteful government inefficiency.

Current Progress

Despite the obstacle of Saudi Arabia's unmanageable bureaucracy, Saudi Arabia's economic diversification and development efforts over the last two decades, mainly towards increased industrial capacity, have shown reasonable progress. From 1995 to 2006, the average annual real growth rate in manufacturing value added per capita was between 5 and 6 percent.⁵⁷ The number of industrial establishments licensed by the Ministry of Commerce and Industry almost doubled from 2,113 to 4,167 factories between 1990 and 2008, mostly in building materials and food processing industries. Employment grew in these enterprises from 277,000 in 1990 to 467,000 in 2008.⁵⁸

The regime still has a long way to go to reach its targets. Saudi Arabia's Na-

tional Industrial Strategy requires that manufacturing value added will triple by 2020, increasing manufacturing to 20 percent of GDP.⁵⁹ According to Saudi Arabia's Long-Term Strategy 2025, oil and gas as a percentage of exports will decline from 71.7 percent to 36.7 percent by 2024, and oil's share of GDP is projected to be a mere 17.9 percent by the end of the planning period.⁶⁰ The plan is ambitious; meeting its strategic goal of doubling GDP per capita would require average annual GDP growth of 6.6 percent.⁶¹ The regime did not get off to a good start: between 2006 and 2010, annual GDP growth did not top 5 percent.⁶² Nevertheless, Saudi Arabia occupies a "unique" position for attracting investment due to its strong enabling environment, low risk, and vast investment potential.⁶³ The economy benefits from high levels of FDI, which accounted for 23 percent of GDP in 2010.⁶⁴

This investment potential has fostered the rise of numerous successful industrial companies in Saudi Arabia. Saudi Basic Industries Corporation (SABIC) is a regional leader in heavy industry (primarily large scale petrochemical companies) and is "in many ways...the most impressive company in the MENA region."⁶⁵ The Corporation was founded in 1976 as a state-owned entity, but King Fahd incorporated SABIC as a company in the early 1980s.⁶⁶ SABIC benefitted from being the ideal state-owned enterprise, since it controlled its own competitive recruitment and was able to defend itself from bureaucratic encroachment and royal interference, thanks to King Fahd's interest in the company.⁶⁷ In the early 2000s, SABIC gained large European and American assets; it recorded a profit of \$2.43 billion during the global financial crisis in 2009.⁶⁸ The company remains 70 percent state-owned.⁶⁹ With recent acquisitions including GE Plastics and UK-based Huntsman Petrochemicals, SABIC is considered a "global player" in the petrochemical business.⁷⁰

Saudi industry is doing relatively well in the MENA region. Five percent of total manufacturing investment in Saudi industry is in manufacturing sub-sectors producing electrical machinery, radio, TV and telecommunications equipment, medical instruments, and transportation equipment: a total of 492 licensed factories.⁷¹ The Saudi Arabian Packing Industry is one of the leading companies in the sector.⁷² Saudi Arabia's pharmaceutical market has an estimated volume of \$1.5 billion, and is served by 27 Saudi pharmaceutical plants with a combined investment of more than \$620 million.⁷³ Saudi firms dominate the power cable-manufacturing sector in the Gulf, accounting for 47 percent of the GCC's total output.⁷⁴ The King Abdullah University for Science and Technology is shifting focus towards investment opportunities in high-tech sectors.⁷⁵ Industries' rise has therefore shown important strides.

The regime's new economic cities are a prime example, though, of the challenges facing Saudi Arabia. Originally, the Saudi Arabian General Investment Authority (SAIGA) planned six cities, which the regime has reduced to four since 2005: King Abdullah Economic City (north of Jeddah; planned transportation hub), Prince Abdulaziz bin Mousaed Economic City (near Hail; planned rail and truck hub and agribusiness center), Knowledge Economic City (outside Medina; high-tech center), and Jizan Economic City (near Jizan; trade and information center).⁷⁶ By 2020, these

cities should house 4.5 million people and contribute \$150 billion to Saudi Arabia's GDP.⁷⁷ As each city was "being planned to the highest possible specification as the ultimate in 21st century living and working," they were supposed to attract investment from all over the world.⁷⁸ The cities, however, are struggling. John Sfakianakis, chief economist of Banque Saudi Fransi, dismissed the program as "a scam that will not happen. It's just a big real estate project and that's where it's going to end."⁷⁹ The state repeatedly loaned money to the cities when foreign investment failed to materialize, including a \$1.3 billion loan in 2011 to the developer of King Abdullah Economic City.⁸⁰ Critics say that "the slow progress of the economic cities" has damaged SA-GIA's reputation and shown it to be "just another layer of bureaucracy, completely hostage to the rest of the government."⁸¹

The kingdom's geography provides extra incentive for economic diversification, as Saudi Arabia lacks the water and agricultural capacity to meet its food needs domestically. Only 2 percent of domestic land is arable, and Saudi Arabia faces a 77 percent growth in its population by 2050: imports are a necessity. In the past, Saudi Arabia sought agricultural self-sufficiency. The government illogically subsidized wheat and alfalfa, crops that consume large amounts of water. In 2007, India's temporary export ban on rice increased the price of corn and other grains.⁸² Saudis consume large amounts of rice, so the government granted a subsidy of \$267 per ton of rice to stabilize market prices, but throwing money at the problem did not make rice appear.⁸³ Food-driven inflation became a political issue, "to the extent that there are political issues in the kingdom."⁸⁴

With sudden appreciation for the legitimate threats of food security, King Abdullah proclaimed a Food Security Initiative in 2009, which provided \$800 million to support investment by private-sector Saudi companies in agricultural projects abroad.⁸⁵ One British Newspaper described this investment as "a 'frantic rush' led by Saudi Arabia and the United Arab Emirates 'to gobble up farmland all around the world, but mainly in cash-starved Africa.'"⁸⁶ The Saudi regime maintains that their intentions are benign: they merely provide potentially productive land with access to water and the valuable capital to buy tractors and trucks, install irrigation systems, and purchase fertilizer.⁸⁷ Much needed changes in Saudi Arabia's agriculture accompanied the initiative. Wheat exports ended, with wheat production declining by 12.5 percent per year and scheduled to end in 2016.⁸⁸ The government is subsidizing dairy farmers to switch to manufactured feed to reduce barley consumption (barley uses large amounts of water) and shifting vegetable production to green houses to reduce evaporation.⁸⁹

Saudi Arabia mismanaged its limited water, not only through the now-ended wheat subsidies, but also through poor infrastructure: some studies have found that as much as 40 percent of the water sent through the country's pipes and water mains is lost to leakage and evaporation.⁹⁰ Saudi Arabia has invested more than any other country in desalinization, but desalinized water only meets the needs of human consumption; most water for crops and livestock comes from fast-dwindling fossil

reservoirs.⁹¹ Saudi Arabia is currently the largest producer of desalinated water in the world, manufacturing nearly 3 million cubic meters of water daily, yet demand is expected to reach 10 million cubic meters per day.⁹² The Saudi government will presumably subsidize the large expense of increasing desalinization capacity or risk social unrest resulting from a restricted or unclean water supply. Water security can therefore only be maintained with, at this point, the help of oil wealth. As oil revenue is likely to decline in the future and the price of securing food and water will rise as the global population increases, the need for economic diversification is clear.

Saudi Arabia's diversification progress is a mixture of successes, which include increasing industrial capacity and shifting agricultural policies, and failures like the economic cities. While Saudi Arabia still suffers from a bloated, inefficient bureaucracy that does not fully come to terms with the importance of reducing oil dependence, moderate, recent leadership towards economic diversification has shown a surprising amount of progress and general understanding of the rentier system's threats.

ABU DHABI

The Rise of the Modern Regime

Some level of good leadership is required for a rentier state's development, exemplified by Abu Dhabi's delayed response to using its newfound oil wealth. Sheikh Shakhbut bin Sultan Al-Nahyan ruled Abu Dhabi from 1928 through 1966, and after witnessing the recession of the 1920s and 1930s when pearling declined, he was reluctant to spend oil revenues that began to boom in the 1950s.⁹³ He feared, prophetically perhaps, that any rapid oil-financed development would have "far-reaching socio-cultural consequences for Abu Dhabi...and would soon erode the traditional way of life."⁹⁴ His regime therefore tightly controlled the construction of roads and the importation of materials; his distrust of banks and accounting meant that he opposed even basic record keeping, town management, and maps.⁹⁵ Because towns and merchants lacked basic physical infrastructure and financial and commercial organizations, they were unable to accommodate visiting foreign oil personnel or reap any benefit from foreign investment in the mid-1960s.⁹⁶ The first public school opened in 1958 and closed again a year later due to lack of textbooks and teachers (foreign teachers were not allowed).⁹⁷ The state also failed to provide basic healthcare and hospitals. The fact that Sheikh Shakhbut did not seek medical treatment within his own country, but flew abroad for treatment instead is indicative of the state's inability to provide basic healthcare. During a visit to Jordan, Shakhbut even went as far as to donate over £700,000 for various, mostly healthcare, projects, which was "more than had ever been spent on social services in Abu Dhabi."⁹⁸ With Sheikh Shakhbut's unfavorable leadership model, Abu Dhabi could have remained poor indefinitely. Abu Dhabi's lack of development during this period underscores the need for leadership in the growth of a rentier state.

The sheikhdom joined the modern era in 1966 after a bloodless coup that put Shakhbut's younger brother, Sheikh Zayed II, in power. During Shakhbut's last

full year as ruler, £25 million of oil was exported; two years later under Zayed, the sheikhdom exported £63 million of oil.⁹⁹ More so than the Saudi regime, Abu Dhabi's new government recognized "even during these heady boom times...that oil was a finite resource and that Abu Dhabi needed to identify its development priorities."¹⁰⁰ The government set up a Council of Planning to manage annual budgets, and the first five year plan was announced in 1968. A primary focus from the Council's beginning was ensuring that oil revenues supported the growth of pre-oil sectors and established new economic sectors.¹⁰¹ Unlike the Saudi regime, Abu Dhabi benefitted from centralized development. Since 1971, the Abu Dhabi Executive Council, the "real engine of development" and "by far the most significant institution in the emirate" has determined Abu Dhabi's annual public spending, the annual policy agenda, and a public list of yearly goals.¹⁰² The Council practices fiscal conservatism by systematically underestimating its yearly oil revenues so that it underspends for its given budget.¹⁰³

The Council of Planning intelligently prioritized Abu Dhabi's spending to achieve development goals. Healthcare and education were top priorities.¹⁰⁴ Unlike the Saudi government, the Council recognized food security as a critical issue and allocated 13.4 million dinars to build agricultural research stations; these stations would develop new strains of desert-resistant crops to increase Abu Dhabi farmers' productivity.¹⁰⁵

Abu Dhabi reaped numerous economic benefits from this centralized planning. Although Abu Dhabi has comparatively low levels of FDI (7 percent of GDP in 2010), Abu Dhabi has engaged in plenty of its own FDI abroad.¹⁰⁶ Since the 1970s Abu Dhabi has been channeling surplus oil revenues into long-term overseas investments to serve as a buffer against the volatility of the international oil industry; these assets may now exceed \$1 trillion.¹⁰⁷ Abu Dhabi's largest sovereign wealth fund, the Abu Dhabi Investment Authority (ADIA), is a passive portfolio investor with more than \$627 billion in assets.¹⁰⁸ Unfortunately, ADIA's risk-tolerant long-term investment approach, including equities of developing countries that comprised 45 to 55 percent of its investments, lost about 40 percent of its capital stock in 2008.¹⁰⁹

Current Progress

Abu Dhabi's bureaucracy is therefore the antithesis of Saudi Arabia's, and its small, specific, well-functioning institutions should have made much more progress than Saudi Arabia in the forty years both regimes have been striving towards economic diversification. While Saudi Arabia is working towards heavy industry development, Abu Dhabi has its sights set on high technology industries and tourism.

Abu Dhabi is approaching high tech development from as many angles as possible. In a more ostensibly successful version of Saudi's economic cities, Abu Dhabi is on the third phase of a five-phase project constructing an Industrial City in Mussafah. This venture is a "major driver of non-oil industrialization."¹¹⁰ While the first phase hosted projects related to base metals, construction, plastics, and textiles, the final phases will cater to high-tech industries and automobiles.¹¹¹ The project has

been successful enough that the regime approved two more industrial cities in Al Ruwais and Madinat Zayed in early 2012.¹¹²

High technology heavy industry has been the “centerpiece” of Abu Dhabi’s new economy.¹¹³ Most companies are joint ventures of international partners (providing technology, market contacts, and credibility) and a parastatal (providing capitalization and high, tax-free salaries for the necessary labor).¹¹⁴ Abu Dhabi has been moving into the aerospace industry, with a recent \$500 million investment in a domestic carbon fiber plant.¹¹⁵ It is also starting to manufacture computer microprocessors and develop shipbuilding: in 2008, Abu Dhabi’s Oilfield Drilling Equipment and Rig Company beat out European competition to win a \$135 million contract to supply rigs to a Texas-based oil company.¹¹⁶ The Abu Dhabi Future Energy Company was established in 2006 to pioneer Abu Dhabi’s green technology industry. Its first project was Masdar City, a carbon-neutral development that would provide infrastructure for up to 1,500 renewable energy or environment-related companies.¹¹⁷ The city plans to pipe captured carbon gas to disused oil wells in the desert to benefit from the United Nations’ proposed Clean Development Mechanism.¹¹⁸ Abu Dhabi has the largest carbon footprint in the world, but the regime is backing up its clean energy rhetoric with its recent contracts to a South Korean firm to build nuclear power plants.¹¹⁹

Abu Dhabi is also attracting foreign cash with its investment in luxury tourism. The regime’s careful segregation of tourists and locals — putting foreigners and their associated bars and nightclubs on the island of Reem, while continuing to stress family, modesty, and mosque to nationals — appears successful for the regime thus far.¹²⁰ The Tourism Development Investment Company is developing Saadiyat, “the island of Happiness,” into Abu Dhabi’s major cultural hub at a cost of \$27 billion.¹²¹ The island will feature branches of the Louvre and Guggenheim Museum, a performing arts center (which has already staged Bon Jovi and Justin Timberlake), a maritime museum, motor racing, a Ferrari theme park, and an indoor ski slope.¹²² To support this new tourist mecca, Abu Dhabi has launched Etihad Airways, which has “proven itself very quickly” as a “highly successful” international airliner.¹²³ The new airline made the largest single order in aviation history, for over 200 new aircraft, in 2008.¹²⁴ Accompanying the airline was a \$6.8 billion redevelopment of Abu Dhabi Airports Company, expanding the airport’s annual capacity from 7 million to over 20 million passengers.¹²⁵ Abu Dhabi’s ostensibly well-funded and well-organized diversification program appears successful.

Why so similar?

Abu Dhabi’s early emphasis on economic diversification has had more time to bear fruit than Saudi Arabia’s past fifteen years of catch up, suggesting that Abu Dhabi would enjoy a relative lead in economic diversification progress. Abu Dhabi has developed more expensive industries like technology and tourism in contrast to heavy industry in Saudi Arabia. Additionally, Abu Dhabi’s organized bureaucracy and centralized leadership should certainly mean that the emirate is making more diver-

sification progress, yet the results of diversification efforts in both countries remain limited. Although Abu Dhabi has benefitted from leadership, preparedness, and institutions, its oil revenues as a percent of output has been very similar to Saudi Arabia's in the past five years (and even higher in the past ten), as both economies increased their dependence on oil in light of improved market prices¹²⁶ (see Table 1).

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Abu Dhabi ¹²⁷	47	44	47	51	56	59	56	59	45	50
Saudi Arabia ¹²⁸	34	30	37	45	54	57	55	64	44	50

Table 1: Oil Rents as a Percent of GDP

The large impact higher oil prices have on oil rents as a percent of GDP betrays each economy's continued reliance on oil. Abu Dhabi's growth in the oil sector accounted for almost 30 percent of its growth in 2010; the next largest growth rates were in financial services (14.4 percent) and government services (13 percent).¹²⁹ Saudi Arabia's economy "remains highly oil-dependent" despite some steady non-oil GDP growth.¹³⁰ Abu Dhabi's non-oil exports remain practically non-existent in comparison to its oil economy, as seen in Table 2.

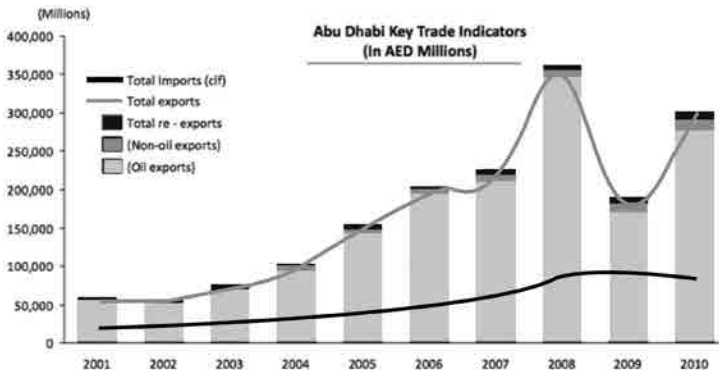


Table 2: Abu Dhabi Exports¹³¹

A comparison of these oil rents as percent of GDP appear to show that Abu Dhabi's centralized, responsible government planning has positively impacted economic diversification efforts no more than Saudi Arabia's highly inefficient, uncoordinated, and delayed bureaucracy. Do leadership, preparedness, and institutions count for nothing? Two possible conclusions may be drawn from comparing these oil rent statistics: 1) provided some level of leadership exists that is interested in economic diversification (King Abdullah or Sheikh Zayed II in contrast to Sheikh Shakhbut, for instance), effective institutions are not a necessary prerequisite to diversification; 2) it is not the lack of effective institutions, but the existence of another obstacle, that is restraining economic diversification in both economies. Because Abu Dhabi started

its diversification efforts earlier, has a more effective government, and has a smaller population, it hit this obstacle first, and thus has not continued to reduce its oil dependence as a percent of GDP or been able to benefit from good governance. This obstacle will block both regimes' efforts to diversify their economies away from oil.

I believe that the first conclusion is a contentious one beyond the scope of this paper; I focus on the second conclusion, which I believe provides greater explanation for why Abu Dhabi has not benefitted from its organized state at a higher level than Saudi Arabia has benefited from its bureaucratic regime. I believe the obstacle facing both regimes and undermining greater economic development and diversification is another, unforeseen factor: an apathetic and unskilled citizenry.

III. A DILEMMA OF DEVELOPMENT: WHAT GOES WRONG WITH BUYING POPULAR SUPPORT

Although the regimes of Abu Dhabi and Saudi Arabia have so far benefitted from buying popular support from their citizenry, this path is unsustainable because it has resulted in workers without the education or motivation to allow economic diversification. This does not suggest that all Saudi citizens live the same lives as Abu Dhabi nationals: Saudi Arabia has a much lower per capita income than Abu Dhabi due to its larger population. Being a national of Abu Dhabi confers lifetime security and wealth, while being a Saudi citizen offers no such guarantees. Saudi Arabia's per capita income is ranked fifty-seventh in the world; its population growth has been outrunning the growth of its oil revenue for three decades.¹³² Despite this contrast, both governments have fallen into the same developmental trap of raising an under-educated workforce that relies on government subsidies and foreign labor for growth.

In this section, I give evidence for my assertion that Saudi Arabia and Abu Dhabi's citizens lack the skills and mindset to support diversification, review the ensuing unsustainable wastefulness of the citizens,, and discuss the role of the expatriate workforce in enabling nationals to avoid economic involvement.

Saudi Arabia's Apathetic Workers

Despite Saudi's relatively low per-capita income, the national population is still accustomed to receiving benefits without effort. Unemployment is officially 5.6 percent not because of a hard-working citizenry, but because only 41.1 percent of the working-age population is employed, against a world average of 62 percent.¹³³ That percentage may even be optimistic: Hertog cites a mere 25 percent.¹³⁴ Welfare payments to farmers are so high that the government has removed the incentive to work.¹³⁵ A longtime U.S. diplomat bluntly stated, "the standard of living does not depend on the productivity of the workers," but derives from government largesse, either through bureaucratic jobs or through entitlements and subsidies.¹³⁶

About 80 percent of employed Saudis work directly for the government or parastatals like SABIC or Saudi Aramco.¹³⁷ From the beginning, the fragmentation of the bureaucracy meant that a government job required little skill or productivity. In-

stead, employment was “a deliberate instrument of wealth-sharing and distribution”; the jobs were “totally phony...for any Saudi that wanted them.”¹³⁸ According to one official report from the late 1970s, employees normally arrived at work two or three hours late.¹³⁹ Senior administrators could not fire inactive subordinates, “who were seen as entitled to their jobs”; even if superiors were able to dislodge insubordinates, they had no adequately educated replacements.¹⁴⁰ The state has finally realized that this social contract is unsustainable. The regime is no longer choosing to be the employer of last resort.¹⁴¹ The regime learned employment’s importance to stability from the Arab Spring, which led the Saudi government to sell \$50 billion in foreign assets in 2009 to fund job creation initiatives for its growing youth population.¹⁴²

Job creation can only make a limited difference absent education and work ethic. In 2006, enrollment in all tertiary education programs in Saudi Arabia was less than 650,000, or about 2.5 percent of the population,¹⁴³ compared to 5.7 percent of the U.S. population in 2010.¹⁴⁴ Enrollment in engineering, manufacturing, and construction accounted for only 5.3 percent of all tertiary enrollments¹⁴⁵ — Saudi Arabia will require a higher percentage of technical graduates to meet its ambitious development plans. The standard of this tertiary education is also in question, as the highest ranked university in Saudi Arabia on world charts is King Saud University, which places between 199 and 501.¹⁴⁶ Private education is better than public, so the 400 percent growth of private universities between 2000 and 2009 and the Saudi government’s commitment to pay 50 percent of private higher education tuition fees since 2009 is encouraging.¹⁴⁷ Even after this growth, only 26,333 students were enrolled in private universities in Saudi Arabia in 2009: 4 percent of all students in higher education.¹⁴⁸ Despite recent shifts in the Saudi government’s attitude towards women, women’s participation rates in tertiary education (higher than males) will not likely translate into productivity improvements any time soon due to high unemployment among women.¹⁴⁹

On top of the required education, individual will must exist. Lippman advises that the service economy has room to grow, but

“all these jobs require outgoing personalities, which many Saudis do not have, and fluency in a foreign language, usually English. Hotels need front-desk staff, and Saudis could be doing those jobs that the Pakistanis and Indians are doing now—if there were enough Saudis who spoke English and were willing to stand on their feet for hours at a time being helpful to strangers.”¹⁵⁰

Prospective new economic diversification strategies in the service economy mean nothing without skills or determination of potential workers.

Abu Dhabi’s Citizenry

Abu Dhabi’s national population remains less than 250,000, so its nationals receive far more benefit and resources than the citizens of Saudi Arabia.¹⁵¹ The other 1.5 million foreign residents of the emirate have very little political leverage and thus receive no government transfers. The national population forms “a natural upper

class” as the members of society entitled to explicit government transfers, and national identity in Abu Dhabi carries a guarantee of financial prosperity.¹⁵² Abu Dhabi’s regime has become an allocative state “from cradle to grave.”¹⁵³ Nationals enjoy free education (including free textbooks and laptops), free health care (including free prescriptions), social security benefits, and subsidized housing (often sizeable villas).¹⁵⁴ Gaining a job in a government department was “all but guaranteed” from the 1970s to 1990s.¹⁵⁵ The regime does not allow beggars: it deports foreign ones and directs nationals to official charities.¹⁵⁶

Naturally this system of loans, sponsorship, and public sector employment means that nationals lack motivation to enter the competitive job market.¹⁵⁷ The regime compounds the problem with new labor force participation strategies, such as guaranteeing special pension funds or limiting working hours; government regulation has effectively priced nationals out of the market.¹⁵⁸ The unemployment rate among UAE nationals in Abu Dhabi is almost 12 percent, compared to a non-national unemployment rate of less than 2 percent.¹⁵⁹ Between 17,000 and 35,000 Emirati adults are unemployed, many of whom have advanced degrees, and the majority are in Abu Dhabi.¹⁶⁰ The unemployed receive the regime’s generous social security benefits, yet “well over 50 percent” are able-bodied and capable of work.¹⁶¹

Part of this apathy may extend from poor education. The UAE ranks 90th of 125 countries surveyed for education quality.¹⁶² In 2007, the World Bank reported that the UAE’s knowledge economy (the sectors of the economy relating to the production of knowledge, which requires educated professionals) had shrunk since 2005, probably due to deteriorating domestic education.¹⁶³ Only 35 percent of Abu Dhabi nationals receive a private education compared to 84 percent of non-nationals.¹⁶⁴ Illiteracy in Abu Dhabi is about 7.5 percent, which is unacceptably high for an emirate with a per capita income of over \$100,000 dollars.¹⁶⁵ Strangely enough, the problem is lack of funding: per student financial support declined 20 percent between 2000 and 2007.¹⁶⁶ Education is viewed as a relatively low-status profession, resulting in few nationals training as teachers, while stagnating salaries have failed to attract expatriate teachers.¹⁶⁷ Abu Dhabi’s regime must change its nationals’ perspective on work, education, and the role of the government if it expects nationals’ participation in economic diversification and a stable development future.

Unsustainable Expenditure of Resources

The regimes of Saudi Arabia and Abu Dhabi subsidize resources to buy popular support and uphold the social contract, which enables an excessive use of resources. Yet as commodities become increasingly costly to meet increasing demand, this system is unsustainable. Both regimes are only now realizing this challenge. Abu Dhabi has the largest carbon footprint in the world: five times larger than the global average and six times greater than the carrying capacity of the Earth’s biosphere.¹⁶⁸ Saudi Arabia is the second-largest source of oil demand growth in the world because the government subsidizes gasoline for about 60 cents a gallon.¹⁶⁹ The Jadwa Invest-

ment Group predicted in 2011 that by 2030, Saudi domestic consumption of oil would exceed oil exports: Saudi Arabia will lose its source of national income.¹⁷⁰

A prime example of an unsustainable subsidy is natural gas. Both Abu Dhabi and Saudi Arabia face a natural gas shortage that disrupts their plans for electricity-heavy construction. Despite impending increases in gas production in Abu Dhabi, the regime will still face a gas shortage, as 85 percent of the emirate's power plants are gas fuelled.¹⁷¹ Shortages have already stalled "major development projects" in the capital and in other emirates.¹⁷² Saudi Arabia has an "acute need" for more natural gas, especially now that it has committed itself to an industrial future built on petrochemicals and products requiring natural gas inputs.¹⁷³ The regimes must accept that the current price of gas causes demand to exceed supply, and additional supply cannot be brought to market, so the regimes must increase the sale price to major users.¹⁷⁴ Although nationals may be accustomed to cheap energy, this purchase of regime support is unaffordable for both governments even now and will only become a more pressing concern.

The Expatriate Workforce

The lack of education and individual will to work in both Saudi Arabia and Abu Dhabi means that both regimes require a large expatriate workforce for their economies to function. In 2009, there were an estimated 8.8 million expatriates in Saudi Arabia, compared to a mere 3 million working Saudi males (and 500,000 working Saudi females).¹⁷⁵ Of these expatriates, 4.2 million are part of the workforce, accounting for 51 percent of the total workforce.¹⁷⁶ In Abu Dhabi, nationals account for 20.7 percent of the population and make up only 9.7 percent of the labor force.¹⁷⁷ Oil revenues have allowed the economy to grow on the back of a non-national labor force. When oil revenues decline, the regimes will no longer be able to fund tax-free and subsidized business. When this happens, much of the foreign workforce will depart. If the regimes do not change nationals' attitudes and abilities in regards to work or provide expatriate workers a reason to stay (i.e. citizenship), then no one capable of running an economy will remain, no matter how diversified the economy becomes.

The monarchies' efforts to correct the expatriate imbalance show no signs of success. As early as the 1970s, the Kingdom tried to restrict foreign access to the economy to create more space for Saudis. Because Saudi contractors could not fulfill their tasks due to lack of experience and capacity despite being "well-connected players" who knew how to work around different agencies' rules, many Saudis subcontracted projects to foreigners anyway.¹⁷⁸ The Arab Spring pressured the government to produce more job opportunities for nationals and led to a push for the "Saudization" of the workforce. Implementation relies on a compulsory quota system, as the Saudi workforce's lack of productivity and competitiveness challenge the private sector's willingness to hire nationals voluntarily.¹⁷⁹ Efficiency losses from national quota systems or occupational bans for foreigners lead many GCC businesses to informal or illegal avoidance strategies.¹⁸⁰ Hertog states that the only way to sustainably nation-

alize GCC labor markets will be supply restraints or taxation of foreign labor,¹⁸¹ yet at this point the national population would not be able to achieve the levels of productivity needed to sustain the economy after an expatriate departure.

One possible solution for the regimes would be to extend the opportunity for citizenship to expatriates to harness their skills for the countries' future development. Policies of excluding immigrant workers from citizenship have been highly effective thus far.¹⁸² Many guest workers "gradually transform into immigrants, but governments do not yet formally acknowledge" their relevance.¹⁸³ Instead, the regimes fight to prevent foreigners from earning citizenship — more citizens only means more popular support that must be bought to retain power. The regime believes immigration threatens the citizenry's cultural identity, social and political stability, and oil-based welfare system.¹⁸⁴

This concern may appear especially valid in Abu Dhabi. While many immigrants would be willing to sacrifice political and social freedoms for a share of the nation's oil-rents, nationals will not be able to maintain their luxurious lifestyle if their share of the nation's oil wealth is diluted by immigrants. A UAE passport is insufficient to be a "national" — one must have a family card confirming pre-1971 UAE ancestry to receive the enormous material benefits of Abu Dhabi's regime.¹⁸⁵ To gain a UAE passport without the vital family card conferring a share of oil wealth is still an undertaking. The regime requires thirty years of residence (only seven for Arabs) before applying, and those who become a national are permanently denied any political rights.¹⁸⁶ A naturalized citizen may then lose his UAE nationality for being absent from the country for longer than one year.¹⁸⁷

Since 2005, Saudi Arabia instituted a similarly challenging points system to gain citizenship. The government requires 23 points before an application is considered, though the point system at least sensibly takes education into account: ten points are awarded for ten years of residency or for a Ph.D. (thirteen points for a Ph.D. in medicine or engineering).¹⁸⁸ In a May 2007 report, the regime had not yet accepted any application.¹⁸⁹ This fear of immigration prevents Saudi Arabia from permanently acquiring the skills it needs to sustain economic diversification and growth. Yet each regime requires an educated population to diversify and develop its economy. If they are unable to create a national labor force capable of doing so while maintaining the social contract, then the regime should do everything it can to make sure the expatriate workforce is willing to stay.

IMPLICATIONS: THE DANGERS OF BUYING POPULAR SUPPORT

The danger of a social contract based on the "purchase" of popular support using oil wealth is the potential decline of oil revenues, coupled with an inability to find a new source of wealth. Leadership is a prerequisite for diversification away from oil, and Abu Dhabi and Saudi Arabia show varying successes in their respective attempts at diversification; Abu Dhabi represents an early and centralized diversification effort while Saudi Arabia represents a late and decentralized model. Strong lead-

ership and diversification planning do not save a rentier state from its fate, however: the oil to GDP ratio of both the emirate and the Kingdom is still above 50 percent. Both regimes support a coddled national population that to a great extent are uneducated, wasteful, and reliant on foreign labor to run the national economy. Abu Dhabi and Saudi Arabia's answer to addressing stagnant national populations and lack of economic diversification lies in education reform.

Improved education will help nationals think critically and develop employable skills. This investment in education and application of skills will allow nationals to contribute to economic diversification initiatives and compete on equal terms with expatriates. The regimes of both Saudi Arabia and Abu Dhabi fear that critical thinking could engender a desire for more political participation and undermine the rentier state social contract. However, the social contract is unsustainable in its current form. Oil revenues will diminish in the future; the regimes must either have an alternative source of income or deny constituents promised services. Discovering an alternative source of income is the best chance these regimes have to continue their reign into a post-oil era: they must show their capacity for good governance so that citizens trust the regime to make the best choices for economic growth and do not feel the need to interfere in the decision-making process. While economic diversification and education risk the loss of some power, it is inevitable that each regime will fall if it attempts to maintain the monarchy of a rentier state without the necessary revenue.

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BEYOND POLICY: BOTSWANA AND THE RESOURCE CURSE

Sean Donovan

Through a case study of Botswana, this paper offers insight into why resource rich African countries continue to be poor and prone to social unrest and whether outside policy intervention to create good governance can promote poverty alleviation. Upon its independence, Botswana emerged as a highly acclaimed success story of African development. Unlike other resource-rich African countries, Botswana avoided the adverse economic outcomes and social unrest associated with resource driven growth. The international community has framed Botswana's policy decisions as a successful blueprint for resource management and economic development in other African countries. Application of this policy blueprint in other countries, however, has not successfully led to increased governance and poverty alleviation, as the failure of policy intervention by the World Bank in Chad has shown. Good policy alone is not adequate in explaining why certain sub-Saharan countries have succeeded and others failed. Instead, it is argued that while prudent macroeconomic policy and good governance is necessary, they are not sufficient in explaining Botswana's success. Established democracy, ethnic homogeneity, and geography have also played a significant role in creating the conditions for Botswana's exceptionalism.

Introduction: Africa's Success Story

After securing independence from Britain in 1966, Botswana emerged as a highly acclaimed success story of African development. The land-locked state ranked amongst the twenty-five poorest countries in 1966; however, for the thirty-three year period after independence, Botswana possessed the world's fastest growing economy and sits today as an upper-middle income economy with a PPP-adjusted income per-capita of US\$ 16,800.¹ Botswana's success stands in stark contrast to the stagnant growth of the rest of sub-Saharan Africa. Botswana's growth can be traced to the discovery of diamonds in 1967. The diamond industry generates one third of the country's GDP and accounts for up to 80% of its exports.² The most remarkable aspect of Botswana's success though has been the management of its mineral wealth. While other resource rich countries in sub-Saharan Africa, such as Chad, Angola, and Nigeria, have fallen victim to the much publicized "resource curse" – the paradox that new mineral wealth inhibits long-term economic growth – Botswana has achieved unmatched development.

The international community and scholars attribute Botswana's success to its transparent, democratic institutions and prudent macroeconomic policy, especially in comparison to failed development projects littered across the continent. But to what extent would replicating Botswana's governance and policy lead to positive economic

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outcomes in similar resource dependent, sub-Saharan countries? Is Botswana an *a priori* blueprint for changing the fate of similar African states or are there further characteristics of Botswana that are necessary in explaining its success?

In exploring these questions, this paper will examine the economics of the resource curse and the lessons learned from the case study of Botswana. Subsequently, it will analyze how policy intervention in oil-rich Chad, based on Botswana virtues, has failed. Ultimately it will be argued that Botswana's policy decisions can neither be seen as an *a priori* blueprint for other African states nor a sufficient explanation of Botswana's success. Good institutions and policy are a necessary part of the equation, but Botswana benefited from exceptional structural characteristics, in particular, an established democracy, a homogenous population, and beneficial geography.

THE RESOURCE CURSE AND LESSONS FROM BOTSWANA

Often in developing countries, an influx of newfound mineral wealth leads to a self-perpetuating inequality trap that causes interrelated cycles of economic and social trouble. Economically, increases in government revenue due to mineral resources tend to be followed by increased government spending. This spending leads to currency appreciation and a rise in relative domestic prices. As domestic prices increase, domestic goods become less competitive both nationally and globally. The resulting demand shock retards growth in other industries – a phenomenon known as “Dutch Disease”.³ Socially, such riches produce extenuated inequalities, which lead to violent conflict that scares away investment in industries outside of the mineral sector – industries that otherwise could have reduced inequalities.⁴

The resource curse has been an Achilles' heel in development stories of the last half-century. Botswana is the only African state to have navigated both economic and social troubles. Nonetheless, the World Bank firmly believes that the resource curse is not inevitable: “The case of Botswana illustrates how a natural resource curse is not necessarily the fate of all resource abundant countries, and that proper institutions and prudent economic management can help avoid or mitigate the detrimental effects”.⁵

To avoid the resource curse, the World Bank recommends a three-prong ‘anti-resource curse’ program to transpose good governance and lead to positive policy outcomes: 1) ensure high transparency and strong checks and balances for all phases of natural resource extraction to minimize risks of rent-seeking behavior; 2) build public sector capacities in investment management, evaluation, and budgeting to help transform natural wealth into capital stores and intangible wealth; 3) put in place prudent, long-term fiscal rules that prevent over-depletion, save revenues to offset price volatility, and focus investment in long-term productive assets.⁶

The first two ‘anti-resource curse’ policies are inextricably drawn from the success of Botswana's strong, transparent governance. The country tops all African states with a Polity Score, a measure of democracy, of 8, corresponding to a “fully-functioning democracy”.⁷ According to the Berlin-based NGO Transparency

International:

Democracy is fully practiced in Botswana. The country operates a written constitution to which all organs of government are subjected. Elections are held on a regular basis. The Government is accountable to the people. Executive actions are subject to review. Citizens can sue the government in the courts.⁸

Furthermore, Botswana has the highest grade of all African countries in Transparency International's Corruption Perceptions Index. With a score of 65, Botswana ranks thirtieth overall, thirty-nine places ahead of the next continental African country, South Africa.⁹ Botswana also has a fully functioning free media that has actively fought corruption and attempts of government abuse.¹⁰

The third 'anti-resource curse' policy is also derived from Botswana's development strategy. Botswana's democratic government has facilitated long-term growth by focusing on two main principles: 1) avoid external debt and stabilize growth and 2) encourage economic diversification.¹¹ Accordingly, Botswana has invested mainly in infrastructure and education, programs that reap long-term rewards. Moreover, the government in Gaborone has diversified domestic industries, prevented currency appreciation, and stabilized growth in a Norwegian manner by "using the high revenues from the extractive industry to constitute a reserve of foreign currencies".¹² Accumulation of international reserves has allowed the government to avoid expenditure cuts when diamond prices cyclically drop.¹³

These policy prescriptions drawn from Botswana are intended to avoid the significant negative interaction effects on the economy of natural resource abundance combined with poor institutional quality.¹⁴ The World Bank believes that such 'anti-resource curse' policies can transform states with "grabber friendly institutions," characterized by a weak rule of law, malfunctioning bureaucracy, and corruption, from incentivizing gains from specialization in unproductive influence activities to incentivizing investment in non-primary production sectors that reduce dependence on resource exports.¹⁵

Economists Anne Boschini, Jan Pettersson, and Jesper Roine argue that such policies and their positive effect on institutional quality can turn resource abundance into an asset rather than a curse, "our results suggest that if a country such as Sierra Leone (with an average growth rate of -2.05 percent since 1975) were to close the gap in institutional quality with a country like Botswana (with a growth rate of 4.99 percent over the period), then its yearly growth rate would also approach that of Botswana."¹⁶

BLUEPRINT: CAN SUCH POLICY INTERVENTION BEAT THE RESOURCE CURSE?

The theoretical efficacy of such 'anti-resource curse' policies was put to the test with the 2003 \$4.2 billion Chad-Cameron pipeline project undertaken by the World Bank. The pipeline is projected to bring \$5 billion in oil revenues to Chad's economy over a 25-year period and represents the largest single private sector investment in

sub-Saharan Africa.¹⁷ Concerning the project, political scientist Scott Pegg wrote in *African Affairs*:

The Chad–Cameroon pipeline project has featured unprecedented World Bank policy interventions designed to address the complex environmental, social, and budgetary implications of large-scale oil production. The pipeline project is the World Bank’s most significant attempt yet to modify the intervening variable of government policy and transform the equation from one of resource extraction + bad governance → poverty exacerbation to one of resource extraction + good governance → poverty reduction.¹⁸

The World Bank’s strategy was three-fold and mirrored the Botswana ‘anti-resource curse’ policies. To prevent profligate spending and promote diversification, the World Bank designed a Revenue Management Program (RMP) that channeled funds through an offshore escrow account controlled by Citibank. Through the offshore account, the World Bank ensured that revenue streams were used for their earmarked purpose: 72% to education, health and social services, rural development, infrastructure, and environmental management; 13.5% to Chad’s treasury, 10% for a Future Generations Fund, and 4.5% for the Doba oil-producing region.¹⁹

Furthermore, in order to create transparency and avoid rent-seeking, the World Bank set up a special oversight committee – the *College du Control et de Surveillance des Ressources Petrolieres* (CCSRP). The CCSRP was staffed by Chadians from both government and civil society and was tasked with deciding how prospective projects were chosen, implemented, and monitored. Finally in order to ensure Chad had the institutional capacity to implement the RMP’s policies, the World Bank invested a total of \$41.2 million in capacity-building projects intended to improve regulatory frameworks, administer training programs, and create technical and legal supervisory bodies.²⁰

Ten years since oil first started flowing, and despite unprecedented efforts by the international community, the project has failed to achieve its objectives. In fact, Chad has seen both economic and social signs of the resource curse. Economist Nikola Kojucharov observes, “Oil has not improved Chad’s standard of living. The country remains plagued by a lack of basic infrastructure, energy, and health services, and a majority of people continue to live on less than \$1 a day”.²¹ Chad’s inability to comply with the terms of its poverty reduction and growth facility agreement (PRGF), a component of the RMP administered by the International Monetary Fund, led to the expiration of some funding in January 2004. The expiration of the PRGF combined with delays in receiving the first oil revenues contributed to a severe budget crisis during the first half of 2004.²² Moreover, the revenue management system fell victim to commonplace rent seeking as Chadian officials exploited loopholes and pocketed \$1-3 billion.²³

Socially, questions of political stability have intensified. “The addition of oil revenues to Chad’s political mix... has fueled a consolidation of authoritarian power,

a reaffirmation of the clan-based patronage in Chad's politics, imports of arms, further repression of civil society, and armed rebellion. Chad's civil and political rights are now at their historically worst levels".²⁴ In June 2003, President Idriss Deby, ended a twenty-five year tradition of naming a southern Christian as prime minister. Instead, President Deby nominated his relative, Moussa Faki Mahamat a fellow northern Muslim.²⁵ About a year later, after further consolidation of authority and an alleged coup attempt, open civil war between government and southern Christian troops erupted.²⁶ Recognizing these growing problems, the World Bank suspended its loans to Chad in 2006.²⁷ Clearly, the World Bank's policies had failed to prevent Chad from falling into the "resource curse" pattern.

BEYOND POLICY: WHY BOTSWANA WAS SUCCESSFUL AND PROVING EXCEPTIONAL

The failure of the World Bank's *a priori* policy intervention suggests that policy alone is not sufficient in explaining Botswana's success, and that replicating Botswana's governance is not a given path to poverty alleviation. If putting the proper institutions in place were the answer to the resource curse, the Chad development project should not have been such a disaster. Despite policy replication, fundamental structural differences remained between the two development projects.

Perhaps the most evident difference is the nature of the mineral wealth Chad's resource is oil while Botswana's is diamonds. However, normatively, Chad's resource should have been easier to manage than that of Botswana, "The effects of resource abundance differ for different raw material types, and the largest negative effect on growth appears to come from non-fuel extractive raw materials".²⁸ Countries with non-fuel extractive raw materials, like diamonds, are more prone to social unrest that prohibits stable growth than states dependent on fuel revenues. In a diamond rich country, like Botswana, a disenfranchised group can take up arms, seize control of the resource, and extract rents that fund a prolonged violent campaign, as seen in Angola and Sierra Leone. Conversely, in an oil rich country, the technical expertise required and the need for significant infrastructural investment makes it more difficult for dissenting groups to push the country off course.²⁹

If neither policy nor mineral type sufficiently explains divergent outcomes, what is missing? Botswana has proven exceptional because it has maintained sound policy and benefited from structural characteristics not found in any other resource dependent, African states. First, Botswana benefited from chronological luck. Democracy was established a year before diamonds were discovered and democratic virtues and norms were taking hold throughout society. Second, the country's population is fairly homogenous. Finally, the geography of the resources has allowed for easier management and less competition amongst actors.

DEMOCRACY BEFORE DIAMONDS: THE ROLE OF NORMS AND INTANGIBLE WEALTH

Botswana had a smooth transition to independent democratic rule. Institutions such as representative bodies, independent courts, an experienced bureaucracy,

and rule of law, were established during British indirect rule and allowed Botswana to have real limitations to executive power upon independence.³⁰ Additionally, the first diamond was not discovered in Botswana until 1967, a year after independence. Though little economic growth occurred during the year between independence and the discovery of diamonds, this course of events has had extraordinary benefits in mitigating economic and social unrest. Unlike many other African countries, “the fight for freedom was not marred by the fight for rent and those who led the country to independence did not do so to seize the reins of a rich nation”.³¹ In Botswana, the Western-educated, liberal-minded Seretse Khama was elected president in peaceful, multiparty elections and set a precedent for the peaceful transfer of power after the end of his elected terms. Conversely, other resource rich African states had their fight for freedom intertwined with control for mineral wealth. Angola’s 1975 independence from Portugal resulted in three parties simultaneously fighting for control of the state and its abundant oil fields and diamond mines.

Angola, Chad, and most other resource-rich African states epitomize what political scientist Paul Stevens calls a “predatory state,” characterized by ruling elites that exploit the national economy for the sake of their own enrichment.³² Conversely, Botswana’s experience with liberal democracy, and specifically, its entrenchment at the time of diamond discovery and its continuation following discovery, has fostered a “developmental mindset,” where “the state imposes on itself institutions which encourage transparent policy-making and retrain the abuse of power” in order to achieve poverty alleviation.³³

Supporting the developmental state are the normative values of democracy – conflict resolution, compromise, and equitability – which have allowed for resource wealth to be shared and saved responsibly.³⁴ The success and further strengthening over time of democratic norms highlight the existence of intangible wealth that has endogenously reinforced Botswana’s ability to manage its wealth. World Bank economists Otaviano Canuto and Matheus Cavallari explain, “intangible wealth in the form of governance quality is a key determinant to the outcome of natural resource abundance as a blessing or a curse.” Intangible wealth has allowed the Gaborone government “to invest rents in productive assets, thereby generating other kinds of abundance for future generations... and transitioning between *ex ante* scarcity and *ex post* abundance.”³⁵

LACK OF ETHNIC FRACTIONALIZATION

Countries with mineral resources and prominent ethnic or religious divisions have a greater record of conflict. “Mineral extraction is casually linked to violent conflict – partly because mineral wealth seems to heighten the perception of inequalities, which, in turn, can cause secessionist movements”.³⁶ Especially in countries with authoritarian regimes, or illiberal democracies, dissenting groups believe that resource wealth raises the benefits and lowers the costs of conflict, therefore creating a greater incentive to engage in economically disruptive violence, especially in the face of few

peaceful political channels.³⁷

Even in situations where countries are able to avoid ethnic conflict, ethnic fragmentation can lead to adverse economic outcomes. Economist Alberto Alesino argues that ethnic diversity can lead to increased political polarization that prevents efficient public expenditures as well as leads to growth-retarding policies such as financial repression and overvalued exchange rates that favor specific groups over the greater society.³⁸ William Easterly and Ross Levine, build on Alesino, finding that “high levels of ethnic diversity are strongly linked to high black market premia, poor financial development, low provision of infrastructure, and low levels of education... the evidence is consistent with the hypothesis that ethnic diversity adversely affects many public policies associated with economic growth”.³⁹

Chad, like most African states, is highly ethnically fractionalized with an ethno-linguistic fractionalization score (ELF) of 0.83.⁴⁰ Similar to most resource-rich sub-Saharan countries, Chad has been ravaged by decades of civil war between Islamic and Christian factions. Moreover, President Deby has consistently used oil revenues to favor his Islamic support base. On the other hand, Botswana has only two predominant ethnicities, one that is the clear majority, Tswana 79%, and an ELF of 0.51.⁴¹ When tensions have arisen, Botswana’s fully functioning democracy has allowed for power sharing and pluralism that more easily diffuses tensions than peer authoritarian regimes.

GEOGRAPHY OF RESOURCES

Several studies have shown a significant correlation between the geography (terrain and location) of mineral wealth, and conflict. In regards to terrain, there is a greater likelihood of rebellion in mountainous terrain.⁴² This relationship can most likely be attributed to the fact that governments find it more difficult to project authority and control mountainous terrain, providing a refuge for separatist groups.⁴³ Similarly, separatist movements are more frequent in periphery regions or regions that are not contiguous with the rest of the country.⁴⁴ Exacerbating this problem is the fact that there may be vast cultural differences between indigenous mountain or periphery populations and those located in the heart of the country. The conflicts of Chad, Angola, Congo, and Sudan, have all occurred in either peripheries or non-contiguous regions of the country. These conflicts erupted when distinct groups felt that their needs were not being fulfilled by the central government. The likelihood of conflict is heightened when the distinct group believes itself to have a legitimate claim to the resource revenue, either due to geographic proximity, as is the case of Chad with Christian minorities surrounding the oil fields of Doba, or due to absolute size of the group.⁴⁵

Once again, Botswana appears to have been the recipient of fortunate structural circumstances. The country, slightly smaller than the state of Texas, is predominantly flat and dominated by the Kalahari Desert in the southwest. Many parts of the country are sparsely populated, making it difficult for any potential dissenting groups

to gain needed support. Moreover, the location of Botswana's diamonds has allowed it to mitigate potential problems. Diamond production in Botswana is dominated by Debswana, a joint venture company owned equally by De Beers and the Government of Botswana. Debswana has three operational mines, Lethlakane, Orapa and Jwaneng.⁴⁶ The relative few mines along with the fact that only one foreign company is operating has allowed the country to maintain easy security and avoid ill-intentioned competition amongst many actors while maintaining a low profile. Lethlakane and Orapa are situated in the heart of the country, away from any periphery regions. Jwaneng is near the South African border, but only seventy-five miles from Gaborone, making it well connected with the commercial and political hub of the country. Conversely, the oil fields of Chad, as well as Nigeria, are concentrated in remote, minority-occupied parts of the countries that are the site of constant conflict.

CONCLUSION: THE FAILURES OF UNIVERSALITY IN AN INDIVIDUALIZED WORLD

The fact that Botswana has unprecedentedly navigated the resource curse in sub-Saharan Africa has put it in a unique position in development studies. Much of the international community draws on Botswana for lessons that can be applied throughout the region. The World Bank holds that the resource curse is not inevitable and that prudent policy intervention can temper both the social and economic pitfalls. However, as the Chad-Cameroon pipeline project shows, policies favoring discreet spending and equitable distribution mixed with institutional oversight are not fail proof. Merely creating conditions that replicate Botswana governance is not sufficient to mitigate trouble because countries have highly individualized political, economic, and social dynamics. Moreover, as it has been shown, Botswana has benefited from a series of exceptional structural characteristics that favor growth, social equality, and conflict prevention.

Although there are lessons to be learned when considering the need to curtail government spending, invest wisely, and avoid currency appreciation throughout development, Botswana cannot be seen as a blueprint for poverty alleviation in sub-Saharan Africa. Good governance is not a good that can be imported, as it is impossible for a centralized bureaucracy, whether of an authoritarian regime or the World Bank, to plan for all possible problems or changing, local circumstances. "Corruption and weak institutional capacity can only be addressed by governments that take ownership of their policies, and understand not only their own technical limitations, but also the social landscape within which they operate".⁴⁷ All too often, such simplifications, superimpositions, and cookie-cutter models of development have adverse outcomes. It is instead crucial to look for organic solutions that rely on a level of individuality that draws its success from internal conditions.

NOTES

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SELECTIVE INTERVENTION: WHEN AND HOW THE U.S. SHOULD INTERVENE IN CASES OF GENOCIDE

Henry Frost

Genocide intervention is a highly debated issue in US foreign policy. The debate follows two questions: whether the policy of US intervention is tenable, and if intervention can be justified, when and how the US should intervene. In this paper, I set out to provide concrete guidelines for the United States' conduct within the context of international instances of genocide. I will first explain two major, competing schools of thought on the United States' role in genocide intervention and then outline central weaknesses of each theory. Then I will provide concrete criteria for US intervention. Lastly, I will note why the US needs to be involved, but that it ought not to "go it alone" in the face of a humanitarian crisis. This discussion will demonstrate that the US has a responsibility to intervene in genocide only when vital national interests are at stake or when it is a non-majority partner in an international humanitarian coalition and hopefully bridge the gap between opponents and proponents of intervention.

The first major school of thought in the intervention debate is the non-interventionist school. Non-interventionists maintain that the US has no place interfering in foreign conflicts and argue that cases of genocide are no exception. This reasoning is based on the desire to avoid military and budgetary quagmires. Critics of intervention argue that "the United States cannot and should not be the world's policeman,"¹ claiming that it leads only to the loss of blood and treasure. Many recent cases of US military intervention (Afghanistan, Iraq, Somalia, Lebanon, Grenada, Haiti, Bosnia, and so forth) have led to American deaths and questionable, varying levels of success. These critics argue that the US has lost too much already while trying to intervene in humanitarian crises; going forward, "U.S. intervention using military force should be reserved for protecting vital American national security interests."²

The non-interventionists raise several important concerns. Past US interventions have shown that solo interventions in unstable situations tend to result in costly and unsuccessful outcomes. In addition, focused intervention only in areas where US national interests (loosely defined as issues of security and prosperity) are directly at stake may be able to accomplish many of the same goals with lower costs. Finally, military and civilian responsibilities must be clearly divided in any intervention strategy, as detailed by Kenneth Allard in the case of Somalia.

The second major school of thought, which rose to scholarly preeminence

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in the wake of US inaction in the Rwandan genocide, holds that as the world's primary superpower, the US has a moral responsibility to intervene in instances of mass killings. The US notably failed to act in Rwanda, with the Clinton administration, even as late as June of 1994 when the death toll had risen into the hundreds of thousands³, instructing "its spokesmen not to describe the deaths [in Rwanda] as genocide."⁴ Brooks, Wohlforth, and Ikenberry articulate this continuing issue, writing "the commitment to humanitarian intervention is...variable, with Presidents George H.W. Bush, George W. Bush, Bill Clinton, and Barack Obama veering between seeming denials of any US obligation, soaring rhetoric affirming the 'responsibility to protect,' and case by case conditional arguments."⁵ Evans and Sahnoun write that such uncertainty is unacceptable, and that the international community has a clear and undeniable moral "duty to protect communities from mass killing, women from systematic rape, and children from starvation."⁶

Interventionists advance a powerful moral argument for US action in cases of genocide, action to prevent these atrocities. However, the interventionist argument is not just a moral one; intervention has strong repercussions for pragmatic US interests as well. Genocide is generally symptomatic of unstable, failing, or failed states (as evidenced by Somalia, Rwanda, and Sudan). Genocide also promotes instability, as groups form to combat the mass killings. Genocide and civil war often go hand in hand and are at times indistinguishable. The pragmatic argument finds its base in this instability. Failed states are inherently contrary to US interests. They can destabilize regions, cause violent spillover into countries in which the US has important economic or diplomatic ties, and become hotbeds for terrorism. Avoiding the failure of states such as Yemen, Afghanistan, or Somalia is a direct US security interest. Intervening in instances of mass killing and helping to stabilize fragile countries can prove a powerful asset to American interests abroad.

Both schools of thought – non-interventionist and interventionist – have indefensible elements. The non-interventionist school allows for atrocities to occur across the globe while the United States stands by, even when action could end the suffering or when genocides pose direct threats to national security and prosperity. The interventionist argument is primarily limited by pragmatic concerns. The US has the largest and most powerful military in the world, but that military has its limits and is already stationed across the globe. If there were US deployment in all cases of mass killing, the US would need to support troop action in the Democratic Republic of the Congo, Sudan, Uganda, Syria, Somalia, Afghanistan, Pakistan, North Korea, Myanmar, and Ethiopia⁷ as well as the 38 countries Genocide Watch claims are at a high risk of genocide. Attempting to prevent mass killing in 48 countries is simply beyond the scope of any modern military, even the with the support of the joint forces of the United Nations.

Next, I will outline specifically when the US should intervene in cases of mass killing and genocide and, when it does intervene, how it should go about its intervention. I will divide cases that warrant intervention into two categories: (1) threats

to US interests; and (2) humanitarian crises. Intervention when vital US interests are threatened is generally supported, although there is much debate as to what constitutes a “vital” interest. Interventionists broadly classify vital interests to encourage support in a wider array of cases out of humanitarian concerns. Conversely, non-interventionists downplay the importance of certain interests to keep the United States out of foreign conflicts. However, it is generally agreed that a credible threat to US homeland, a direct threat to a key US ally, the likelihood of increased terrorist activity, or the threat of nuclear terrorism or nuclear rogue/failed state are scenarios that impact US security. US prosperity is affected by a threat to crucial resource(s), instability in key trade region, or a direct threat to key US trading partner. These situations present a direct threat to US interests by threatening US security and prosperity and thus demand intervention on a pragmatic front.

Critics of these criteria may argue that these categories give the US too much flexibility in interventions. For example, the threat to oil resources in the Persian Gulf could be used to justify the Iraq war, while the threat to key allies (South Korea, Japan) could justify armed intervention in North Korea.⁸ These claims, however, take the criteria as absolute, assuming that if an instance of mass killing can be seen as harmful to US interests, intervention is immediately demanded. Three further criteria limit US intervention when interests are threatened. First, as argued by Charles Pena, an intervention cannot stretch US resources too thin. Second, a careful cost-benefit analysis must be done to ensure that the benefits of invading outweigh the costs. Third, the US must ensure that an invasion will not increase the danger it seeks to mitigate.

Both the cases of Iraq and the North Korea fail this first criterion. When the United States first invaded Iraq, the US already had 10,000 soldiers deployed in Afghanistan and was spending billions of dollars per year on that conflict. Deploying 67,000 troops to Iraq in 2003 and increasing that number to 130,000 the following year while simultaneously increasing troop levels in Afghanistan stretched US military resources beyond their optimal utility and jeopardized war efforts in Afghanistan.^{9,10} During peak years, the US had nearly 200,000 troops deployed between the two nations. Invading North Korea would prove yet another instance of stretching the military commitments, since the US still has a major presence in Afghanistan and deployments around the world.

The second criterion mentioned above primarily relates to Iraq. Critics might point out that the threat to crucial resources criterion mentioned in the list above would justify an invasion of Iraq to protect Gulf oil resources, but this argument rings hollow. In 2002, the year before the US invaded, Iraq was producing just over two million barrels of oil per day. Saudi Arabia, a US ally, was producing over 7.5 million barrels per day. Even Kuwait and the UAE, both much smaller nations, were topping Iraqi oil production, at almost 2.3 and 2.5 million barrels per day, respectively. Even at its peak production, in 1989, Iraq never topped three million barrels per day.¹¹ Especially with the harsh UN sanctions in place, Iraq was not a crucial oil producer for the United States. In addition, oil is a fungible commodity so a loss in

oil production in Iraq would not likely significantly affect world output. Iraq's internal actions alone were thus not enough to truly meet this criterion; Iraq would have to have threatened Saudi, Kuwaiti, or UAE oil production.

The third criterion applies mostly to North Korea. An invasion of North Korea could potentially expose Japan and South Korea to more danger than the present situation. If an invasion would increase danger, than security interest criterion cannot be used to justify an invasion. If the US were to invade North Korea, a threatened and desperate North Korea might respond with nuclear attacks on its US-supporting neighbors. Since a direct threat to an ally is a more serious concern in the case of invasion than in the case of inaction, it cannot be used to justify intervention. In sum, it is important to recognize that the seven criteria outlined above are contingent upon cost-benefit analysis and the three limits outlined above.

The second broad category of intervention is intervention for purely humanitarian motivations, encompassing any intervention in which genocide or mass killings are occurring but no vital US interests are threatened. The US must engage in this sort of intervention far more cautiously than many interventionists would advocate. If intervening for purely humanitarian purposes, the US must never intervene alone and instead engage only as part of an international coalition with international legitimacy stemming from institutions like the United Nations or International Criminal Court. When the US acts alone, it loses moral authority and opens itself to criticisms of imperialism and greed. In addition, the US must play a minority role in such an intervention. The US can supply a plurality of troops, materiel, or financial resources; it simply ought not to supply an outright majority or position itself as the leader of the intervention. The United States must demonstrate a commitment to international justice, but it must also demonstrate that it will participate as a partner. In Somalia, the United States supplied 28,000 troops while the other 20 countries of UNITAF provided an additional 17,000.¹² Such unilateral support is not sustainable or internationally supported and must be discontinued.

Therefore, the concept of selective intervention bridges the gap between the interventionists and non-interventionists. The US cannot afford to stay out of conflicts in which vital US interests are at stake. The sweeping isolationist stance of non-interventionists does not hold in all cases; if genocide of Rwandan proportions were to begin in France, I contend most non-interventionists would advise engaging. Similarly, genocides in the Persian Gulf, East Asia, or Western Europe would likely compel non-interventionists to support an intervention. Thus, there are cases in which both interventionists and non-interventionists can agree that US intervention is necessary to secure security and prosperity.

Humanitarian intervention remains controversial. However, even non-interventionists could be convinced to contribute limited US resources to an international coalition in which the US played a minority role in ending mass killings and genocides abroad. In exchange, interventionists ought to compromise, stepping back from their unlimited intervention platform to accept limitations on US allocations in exchange

for support of limited intervention. This strategy of selective intervention in genocide provides a means to intervene when vital US interests are at stake or humanitarian crises require engagement, without overtaxing US military forces or undermining US moral authority and legitimacy.

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COLOMBIANS SHOULD NOT SACRIFICE JUSTICE IN THEIR QUEST FOR PEACE

Max Lu

The Colombian government is currently negotiating with the Armed Revolutionary Forces of Colombia (FARC) on a potential deal that would end a violent revolution that has been ongoing for nearly fifty years. One critical aspect of the negotiation that has yet to be resolved is how the government will treat FARC leaders responsible for the many atrocities committed by the organization.

Over the past five decades, the FARC has committed numerous crimes that have victimized thousands of innocent Colombians. These crimes include kidnapping, murder, extortion, and drug trafficking. A study by Colombia's National Center for Historical Memory estimates that approximately 220,000 people have been killed in the violent conflict. Allowing the leaders of the movement to integrate into society without any punishment would embolden other members of the group to splinter and continue fighting.

A similar situation occurred with the demobilization of the United Self-Defense Forces of Colombia (AUC) in 2006 when the leaders of the organization started a political party but a splinter group continued to fight. The government is capable of deterring regional leaders from violating peace deals and creating new resistance organizations by clearly delineating how it will hold these leaders directly accountable for the crimes they commit and making the Colombian military a threat to these organizations.

The Colombian Congress voted last year to pass the Legal Framework for Peace, which allows amnesty for rebels who lay down their weapons, cooperate with investigators, and compensate their victims. Although this transitional justice legislation does not apply to those that are most responsible for crimes against humanity, Congress has unlimited authority to pass laws that suspend punishments for these individuals. In August 2013, the Constitutional Court of Colombia upheld the Legal Framework for Peace law. While amnesty is being granted to lower-level FARC members, President Santos should not approve any bills from Congress that suspend sentences for the senior FARC leadership.

In 2011, the Colombian military successfully killed the top military commander of the FARC, Alfonso Cano and a year earlier killed Jorge Briceño, the second in command. More recently, it has eliminated El Burro, Jamito, Caliche, and Zeplin, all important figures within the organization. This strategic elimination of the FARC's leadership has greatly reduced the operational capability of the organization, and the Colombian military continues to target the group's leadership.

During previous attempts at peace negotiations with the FARC in 1999, the government gave the FARC a safe haven the size of Switzerland. This decision allowed the FARC to regroup as an organization and circumvent any real attempts at

negotiation with the government. During the present peace talks, the government has decided to maintain military operations in order to avoid the mistakes of 1999 that resulted from the suspension of military operations during the peace negotiations. By maintaining military operations, the government is sending a clear message to FARC leaders that they will continue to be targeted if they do not reach an agreement with the government.

Because of its firm stance on continued military operations, the Colombian government is now in a strong negotiating position. *The Economist* recently published estimates that FARC membership is now down to around 10,000 members from a peak of 18,000 members. A poll by the AmericasBarometer of Vanderbilt University showed that more than half of Colombians consider themselves victims of the conflict and less than 7% of them would even consider voting for a political party associated with the FARC. This frustration with the FARC is not new. In 2008, for instance, more than a million Colombians took to the streets as part of the “One Million Voices against FARC” movement. The FARC’s increasing dependence on violence decisively shifted public sentiment and reduced support for the organization’s ideology.

Unfortunately, President Santos is currently rushing to establish a deal to save his political career. A recent Gallup Poll showed that his popularity has plummeted from 48% to 21%, likely due to his deployment of the military in the capital to quell protests by farmers. He knows that he must reach a deal with the FARC before the presidential election in May 2014 if he is to have a chance at re-election. Trying to win an election, however, is no excuse for him to make unnecessary concessions to expedite a potential peace agreement between the government and the FARC.

For example, the recently announced draft agreement on political participation between the government and the FARC would allow members of the group to seek positions in the Colombian government. It would create temporary congressional districts in areas where FARC members are more likely to win and would provide armed security for FARC politicians. The latter provision is necessary to prevent a recurrence of the bloodshed that broke out during the FARC’s last attempt at democratic participation as members of the Patriotic Union political party, which resulted in the murder of thousands of politicians affiliated with the FARC.

The Colombian Constitution forbids anyone who has been convicted of a crime from holding public office. By granting amnesty to FARC members, the Colombian government is allowing individuals who in other circumstances would be deemed criminals and convicted to the fullest extent of the law the possibility of holding public office. The idea that FARC members who orchestrated the deaths of innocent civilians are granted impunity and can therefore run for political office is very troubling. The best measure the government can take to prevent FARC members with criminal records from holding public office is to cease granting them amnesty and to convict them of the crimes they have committed.

As the transitional justice negotiations between the Colombian government

and the FARC are underway, the government should demand that the FARC leaders who are most responsible for orchestrating crimes against humanity be punished proportionately for their crimes. It is unreasonable to expect that every guerrilla be brought to justice without significantly more bloodshed. The reality is that reintegrating the large number of lower ranking rebels into civil society is the only workable solution. The leadership, however, must be held accountable for their crimes; no agreement between the Colombian government and the FARC should shut the door to justice for victims.

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BOOK REVIEW: THE ARAB UPRISING

Kate Bradshaw

The Arab Uprising: The Unfinished Revolutions of the New Middle East by Marc Lynch is an ambitious effort to tell the story of the revolutionary movements that swept across the Arab world nearly three years ago. Although it is clearly not meant to be a formal academic work—"tweets" are cited in the footnotes—it is nonetheless nuanced and deliberate. While Lynch, a White House insider and expert on the Middle East, is credited with coining the phrase "Arab spring," he pointedly uses the term "uprising" not only to reflect a less-than-optimistic view of events, but also to emphasize that these events were not simply individual instances of protest but part of a larger popular movement.

In the book, Lynch first offers a compelling narrative of revolutionary events and connects them to the political activism of the past. He then uses this as a framework to articulate a US foreign policy in the face of shifting power balances in the Middle East. While at times Lynch struggles to balance his desire for both clarity and nuance, the *Arab Uprising* provides a crisp narrative of past and present revolutions in the Middle East and clearly presents the implications for American policy.

Lynch begins in Tunisia, with the self-immolation of Mohammed Bouazizi to protest the abusive, corrupt police. This moment catalyzed a chain of events across the Middle East that would rapidly change the face of Arab politics. Within a month, President Ben-Ali would flee Tunisia in the Jasmine Revolution and hundreds of thousands of youth protestors would storm streets across the Arab world. Within a year, Arab leaders in Egypt and Libya would also fall. These uprisings resulted in the empowerment of the recently formed Arab public sphere, a "radically new political space." Meanwhile, the pushback of counterrevolutions in other countries, such as Yemen, Bahrain, and Syria, was condemned by the international community. Lynch heralds this as a historical breakthrough, arguing that this response established an international norm: authoritarian regimes lose legitimacy when they attack their own citizens.

Lynch then sets these uprisings in a historical context, as a "third wave" of popular mobilization following the political activism of past decades. The preceding two waves, the first coinciding with the rise of pan-Arabist sentiments in Egypt in the 1950s under Nasser and the second with the authoritarian regimes throughout the region in the 1980s and 1990s, failed to yield democratic transitions despite commonalities with the current wave. In fact, many of these uprisings led to a retrenchment of authoritarian regimes. Thus, Lynch argues that it was not the political mobilization itself, but rather its success during the third wave, which was unexpected.

The third wave of mobilization arose at the turn of the millennium, beginning with the second Palestinian Intifada, escalating through the U.S. invasion of Iraq,

and peaking with the 2011 uprising. At the time, there were significant changes in communication technologies, including the rise of the al-Jazeera network, increased accessibility to cell phones, and greater use of the internet, particularly of social media sites such as Facebook and Twitter. Lynch argues that this transformation of communication technologies, coupled with a history of activism, catalyzed the growth of a new public sphere. This public sphere, a safe space for political discourse, was the foundation for mobilization. The more open public sphere allowed for the mockery and criticism of regimes, which eroded their legitimacy. Although Lynch uses the case of Yemen, a country with an internet penetration of around 2% but successful regular protests, to suggest that technological advances are given too much credit for coordinating revolution, he still supports the essential role of technology. Twitter effectively supplemented al-Jazeera's larger media narrative, swelling what might have been simply a series of disparate protests across the Arab world into a chorus of pan-Arabist solidarity. Shared hashtags, protest strategies, slogans, and Friday protests exemplified this interconnection.

Lynch also credits the cooperation and cleverness of the protestors themselves for the success of the protests. Media-savvy youth activists who were frustrated with poor economic conditions and a lack of opportunity worked with their older counterparts who had experience in the protests of the first decade of the 2000s, such as Egypt's Kefaya movement, Lebanon's Cedar Revolution, and Bahrain's democracy activist movements. This coupling of social media know-how and experience allowed the protestors to outmaneuver regimes. For instance, during one protest, activists posted a decoy meeting place on Facebook, and then texted the actual location to loyal protestors, buying time before the security forces arrived.

After briefly analyzing the foundations of political mobilization across the Middle East, Lynch then examines the results of the revolutions associated with the Arab uprising. He narrates the initial triumphs and ultimate limitations of regime change in Tunisia and Egypt, labeling them as stalled revolutions. He also describes counterrevolutionary responses in the region taken by regimes and their allies – the direct intervention in Bahrain and monarchical reform in Morocco and Jordan. Lynch calls Yemen a “forgotten revolution,” in part due to media sources' minimal coverage, and outlines Syria's tragic descent into civil war. Despite the connections of the Arab uprising, “variations are growing more profound: the states of the GCC [Gulf Cooperation Council] have proven thus far to be more resilient, the states of North Africa have experienced the most change, while the Arab heartland from Palestine to Iraq remains unstable, open, and contested.”

The changing landscape of the Middle East requires a US foreign policy shift, and Lynch uses the historic and present events as a framework for foreign policy recommendations. He notes the “successes” of Tunisia and Egypt, the positive outcome of the NATO intervention in Libya, and the failure of the US to intervene in Bahrain, and emphasizes the need to consider the newly empowered Arab public sphere. While Lynch defends the Obama administration's decision to avoid interven-

tion when possible, he also warns that changes are needed in the State Department and White House in confronting the power of the Arab public sphere. In encouraging democratic transitions in the Arab world, he argues, the US ought to recall the painful lessons of the Bush administration—primarily, that in a representative democracy in the Arab world, Americans should expect to see a rise in Islamist influence, and the subsequent growing need to deal with the Israel-Palestine conflict and anti-American sentiment.

Throughout the *Arab Uprising*, Lynch focuses primarily on the formation of a pan-Arab identity within an Arab public sphere and the idea of a single popular mobilization across the Middle East. This at times seems reductive, even when balanced by his comprehensive survey of uprisings from Libya to Bahrain. Lynch, like so many other experts, struggles to strike a balance between offering a layman's guide to the Middle East and painting the region with a single brush. However, this can be forgiven in light of his advocacy for conceptualizing foreign policy in the Middle East on a case-by-case basis. Overall, Lynch provides a cogent account of the historical and contemporary forces shaping the Middle East, and his warnings about the need to reassess and retarget American foreign policy, especially in terms of the Israeli-Palestinian conflict, ring true.

THE RAMIFICATIONS OF REVOLUTION IN THE MIDDLE EAST: AN INTERVIEW WITH MARC LYNCH

Conducted by Feyaad Allie & Max Lu

Marc Lynch is professor of political science and international affairs at George Washington University where he is also the director of both the Institute for Middle East Studies and the Middle East Studies Program. He is also an editor of the Middle East Channel for ForeignPolicy.com, and a Non-Resident Senior Fellow at the Center for a New American Security. Lynch publishes frequently on the politics of the Middle East, with a particular focus on information technology and political communication, Islamist movements, and the international politics of the region. His most recent book is *The Arab Uprising: The Unfinished Revolutions of the New Middle East* (2012). His other books include *Voices of the New Arab Public: Al-Jazeera, Iraq, and Middle East Politics Today* (2006), and *State Interests and Public Spheres: The International Politics of Jordan's Identity* (1999).

What do you think the goals of the Arab Spring were and do you think that they were achieved?

It's hard to say the Arab Spring had goals because it wasn't an actor. It was a moment. There were lots of different groups that had many of different goals. And I think probably all of them have been frustrated. I don't think any of those groups have accomplished what they wanted. I think that generally, there was just a huge amount of discontent with the status quo. The people were very frustrated and wanted to rise up and challenge the existing regime but they had no idea what they wanted to replace it. The issues that motivated the people were related to economics, corruption, and lifestyle. I think that if you look at where we are now, it's pretty clear that in no country can you really say that there's been a positive change that's been sustained or institutionalized. I haven't given up on and nobody should give up on many of these countries.

You and other scholars have emphasized the role technology played in the Arab Spring and the fact that it created a public sphere that established a common Arab identity. Do you still think there's still a sense of this shared identity across the Middle East?

The thing about the Arab Spring is that it didn't actually start anything. It's a moment within a much longer scale, a much broader transformation related to information technology. You see this development from 1990 onward into the 2000s: satellite television, then the Internet, then social media and smart phones. All of these things are ways that people can communicate with each other, express ideas, and overcome government censorship. They should be thought of as tools that are useful for people with grievances to accomplish things. In terms of the unification of Arab identity, Al Jazeera and satellite television were the single most important part of this unification. By the time you get to 2009-2010 a lot of people thought that the sense of shared identity had become more about sectarianism. If you look at the early days of the Arab Spring it was really extraordinary the way that everybody jumped on this

common narrative. Al Jazeera would be showing these split screens of six different cities at the same time all chanting the same thing and all making the same demand in radically different countries.

How do you think the events of the Arab Spring have affected al-Qaeda's ability to operate in the Middle East?

Early on, the Arab uprising was really bad for al-Qaeda. It really did take the wind out of their ideological claims: that you could only achieve change through Jihad. So al-Qaeda was down but obviously they came back up. And the more democracy fails in Egypt, the stronger the radical Islamists will get and the weaker the moderate Islamists will get. One important area is Syria, which is particularly similar to Iraq in the mid 2000s. This has become not just the regional but also the global magnet for Jihadists. Arguably, it's already the case that there's almost an independent al-Qaeda emirate spanning parts of western Iraq into Syria. But again, you don't know where this is going to go in the next few years. If you looked at al-Qaeda in Iraq in 2006, you would have projected that they were going to be controlling the entire country by now. But instead they suffered rapid and pretty devastating defeat. The same thing can happen in Syria but that doesn't necessarily mean it will.

*When you published your book, *The Arab Uprising*, in 2012 you were optimistic about the role of religious parties in Egypt. How does that optimism play out today?*

I'm really pessimistic about Egypt now. In some ways, Egypt was on a track that could have produced almost the best possible outcome, which would have been the Muslim Brotherhood ruling incompetently, Egyptians going to the polls, and the Brotherhood being roundly defeated and leaving power. And that would have been one of the most important moments in the history of political Islam, proving that they could actually accept defeat at the polls, sending them back to learn and study and figure out what went wrong. In many ways, I think the military coup bailed the Muslim Brotherhood out and drove them underground. It's going to be a while before we know what form they reconstitute themselves in. It's hard for me to imagine them ever really believing in democracy again after the military coup sweeps them from power and the world stands by and doesn't do anything. I don't think that the Muslim Brotherhood itself will become violent, but I think that it's going to have a lot more trouble controlling its own people. The organization is in shambles. Thousands of its leaders and mid ranking officials are in jail, so the Egyptian Muslim Brotherhood isn't really controlling anything right now. Now, extremists are able to gain followers by emphasizing the failure of democracy. Even if they can pick one out of every ten that they try to sway, that would be a radical expansion in their size and power. So I'm very pessimistic about Egypt especially regarding the Islamists. I am also not confident in the so-called liberals and their embrace of the military coup, and the general way xenophobic nationalism has swept the country. People want to pretend that Egypt is about to take a turn back towards democracy. But I think it's going to be a long time before we see anything like that. Their politics are broken.

In reference to Egypt, in light of the military takeover, do you think the US should suspend all civilian and military aid to the country?

I thought that they should have suspended aid on July 4th or on August 15th; in other words, immediately after the coup or immediately after the quite horrifically bloody clearing of the sit in. When they announced the partial suspension six weeks later, it made no sense and it didn't accomplish anything. The reality is that the US has very little leverage in Egypt right now. The public opinion is strongly against it, the military is fighting for survival, and the brotherhood feels betrayed. We are a very marginal player in Egypt right now. I do think we should suspend aid, but we should have done it immediately to send a message. We should not have cancelled it, but suspended it with clear conditions for what they had to do to get it back.

In your book, you praised President Obama's handling of the Middle East for its case-by-case approach, where he sided with protesters while considering long term US interests. Do you think this is still true for his handling with Syria?

With Syria, I think he has done extremely well staying out of it. There's a very real possibility that Syria could have turned into another Iraq, not because Obama would have decided to invade but because if you start with safe areas and no fly zones and those fail, you're then inexorably dragged into escalating. Keeping us out of it is a real accomplishment because I think that almost everybody expected that we would have been brought in by now. I don't think there's any solution for Syria. I think there's going to be a civil war there for the next five years regardless of if, when, and how Bashar al-Assad falls. The state is shattered, power has devolved to a local level, and the best that anybody on the outside can do is to try and mitigate the effects. I think that Obama probably should not have prematurely said, "Assad should go." I think that he thought at the time that it was going to happen and wanted to be on the right side of history, but I think that Obama underestimated Assad's ability to hold on to power. Around the spring of 2012 when Kofi Annan's mission was trying to convene the first Geneva conference, I think there was a real but small chance of finding a solution. After that and especially after Kofi Annan resigned, you see this enormous spike in violence and arms flooding the country in both directions, and from that point on, I just don't think that there was much that anyone could do. Arming the opposition just puts more guns on the table and doesn't change very much. One of my all-time favorite column titles was "Expel Assad." It was like saying the magic words "Assad must go" as if it does anything. It just creates a set of commitments. Now you've said it but you have to make it happen. We never had the resources or abilities to make it happen, so we never should have said it.

Do you think that President Obama is considering the newly empowered Arab public when he makes foreign policy decisions in the Middle East?

I think he was during the heart of the Arab Spring. For example, I don't think you can explain the Libyan intervention without looking at how the peace process

happened in the region, the importance of public opinion, and the momentum on its side. I think Obama and a lot of other people kind of lost faith in it though, especially due to this profound wave of irrationality and Anti-Americanism. For example, many Egyptians really believed that the ambassador of the US was conspiring with the Muslim Brotherhood running sniper squads and shooting army officers. And why do they believe it? Because it's in the front page of newspapers and it's being widely broadcasted on television. It's become really hard to engage when that's the level of engagement. If you look at the latest UN speech there's almost nothing there about democracy or engagement. And I think that just goes back to that deep frustration.

Do you see more uprisings similar to those of the Arab Spring occurring in the Middle East or North Africa?

Not right now. Right now is kind of like a down period. In about two to five years, I think it is possible. None of the underlying problems have been solved. Right now, General Sisi in Egypt is clearly planning to run a kind of authoritarian regime with a democratic shell. Right now he and the military are extremely popular. But it's not going to last because the economy is worse than ever despite the Gulf having pumped in \$15 billion in a few months. No one is making enduring changes to the economy. All they're really doing is paying off the balance of payment and propping up the currency. There has been no impact on the quality of life for the average Egyptian, and state institutions, education, and healthcare are still disasters. Basically, Egyptians are angry, frustrated, and exhausted. Right now, they can all kind of agree on the Muslim Brotherhood as a common enemy. That's not going to last. You can do that for a year, but soon the Brotherhood will have been gone for two years, people will have forgotten, and the economy and state institutions are still going to be in shambles. At this point, people will be used to protesting. Therefore, I think that it's very likely to see protests break out in Egypt again. Tunisia right now is kind of hanging by a thread. Algeria has a sick president who has just decided he's going to run for a fourth term because the elites can't decide on a replacement despite his critical medical condition. That's always a prime time when you tend to see political uprisings. And then you have the spillover from Syria, which right now is actually keeping people away from protest. Jordanians who dislike the king are discouraged from protest due to the chilling effect of the situation in Syria. People always think the Gulf is stable, however it really isn't. Qatar and United Arab Emirates are fine, they're rich and tiny. Saudi Arabia has a world of problems. Kuwait has a political crisis that just won't end. Oman's got a succession coming up, and no crown prince or the equivalent, no designated successor. For those reasons, I think you're likely to see another wave of protests.

