

Undergraduate Journal of International Studies

Issue #3 Winter 2009



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Special thanks to the Indiana University Department of International Studies and the Center for the Study of Global Change, whose encouragement and financial support made this project possible.

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Sovereign (In)equality: How Decolonization Shaped the World Order

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The relationship between decolonization and international law has been an understudied venture; in this paper I re-examine this relationship, and pay particular attention to the general understanding that the process of decolonization resulted in a world of universal international law amongst sovereign equals. In doing so I challenge some of the fundamental underpinnings of international law – such as the idea that relations between States are governed by the rules which fit under the heading of “sovereign equality” and the notion that decolonization ended in a world populated by independent sovereign States. Rather, I seek to argue that the process has largely been fraught by attempts from the dominant powers in the world order to maintain their positions of hegemony and to ensure the articulation of their world view. In doing so, this paper is concerned with power, politics and the unequal shape of the international world.

Introduction

International law prior to 1945 was the exclusive preserve of a Family of Nations composed mostly of European States.¹ The law itself was constructed through bilateral agreements between States, and through concerts coordinated by the Great Powers. State interaction was predicated largely on power relations, and there were very few limits on the exercise of that power.² The international legal order established in 1945, however, presented a very different state of affairs. In 1941 US President Franklin D. Roosevelt and British Prime Minister Winston Churchill drafted what came to be known as the Atlantic Charter – their joint vision for a post-war world. This set in motion a series of events leading to the consolidation of an Allied plan for a post-war International Legal Order, based on the coordination of the Great Powers, or what Roosevelt termed the “Four Policemen Model”. In 1945 this vision was realized, as a group of 50 Allied nations gathered in San Francisco to discuss the drafting of a new international institution. The horrors of the Second World War were etched deep in the minds of those present at the United Nations Conference on International Organization (UNCIO), and the resulting document is evidence of this.

The opening line of the Charter reads: “We the people of the United Nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind.”³ It then goes on to advocate principles of respect for human rights, and the dignity and worth of the human person, and stresses the importance of international peace and security.⁴ The primary means by which this new legal régime sought to achieve these aims was through two means: the creation of an international law based on the sovereign equality of States;⁵ and the prohibition of the use of force as a legitimate tool of foreign policy.⁶ This was also building on the mistakes of the United Nations’ predecessor – the League of Nations. The league failed to prevent the outbreak of WWII, and had lacked any suitable machinery for ensuring the effective maintenance of international peace and security. Critiques of the League blamed many of its ills on the fact that it didn’t completely outlaw the use of force as a legitimate tool of foreign policy; hence the complete prohibition as articulated in the United Nations (UN) Charter.

The UN Charter also contained provisions concerning the right of all peoples to self-determination. This in itself was a

¹ One should bear in mind that the author is making reference to the creation of *modern* international law, based on a system of relations between sovereign States so to speak (See *infra* note 24 on the Westphalian origins of the State system), which has its origins from a largely European background. Some argue with quite some sway that international law has its roots in a range of civilisations and societies across history; See e.g., Onuma Yasuaki, “When was the Law of International Society Born? – An Inquiry of the History of International Law from an Intercivilizational Perspective,” *Journal of the History of International Law*, Vol. 2 (2000) p.1-66; For a critique of Yasuaki’s approach, see Nicholas Onuf, “Eurocentrism and Civilization,” *ibid.*, Vol. 6 (2004): 37-42.

² Philippe Sands, *Lawless World: America and the Making and Breaking of Global Rules* (New York: Penguin, 2006), 6.

³ United Nations Charter (1945) *Preamble*.

⁴ At the UNCIO “Committee I/1 asserted that the Preamble is of as much legal validity as the text itself.” Clyde Eagleton, “The Charter Adopted at San Francisco,” *The American Political Science Review*, Vol. 39, No. 5 (October 1945): 937, footnote 5.

⁵ United Nations Charter (1945) Article 2(1).

⁶ United Nations Charter (1945) Article 2(4).

revolutionary step, as at the time the majority of the world's population was under colonial domination. Colonial issues were also dealt with in the Charter, under Chapters XI and XII, both of which expressed that those residing in colonial territories would be put under a system of international tutelage, in order to ensure their development, and their progression towards self-government. By the 1960s the European colonial Empires had relinquished most of their colonial territories, and these peoples were welcomed into the Family of Nations as sovereign equals. They now shared the same rights under international law as their former colonial masters, and, likewise, were bound by the same obligations and duties. International law had at last become universal. Colonialism, it would seem, came to be regarded as an “unfortunate event.”⁷

This, broadly speaking, is the “traditional” understanding of the evolution of the modern international system. It sees these developments as the “progress towards greater equality among nations and a general historical movement in the direction of universality.”⁸ Decolonization, in the traditional perspective of international law, presents itself as a largely unproblematic and unobtrusive epoch of history. However, a wave of post-colonial theorists – especially those from the Third World – have begun to challenge this notion, and to probe deeper into the process; to pick apart the relationships, the problems facing the new States, the difficulties of reconciling an international law that was created without the acquiescence of the majority of the world's people. International lawyers have largely avoided answering these questions, with the self-assured reliance that international law is universal, and that its norms are designed to protect States. They can fall back on the principle of sovereign equality, which ensures that States are guaranteed the same rights as all other States, no matter what their shape or size or economic or military prowess: “The smallest and weakest of independent political communities has ... exactly the same rights in International Law as the strongest and most extensive empire.”⁹ Colonialism has been relegated to the history books, a matter no longer relevant in today's more egalitarian world order.

I seek to re-examine the claims made by the so-called “classical” understanding of international law, as enumerated above. In other words, I seek to challenge the view that the 1945 arrangements established a world in which equality, not power, governs international relations, and where States are equal before the law. Indeed, despite international law's

purportedly egalitarian aspirations, the reality often suggests that States are far from equal in their relations with one another. However (again) lawyers often avoid dealing with such issues by laying the claim that there is a distinction between the political and the legal, and as a consequence many issues of power and other inequalities are relegated to the domain of politics. However, it is impossible to examine law without considering the political and social context; to study law in a vacuum is to miss its true character. Law is a social construct; international law especially so. “Realizing that law is ultimately a social construct – having travelled through a political process in its formulation, development, and finally in its application – means that law can never be divorced from its relationship to power.”¹⁰ I argue, then, that power, politics and hegemony play a vital role in shaping the law.

The starting premise of this paper is that international law is founded in European culture, and that, in its earlier formulations, it was “directed toward the promotion of European interests.”¹¹ I argue further that the fundamental character of international law was wrought by European perceptions of the “Self” and the non-European “Other”.¹² There has been, in this self-image, the perception of a dichotomy between the “civilized” and the “uncivilized”, which has been used to justify exploitative régimes, colonialism, and structures of domination and subjugation. Indeed, “to misrepresent and undermine the unity of the Other is a crucial element in any strategy of dominance.”¹³ I seek to demonstrate that this dichotomy has not lost its potency, and that it still is used to great effect, even today, to justify structures of domination and subordination. This has been done through reconstituting the notion of the “international community”, and selectively defining the norms that govern it.¹⁴

Although decolonization is presented as having a somewhat benign quality, I suggest that the process has been characterized by tensions between the formerly colonized, and the former colonizers. The latter has been reluctant to relinquish control over its colonial possessions, and so cede its position as the dominant power, whereas the former has been striving to obtain equality and justice. I seek to show that throughout the second half of the twentieth century these decolonized States have made multiple attempts to bring about a change in various international norms, and to create new ones. Indeed, this is hardly surprising considering that international law “now claims the allegiance of nations

⁷ Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: CUP, 2004), 3.

⁸ Gerry Simpson, *Great Powers and Outlaw States: Unequal Sovereigns in the International Legal Order* (Cambridge: CUP, 2004), 11-12.

⁹ Thomas Joseph Lawrence, *Essays on Some Disputed Questions in Modern International Law* (2nd ed. rev. and enl.) (Cambridge: Deighton, Bell and Co., 1885), 208.

¹⁰ Jean Allain, *International Law in the Middle East: Closer to Power than Justice* (Burlington: Ashgate, 2004), 1.

¹¹ U. O. Umzurike, *International Law and Colonialism in Africa* (Enugu: Nwamife, 1979), 11.

¹² Siba N'Zatioula Grovogui, *Sovereigns, Quasi-Sovereigns and Africans* (Minneapolis: University of Minnesota Press, 1996), 16.

¹³ B. S. Chimni, “Third World Approaches to International Law: A Manifesto,” *International Community Law Review*, Vol. 8 (2006): 6.

¹⁴ Simpson, 2004: preface p.x.

which had no part in building it up, and which either have never known, or no longer accept, the fundamental beliefs and sentiments on which it was originally founded.”¹⁵ The West, on the other hand, has continually prevented the ascendancy of any credible opposition to its dominant global position, and has been a substantial obstacle to the attempts made by the decolonized States to change the law. In section two I examine the process of decolonization in more detail, illustrating how the principle of self-determination was expanded and employed by certain States to further anti-colonial ambitions. I also show how the newly decolonized States utilized this principle further to assert their independence, and to claim certain rights under international law. At the same time, I show how the colonial powers persistently objected to the assertion of these principles – until, at least, the political power of the United Nations General Assembly (GA) gained enough momentum to encourage the process of decolonization. The third section is concerned with the attempt to create a New International Economic Order (NIEO) by the new States, and I look at the attempts of the new States to gain control over their sovereign economic rights, and so facilitate the process of development. Once again there was strong opposition from the dominant States, which inevitably led to the failure of the proposed NIEO. One of the key arguments I draw out from the analysis contained in these two Chapters is the nature of the rights that these new States tended to enunciate. They tended to place a far greater emphasis on Economic, Social and Cultural Rights, and advocated an international legal system premised on social justice and equality. The West viewed these as a threat to the continuance of the global structures that enabled it to prosper and maintain a position of domination, and so moved to prevent these plans from being fulfilled.

A key tenet of my argument in this paper is concerned with the hegemony of the West, and the ways in which it has used its superior position to prevent the rise of any serious challenges against it. An extension of that argument concerns the failure of the Third World to achieve equality under international law, and its subsequent subordination to the West. “The tragedy for the Third World is that the mechanisms used by international law to achieve decolonization were also the mechanisms that created neo-colonialism; and that, furthermore, the legal structures, ideologies and jurisprudential techniques for furthering neo-colonialism largely were in place before Third World states actually acquired independence.”¹⁶ Section four examines the ways in which the dominant States have violated the international laws concerning the immunity from intervention and the prohibition on the use of force in order to maintain their position. The principle means

of doing this has been through employing indirect force against States with the aim of toppling governments that pose a threat to the international order, and – ultimately – to their interests. Finally, the fifth section looks at the international financial structures which the Third World has had to adhere to, and how these have similarly led to the perpetuation of colonial-type structures of domination and subordination. Here I argue that the norms which govern the international economy have created the conditions in these States which are necessary for transnational capital to flourish, and that all the supposed benefits that were to arise from these development programmes end up either back in the hands of the Western States, or in a transnational ruling class.

It is the principle of sovereign equality which is the foundational rule of the international system – at least in the eyes of international lawyers anyway. This principle ensures that relations between States are conducted in a peaceful manner that does not infringe on the sovereign rights of other States. In section one I conduct an analysis of the legal rule, and draw out that there are two “qualities” of the principle: the first I call “internal sovereignty” which is designed to allow States the freedom to choose a plurality of different forms; the second attribute is “external sovereignty”, and this aspect seeks to limit the exercise of one’s sovereign powers, so that it does not interfere in the sovereignty of others – this is usually expressed in the Latin maxim *par in parem, non habet imperium*, which translates roughly as “no authority shall have authority over an equal”. These two qualities comprise the legal principle of sovereign equality; one permits States the exercise of their sovereignty, the other seeks to protect this through placing qualifications on the ways in which sovereigns can act. It is thus a “doctrine of liberty and constraint.”¹⁷ It is this legal principle which forms the underlying basis to this paper. I argue that although it pertains to create an international system where States stand on an equal footing, each protected from domination, it has, largely speaking, never been fully realized. To this end, I posit that international law has, therefore, never become truly universal. There has been a large group of States – which is composed largely of the decolonized States, which now make up the “Third World” – which has been unable to fully exercise their right to this principle due to the constraint placed on them by the dominant powers. It would seem that the principle of sovereign equality in international law has never achieved its full potential: all States have never been granted their full sovereign rights as enshrined in the principle of sovereign equality. There are, then, numerous themes and strands of arguments running through this paper, all of which seek to challenge the notions and understandings of international law as perceived through ‘traditional’ scholarship.

¹⁵ James Leslie Brierly, *The Law of Nations: An Introduction to the International Law of Peace*, 5th ed., (Oxford: Clarendon Press, 1955), 44.

¹⁶ Anghie, 2004: 192.

¹⁷ Simpson, 2004: 41.

I am greatly indebted to the works of Edward Said, Antony Anghie, Gerry Simpson, Chimni; the texts produced by these scholars have greatly inspired me throughout the course of my research, and have encouraged me to challenge the everyday perceptions of the international order. I also have sought to adopt a multidisciplinary approach, combining elements of law, international relations, history and economics. I have also borrowed a great deal from the various post-colonial theorists; it was through these that I began to take an interest in the early years of international law, its European origins, and the issue of universality with respect to those who had had no say in how the law was written. As I mentioned earlier in my introduction, truly understanding law is impossible without recourse to knowledge of the context, the outside world, the actors in the process and their aims and ideals; I feel that international law benefits greatly from the contributions of these other disciplines, as it helps to add a “shell” to the skeleton that the law otherwise presents. I don’t intend this work to be a wholly authoritative or exhaustive; obviously I have had to pick and choose which texts, cases, and examples to use, and in doing so I have inevitably missed out on some important facts and issues. However, I feel that the evidence I have used aptly portrays the sorts of issues and answers I am trying to provide. Finally, I don’t, in writing this paper, wish to negate the good things that international law has achieved, and nor do I wish to displace the potential that it still carries; however, it is no good considering international law without seeing the reality.

The Nuances of Sovereign Equality

Article 2(1) of the UN Charter *explicitly* notes the fundamental importance of the principle of sovereign equality to the functioning of the UN,¹⁸ and – as the principle plays a vital regulatory role in international relations – to international law itself.¹⁹ Indeed, it can be said

to be the cornerstone of international law, insofar as other fundamental tenets of the law depend upon it. However, although it can be expressed in and of itself, one cannot fully explain the precise contours of the principle without reference to multiple corresponding and corollary rules.²⁰ That is, “sovereign equality” is not a tangible concept, so to speak; rather, it is composed of various rules and norms which, taken together, can be labelled as sovereign equality. The purpose of this section, then, is to provide an analysis of sovereign equality, and in doing so to establish the nuances of the principle. First of all, I consider the two terms – sovereignty and equality – and explore the somewhat contradictory nature that they seem to present when expressed together. From this I draw out what I deem to be the two key attributes of sovereign equality, which I put under the headings “internal sovereignty” and “external sovereignty”. In these sections I outline the legal sources and aspects, and illustrate the overall character of sovereign equality.

Sovereign Contradictions

The idea of the sovereign State lies at the core of our understanding of international relations, the international community, and international law.²¹ The concept of sovereignty is often conveyed in terms of supreme authority and jurisdiction over a given area of territory; in other words, there is no authority higher than that expressed by the sovereign of a particular territory. As Huber succinctly put it, “sovereignty in the relations between States signifies independence. Independence in regard to a portion of the globe is the right to exercise therein, *to the exclusion of any other State*, the functions of a State.”²² Sovereignty, it would seem, is the power of a State to act as it will, a power which can be bound by no external authority; it is the exclusive right of the State to administer its territory as it sees fit. However, the extent to which a sovereign can wield its power

¹⁸ For example, consider the *preamble* to GA Res. 2625 (XXV) 1970 [emphasis added]: “...the purposes of the United Nations can be implemented *only if* States enjoy sovereign equality and comply fully with the requirements of this principle in their international relations.” Likewise, Goodrich and Hambro argue that sovereign equality is the defining attribute of the UN. L. M. Goodrich and E. Hambro, *Charter of the United Nations: Commentary and Documents*, 2nd ed., World Peace Foundation (1949), 7.

¹⁹ Ian Brownlie, *Principles of Public International Law*, 4th ed., (New York: Clarendon Press, 1990), 287. “The sovereignty and equality of States represent the basic constitutional doctrine of the law of nations, which governs a community consisting primarily of States having a uniform legal personality.”

²⁰ *UN Repertory of Practice*, Article 2(1)-(5) of the Charter, Repertory of Practice (1945-54), Vol.1, p.7, para. 17.; available online at: http://untreaty.un.org/cod/repertory/art2/english/rep_orig_vol1-art2_1-5_e.pdf#page=none; Also, Prof. Dr. Albert Bleckmann, and Dr. Bardo Fassbender, “Article 2(1),” in *The Charter of the United Nations: A Commentary*, ed. Bruno Simma (Oxford: OUP, 2002), 81. “It is a rather unspecific concept the content of which is only determined by a number of more concrete rules of international law binding on States at a given time.”

²¹ See, for example, Hedley Bull: “The starting point of international relations is the existence of *States* or independent political communities, each of which possesses a government and asserts sovereignty in relation to a particular portion of the earth’s surface and a particular segment of the human population.” Hedley Bull, *The Anarchical Society: A Study in Order in World Politics* (New York: Columbia University Press, 1977), 8. See also, Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Merits, Judgement, I.C.J. Reports 1986, para.163: “... the fundamental principle of State sovereignty, on which the whole of international law rests.”; Penelope Simmons, “The Emergence of the Idea of the Individualized State in the International Legal System,” *5 Journal of the History of International Law* (2003), pp.293-336; Georges M. Abi-Saab, “The Newly Independent States and the Rules of International Law,” *Howard Law Journal*, Vol. 8, (1962): 95-121. For an historical appraisal of the concept of sovereignty and the State, see, Diane F. Orentlicher, “Separation Anxiety: International Responses to Ethno-Separatist Claims,” *Yale Journal of International Law*, Vol. 23 (1998). On the importance of the Peace of Westphalia, see, L. Gross, “The Peace of Westphalia, 1648-194,” *42 AJIL* (1948). Stéphane Beaulac, “The Westphalian Legal Orthodoxy – Myth or Reality?” *Journal of the History of International Law*, Vol. 2 (2000).

²² Max Huber, *Island of Palmas case* (Netherlands, USA), *United Nations Reports of International Arbitral Awards*, Vol. II. (April 4, 1928): 838 [emphasis added].

is *not* limitless. The logic of this is somewhat contradictory, as States – through the exercise of their sovereign powers and their own free will – may be party to international agreements which place limitations on the exercise of their power; such was the position taken by the PCIJ in the so-called “Lotus” case.²³ The UN Charter, however, represents the *highest* legal authority to which States submit, and places heavy qualifications on the ways in which States can act.²⁴ The most extensive limitation on the exercise of State sovereignty comes from the principle of sovereign *equality*, and all the corollary rules which follow from this. As was noted in the “Lotus” case, “the first and foremost restriction imposed by international law upon a State is that – failing the existence of a permissive rule to the contrary – *it may not exercise its power in any form in the territory of another State.*”²⁵ The two key pronouncements of this rule are found in Articles 2(4), and 2(7) of the UN Charter; the former issuing a prohibition on the use of force in international relations,²⁶ and the latter against intervention by a State “in matters which are essentially within the domestic jurisdiction of any State.”²⁷ These three rules (Articles 2(1), 2(4), and 2(7)) comprise the notion of non-intervention – or, the immunity from intervention – which seeks to protect the sovereignty of States.²⁸

We can see, therefore, that sovereign equality is composed of ultimate authority and jurisdiction on the one hand (internal sovereignty), and a series of checks on the exercise of that power on the other – checks which are designed to safeguard and protect the sovereign authority of States, and to ensure equality in their relations (external sovereignty).

Internal Sovereignty

The definition of sovereignty as provided by Huber notes that independence is an important aspect.²⁹ Indeed, its importance was stressed by delegates at the San Francisco Conference, who argued that “territorial integrity and political independence” are considered to be inclusive within the term “sovereign equality”.³⁰ The notion of independence was also frequently posited by the newly decolonized States throughout the latter half of the twentieth century.³¹ These States often wished to accentuate their position of independence in relation to their former colonizers, and move away from the previous structures that had ensured their subordination.³² The basic content of the principle of independence is best captured by the following statement: “Every State has the right to exist ... to organise itself as it sees fit.”³³ Essentially, then, a State has the right to be a State, and to choose the form which the State shall take; international law does not issue any declarations to the contrary.

In 1949 the International Law Commission (ILC) composed a “Draft Declaration on Rights and Duties of States”, Article 1 of which stated: “Every State has the right to independence and hence to exercise freely, without distinction by any other State, all its legal powers, *including the choice of its own form of government.*”³⁴ The so-called “Declaration concerning Friendly Relations” of 1970 – the content of which the GA “declared to be basic principles of international law”³⁵ – echoed, and added to, these sentiments. It declared that: “Every State has an inalienable

²³ The Case of the S.S. “Lotus”, Collection of Judgements, PCIJ, Series A, No. 10 (1927): 18. “International law governs relations between independent States. The rules of law binding upon States therefore emanate from their own free will as expressed in conventions or by usages generally accepted as expressing principles of law and established in order to regulate the relations between these co-existing independent communities or with a view to the achievement of common aims. Restrictions upon the independence of States cannot therefore be presumed.”

²⁴ United Nations Charter (1945) Article 103: “In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.”

²⁵ The Case of the S.S. “Lotus”, Collection of Judgements, PCIJ, Series A, No. 10 (1927), 18 [emphasis added].

²⁶ Subject to the qualifications of Chapter VII and Article 51 of the UN Charter (1945).

²⁷ UN Charter (1945) Article 2(7).

²⁸ See GA Res. 2131 (XX) 1966, Article 1: “No State has the right to intervene, directly or *indirectly*, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements are condemned.” [emphasis added]; Also, see S. McCaffrey, “The Forty-First Session of the International Law Commission,” AJIL, Vol. 83, No. 4, (1989) for a good indication of the controversy over the meaning of the notion of “intervention.”

²⁹ See *supra* note 21; See also, *Interpretation of Peace Treaties with Bulgaria, Hungary and Romania*, Advisory Opinion, ICJ Rep. (1950), Separate Opinion, Judge Zoričić, p. 98.

³⁰ Report of Rapporteur of Sub-committee I/1/A to Committee I/1: Chapter II, 1 June 1945; UNCIO VI, pp.717, quoted in Prof. Dr. Albert Bleckmann, and Dr. Bardo Fassbender, “Article 2(1),” in *The Charter of the United Nations: A Commentary*, ed. Bruno Simma (2002), 78. Consider also, *The Corfu Channel Case*, Merits, ICJ Rep. (April 9, 1949): 35. “Between independent States, respect for territorial sovereignty is an essential foundation of international relations.”; See also, *Corfu Channel Case*, Judgment, ICJ Rep. (1949), 1 *et seq.*, at p.35.

³¹ See Sections 2 & 3

³² For example, GA Res. 1514 (XV) 1960, *preamble*: “...all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory...”; Article 1: “The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.” Similarly, consider the wording of GA Res. 103 (XXXIV) 1979, *preamble*: “...imperialism, colonialism, neo-colonialism, racism including Zionism and *apartheid* are all forces which seek to perpetuate unequal relations and privileges acquired by force.”

³³ Cuban proposals on Dumbarton Oaks, UNCIO III at 496, Doc.2 g/14(g), May 2, 1945.

³⁴ Draft Declaration on Rights and Duties of States, ILC first session, 1949; Full text in annex to GA Res. 375 (IV) 1949 [emphasis added].

³⁵ Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Merits, Judgment, I.C.J. Reports 1986, para.203.

right to choose its political, economic, social and cultural systems, without interference in any form by another State.”³⁶ Indeed, as the ICJ remarked: “Adherence by a State to any particular doctrine does not constitute a violation of customary international law; to hold otherwise would make nonsense of the fundamental principle of State sovereignty, on which the whole of international law rests, and the freedom of choice of the political, social, economic and cultural system of a State.”³⁷ It is this “freedom of choice” which defines sovereign equality; essentially, then, States have equal capacity to determine what shape and form they take. Gerry Simpson calls this the “pluralist” element of international law, something which “derives from a State’s right to self-determination.”³⁸ Common Article 1 of the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights, explicitly recognises the right of all peoples to self-determination, and reiterates the right stemming from this of all peoples to “freely determine their political status and freely pursue their economic, social and cultural development.”³⁹ A “State’s sovereignty under international law is its legal independence from other States,”⁴⁰ as well as the right to exist under a plurality of forms. The essential element of “internal sovereignty”, then, is the right of the State to choose freely what form it will take. It is, however, political and economic sovereignty which has seen the most frequent use in international law, especially by those States which found their independence from colonial régimes during the latter half of the twentieth century, and it is with these that this paper is largely concerned.

External Sovereignty

In addition to providing assurances that States can determine the form which they take, international law also seeks to protect these rights, the key pronouncements of which are to be found in Articles 2(4) and 2(7) of the UN Charter. The latter stipulates that States are immune from intervention in their domestic affairs – except where

international law dictates otherwise⁴¹ – whilst the former issues a prohibition against the use of force in international relations. There is a distinction between the two, although both fall under the heading of intervention, and both are unlawful. This aspect of sovereign equality is what Michel Consard called a “pacifying response to power-hungry sovereigns.”⁴²

Intervention

In *Nicaragua* the ICJ stated that “a prohibited intervention must accordingly be one bearing on matters in which each State is permitted, by the principle of State sovereignty, to decide freely.”⁴³ As we have seen in the previous section, international law stipulates that such matters include the right to determine political status, as well as economic, social and cultural systems. As the judgement in *Nicaragua* went on to state, “one of these is the choice of a political, economic, social and cultural system, and the formulation of foreign policy.

Intervention is wrongful when it uses methods of coercion in regard to such choices, which must remain free ones.”⁴⁴ GA Resolution 2131 states that: “No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights or to secure from it advantages of any kind. Also, no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the régime of another State, or interfere in civil strife in another State.”⁴⁵ Matters of a domestic nature relating to the political systems of a country, foreign policy decisions, or the economic system, for example, should be matters which are controlled exclusively by the sovereign authority within that State. All States are prohibited from depriving the sovereign of those rights. Resolution 2131 makes a broad statement concerning the methods that are prohibited: i.e., “economic, political or any other type of measures.”⁴⁶ The GA later made a similar proclamation, in Resolution 3281, stating that States

³⁶ UNGA Res. 2625 (XXV) 1970; See also, GA Res. 2131 (XX) 1966, Article 5.

³⁷ Military and Paramilitary Activities in and against Nicaragua (*Nicaragua v. United States of America*), Merits, Judgement, I.C.J. Reports 1986, para.163. Simpson, 2004: 54.

³⁹ The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic Social and Cultural Rights (ICESCR), GA Res. 2200A (XXI) 1966, Common Article 1; Concerning problems which arise in the distinction between rights of peoples and States see conclusion of section two.

⁴⁰ Hans Kelsen, “The Principle of Sovereign Equality as a Basis for International Organization,” *Yale Law Journal*, Vol. 53, (1943-1944): 208.

⁴¹ There are, however, certain limits concerning what a State *cannot* do within its jurisdiction (i.e., cannot commit human rights abuses); In the *Case of the Nationality Decrees in Tunis and Morocco*, PCIJ, Series B, No. 4 (Feb. 7, 1923): 24, the court declared that: “The question whether a certain matter is or is not solely within the jurisdiction of a State is an essentially relative question; it depends on the development of international relations.” In other words, a State is essentially free to do as it wishes, except where rules of international law expressly states that certain acts are prohibited. The ICJ, in *Nicaragua*, confirmed this (I.C.J. Rep. 1986, para.258): “A State’s domestic policy falls within its exclusive jurisdiction, provided of course that it does not violate any obligation of international law.”

⁴² Michel Consard, “Sovereign Equality: „the Wimbledon sails on,” in *United States Hegemony and the Foundations of International Law*, eds. Byers and Nolte (Cambridge: CUP, 2003), 121.

⁴³ Military and Paramilitary Activities in and against Nicaragua (*Nicaragua v. United States of America*), Merits, Judgement, I.C.J. Rep. 1986, para.205.

⁴⁴ *Ibid.*

⁴⁵ GA Res. 2131 (XX) 1965, Article 2; Also repeated in GA Res. 2625 (XXV) 1970.

⁴⁶ GA Res. 2131 (XX) 1965, Article 2 [emphasis added].

were free to choose their form, “without outside interference, coercion or threat *in any form whatsoever*.”⁴⁷

Use of Force

The prohibition on the use of force in the international relations of States is one of the founding premises of the UN itself. Its creators envisaged the creation of a world order without the threat of war, and so sought to abolish force as a legitimate means of conducting relations between States. “Today, the Charter’s ban on the use of force is understood not so much as a limitation of sovereignty but as a necessary prerequisite for a *de facto* enjoyment of sovereign equality by States. A State’s sovereign equality depends on a comprehensive prohibition of the use of force.”⁴⁸ The phrase “use of force” is somewhat misleading, but expansion on the meaning of the concept has come through various GA Resolutions and ICJ judgements. It is generally accepted that it covers two broad spheres: direct and indirect uses of force.⁴⁹ The former is where a State sends its own troops to engage in acts of aggression, whereas the latter generally constitutes the “sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State.”⁵⁰ Both forms are prohibited under international law, although it is harder to determine precisely what qualifies as an indirect use of force; indeed, in *Nicaragua* the court held that not every act of support of subversive groups constitutes an indirect use of force – however, it did remark that it would still constitute an unlawful intervention.⁵¹

Similarly, covert intervention is prohibited: “*Resolutely condemns* policies of pressure and use or threat of use of force, direct or indirect aggression, occupation and the growing practice of interference and intervention, *overt or covert*, in the internal affairs of States.”⁵² The US support of the *Contras* in Nicaragua was considered to be one such example of indirect use of force: “The element of coercion, which defines, and indeed forms the very essence of, prohibited intervention, is particularly obvious in the case of an intervention which uses force, either in the direct

form of military action, or in the indirect form of support for subversive or terrorist armed activities within another State. ... These forms of action are therefore wrongful in the light of both the principle of non-use of force, and that of non-intervention.”⁵³ The GA has too shown support for this principle, as it declared that “any forcible action, *direct or indirect*, which deprives peoples under foreign domination of their right to self-determination and freedom and independence and of their right to determine freely their political status and pursue their economic, social and cultural development constitutes a violation of the Charter of the United Nations.”⁵⁴ Likewise, the “Friendly Relations Declaration” reiterates this.⁵⁵

Conclusion

To draw on my earlier analogy of the world system as it existed pre-1945, a system where there were few limits on the exercise of power and hierarchy was the norm, the principle of sovereign equality is one which creates a system of States based on a more equitable and horizontal order. It is a legal principle which protects a State’s right to exist, and to exist free from “domination, subjugation, interference or intervention.”⁵⁶ To surmise, sovereign equality is composed of two attributes: internal sovereignty, which constitutes the right of the State to exist in a plurality of forms; and external sovereignty, which protects the State from interference by outside powers. As Fisch notes, sovereign equality “is a principle directed against any kind of superiority and inequality among states and thus presupposes an equal distribution of power. It is threatened by any sort of hegemonic power.”⁵⁷

Emancipation and Tutelage: The origins and evolution of decolonization

The only reference to colonial territories in the League of Nations Covenant is to be found in Article 22, and was solely concerned with those colonial possessions relinquished by the Central Powers following the end of the First World War.⁵⁸ This established the so-called Mandate system,⁵⁹

⁴⁷ GA Res. 3281 (XXIX) 1974, Article 1 [emphasis added].

⁴⁸ Prof. Dr. Albert Bleckmann, and Dr. Bardo Fassbender, “Article 2(1),” in *The Charter of the United Nations: A Commentary*, ed. Bruno Simma (2002), 84.

⁴⁹ P. Lamberti Zanardi, “Indirect Military Aggression,” in *Current Legal Regulation of the Use of Force*, ed. Antonio Cassese (Dordrecht: Martinus Nijhoff Publishers, 1986), 111.

⁵⁰ GA Res. 3314 (XXIX) 1974, Article 3(g).

⁵¹ Military and Paramilitary Activities in and against Nicaragua (*Nicaragua v. United States of America*), Merits, Judgement, I.C.J. Rep. 1986, para.228.

⁵² GA Res. 103 (XXXIV) 1979, Article 4.

⁵³ Military and Paramilitary Activities in and against Nicaragua (*Nicaragua v. United States of America*), Merits, Judgement, I.C.J. Reports 1986, para.205 [emphasis added]. NB, the inclusion of the “formulation of foreign policy” as falling under the umbrella of activities which are the exclusive prerogative of a sovereign.

⁵⁴ GA Res. 2160 (XXI) 1966, Article 1(b).

⁵⁵ GA Res. 2625 (XXV) 1970.

⁵⁶ GA Res. 103 (XXXIV) 1979, Article 3.

⁵⁷ Jörg Fisch, “The Globalization of International Law in the Nineteenth Century,” *International Political Economy*, Vol. 15, No. 3 (2005): 5.

⁵⁸ See, *South West Africa Cases* (*Ethiopia v. South Africa; Liberia v. South Africa*), Preliminary Objections, Judgement of December 21, 1962; Treaty of Versailles, June 28, 1919.

⁵⁹ For a history of the Mandate system, see, D. Rauschnig, “Article 75,” in *The United Nations Charter: A Commentary*, ed. Bruno Simma (2002); J. Crawford, *The Creation of States in International Law* (New York: OUP, 2006); Anghie, 2004.

which transferred the administration of the colonies of the defeated Central Powers to the victorious nations, “who by reason of their resources, their experience or their geographical position” were best suited to “undertake this responsibility”; these territories were to form a “sacred trust of civilization.”⁶⁰ This system envisaged securing the well-being of these former colonies, and a form of progressive development. The UN Charter, however, expanded the concept of the Mandate system. Whilst incorporating the old Mandate territories and bringing new ones⁶¹ into a new system of Trusteeship, it also brought the issue of *all* colonial territories to the fore of international relations – for the first time international law recognized colonial territories as subjects, rather than objects, of international law.⁶² It is in these two Chapters of the Charter that the obligations of the administering States toward their various “dependencies” are established.⁶³ Firstly, I look at the wording of the provisions in each Chapter, as well the positions taken by delegates at the UNCIO, in order to try and unearth the specific legal meaning destined for each category of territory (colonial territories appeared in the Charter in two separate categories, with Mandate and Trust Territories (Chapter XII) on the one hand, and Non-Self-Governing Territories (Chapter XI) on the other).⁶⁴ From here, I shall consider the evolution of the process of decolonization, and how the concept of self-determination, and its subsequent development, played a fundamental role in the process. Throughout, I shall attempt to illustrate the constant tension between the desires of the dependent States, and the tension and conflicts this created with the colonial powers who sought to keep hold of their positions of power.

Travaux préparatoires

The basic content and structure of the UN and the Charter was decided at a series of conferences, prior to the plenary conference in San Francisco. These early conferences were conducted by the Great Powers of the time, and the discussions typically took place amongst talks of pressing war concerns. It was, however, at the United Nations Conference on International Organization (UNCIO) that

the majority of the rules concerning colonial territories were discussed, and it was here that the real intentions behind the actions of the major powers were made clear. In this respect, then, the travaux préparatoires are extraordinarily useful in illustrating what it was that the delegates – the colonial powers and the US in particular – perceived the international role in colonial affairs to be.

From the outset of the Conference it was clear that the US was keen to advocate independence for all colonial territories, however such ambitions “were vehemently opposed ... by the UK.”⁶⁵ Understandably, the British colonial territories were absolutely vital to the existence of its Empire and standing on the world stage. Their view of the future was the development of a new form of empire – one which involved a collection of semi-autonomous entities under the aegis of the UK. This, then, was the key disagreement between the US and the UK: “In the British opinion the goal should be self-government within the framework of empire. ... [the US] favour[ed] independence as the goal of those dependencies capable of enjoying it.”⁶⁶ Furthermore, with regards to the notion of trust territories the British foresaw the system as being more of a domestic, rather than international problem. The US, on the other hand, favoured “retention of the distinction between trust territories which have an international status and ordinary colonies. In [their] usage, “trusteeship” has an international significance whereas the British apply it in the national sense, with themselves as trustees.”⁶⁷

One potential indicator of the US’ attitudes towards colonial questions can be found in the following statement: “The [US] President [Harry S. Truman] said he was concerned about the brown people in the East. He said that there are 1,100,000,000 brown people. In many Eastern countries, they are ruled by a handful of whites and they resent it. Our goal must be to help them achieve independence – 1,100,000,000 potential enemies are dangerous.”⁶⁸ It would seem that the US was keen to avoid any potential conflicts arising from the issue of colonial domination – indeed, the inter-war period had been somewhat demonstrative in illustrating the sort of international problem and unrest that

⁶⁰ League of Nations Covenant (1924) Article 22.

⁶¹ UN Charter (1945) Article 77(1); The decision to bring the colonial territories of the “enemy States” under a system of Trusteeship under the auspices of the UN was decided prior to the end of WWII; see, FRUS, Conferences at Yalta and Malta, 1945, The Yalta Conference, pp.547-996.

⁶² Ulrich Fastenrath, “Article 73,” in *The United Nations Charter: A Commentary*, ed. Bruno Simma (2002), 1090; J. Crawford, 2006: 603; Huntington Gilchrist, “Colonial Questions at the San Francisco Conference,” *The American Political Science Review*, Vol. 39, No. 5, (Oct. 1945): 985.

⁶³ In addition to this, Chapter XII deals with the Trusteeship Council – although it doesn’t confer any obligations upon colonial powers toward their colonial possessions (except Article 88, which stipulates that each “administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly...”).

⁶⁴ On this distinction see, e.g., *Memorandum by Mr. Leo Pasvolosky, Special Assistant to the Secretary of State*, January 13, 1945, Washington, FRUS, Diplomatic Papers, 1945, General: The United Nations, Vol. I, The UNCIO, San Francisco, California, (April 25 – June 26, 1945):18-20.

⁶⁵ Fastenrath, 2002: 1090. See also, FRUS, Diplomatic Papers, 1945, General: The United Nations, Vol. I, The UNCIO, San Francisco, California, (April 25 – June 26, 1945):18-20.

⁶⁶ FRUS, Diplomatic Papers, 1945, General: The United Nations, Vol. I, The UNCIO, San Francisco, California, (April 25 – June 26, 1945):19 [brackets added].

⁶⁷ *Ibid.*, 19.

⁶⁸ *Ibid.*, 124.

colonies could cause. Similarly, the US was keen to preserve its developing overseas commercial and strategic interests. The issue of the Pacific Islands created a great deal of conflict between US Departments of State during discussions on trusteeship leading up to the UNCIO. The War and Navy Departments held the position that the US should maintain absolute sovereignty over the territories – however, this was at odds with the general policy advocated by the administration at the time of independence for all “dependent” territories.⁶⁹ There was a general feeling amongst officials, however, that although the US “should be the ‘administering power for the Japanese mandated Islands’, [they] should not insist upon ‘complete sovereignty’ because this would give an opening for the British – for example – to claim absolute title to areas in the Middle East which would injure [their] security interests as well as commercial interests involved in ‘our great stake in Middle Eastern oil’.”⁷⁰ In the end though, the US retained its anti-colonial position.

The UN Charter

It is in Articles 73, and 76 that the objectives and international obligations of colonial administration of Non-Self-Governing and Trustee Territories are established. The former are defined as “territories whose peoples have not yet attained a full measure of self-government”⁷¹; whereas the latter are defined in a rather more specific manner in Article 77.⁷² There are, then, clearly two separate categories of territory, and two corresponding separate sets of obligations towards each.

Article 73 states that those who are responsible for those “territories whose peoples have not yet attained a full measure of self-government” ... “recognize the principle that the interests of the inhabitants of these territories are paramount” and have an “obligation to promote ... the well-being of the inhabitants of these territories.”

The Article then lists five points which the colonial powers are to ensure within their colonial territories: (a) is concerned with the “advancement” of the peoples concerned, and

“their protection against abuses”; (b) with the development of “self-government” in which colonial powers should take “*due account* of the political aspirations of the people” and the “progressive development of their *free* political institutions”; (c) “to further international peace and security”; (d) “promote constructive measures of development”; and, (e) the duty to regularly transmit information to the Secretary-General.⁷³

Independence as a goal?

“Numerous delegates [at the UNCIO] understood self-determination merely in the sense of self-government, with they in turn took to mean internal autonomy ...; they did not, however, connect it with any right to independent Statehood.”⁷⁴

Article 76 explicitly states that for Trust Territories either independence or self-government is an appropriate objective. Article 73 on the other hand includes no mention of independence as a foreseeable option for Non-Self-Governing Territories – the ambit for their development is constricted to self-government. The GA reaffirmed this position in a resolution on Non-Self-Governing Peoples, again making the distinction between the objectives outlined in Chapters XI and XII.⁷⁵ Furthermore, Article 76 makes reference to Article 1 of the Charter, which talks of the principle of self-determination, whereas Article 73 makes no such connections. It would seem, therefore, that independence and self-determination were to be restricted to Trust Territories. The reason for this distinction can be understood by examining the policies held by the colonial States at the time. Their general position was that colonies should remain under the control of the metropole. Consequently, it was the case that “no colonial power except the United States look[ed] upon it as a normal and natural outcome of colonial status – and it must be remembered that the Conference was a conference of governments and not dependent peoples.”⁷⁶ Thus it was that “self-government” was considered in terms of self-government, or relative autonomy, for peoples under the auspices of empire.⁷⁷

⁶⁹ Ibid., 140-141.

⁷⁰ Ibid., 141.

⁷¹ UN Charter (1945) Article 73; On the ambiguity of this definition, see Crawford, 2006; Also, consider GA Res. 1541 (XV) 1960, *Annex*, Principle I: “The authors of the Charter of the United Nations had in mind that Chapter XI should be applicable to territories which were then known to be of the colonial type.”

⁷² UN Charter (1945) Article 77(1): “The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements: (a) territories now held under mandate; (b) territories which may be detached from enemy States as a result of the Second World War; and (c) territories voluntarily placed under the system by States responsible for their administration.”

⁷³ UN Charter (1945) Article 73 (a) – (e), (1945) [emphasis added].

⁷⁴ Fastenrath, 2002: 1090 [brackets added].

⁷⁵ GA Res. 9 (I) 1946, paragraphs 3, 4.

⁷⁶ Gilchrist, 1945: 987 [brackets added].

⁷⁷ See e.g., CO 537/5698, no. 69, May 1950, “The Colonial Empire today: summary of our main problems and policies”: CO International Relations Dept paper. *Annex*: some facts illustrating progress to date, British Documents on the End of Empire, Series A, Volume 2, *The Labour Government and the End of Empire, 1945-51*, Part I, pp.354-361; Also, Douglas G. Anglin, “The Legacy of Colonialism,” *International Journal*, Vol. 10, (1954-1955): 123; CO 537/5698, no. 69, May 1950, “The Colonial Empire today: summary of our main problems and policies”: CO International Relations Dept paper, British Documents on the End of Empire, Series A, Volume 2, *The Labour Government and the End of Empire, 1945-51*, Part I, p.334: “Our aim is to create independence – independence within the Commonwealth – not to suppress it.”

However, Gilchrist maintains that it is “clear that the language of the Declaration actually includes independence ... when it refers to 'progressive development of their free political institutions.' What is the meaning of the phrase 'free political institutions' if it does not at least include potential independence?”⁷⁸ Furthermore, the wording of the Article (a “*full measure of self-government*”) suggests that independence is the logical outcome, for how can a “people” attain a full measure of self-government if they are still subject to the imperial controls of empire?

Domestic or International Concern

There was a conflict of opinion with regards to whether the territories under Chapters XI and XII were of domestic or international concern. The mere fact that there was even a chapter concerning colonial territories was rather significant, and some argued that such issues could no longer “be considered of purely domestic interest to each declarant State.”⁷⁹ However, others posited that it was a “unilateral declaration, made by each signatory on its own behalf.”⁸⁰ The British were of the position that although it was a matter of international concern, control and sovereignty still resided with the colonial powers.⁸¹ Indeed, “it was maintained by the Western powers for many years that any discussion or action by the United Nations with regard to their colonial possessions was contrary to international law.”⁸² However, the colonial powers came under increasing strain from anti-colonial States who began to exert political pressure through the UN GA.⁸³ Colonial matters were discussed far more frequently in the Assembly, and it asserted its competence to debate and issue resolutions on colonial affairs.⁸⁴ It was through the exercise of these powers that it applied the principle of self-determination to the Non-Self-Governing Territories.

Self-determination and Decolonization

In Resolution 742 the GA boldly asserted that independence was an option for those territories under Chapter XI of the Charter, thus expanding the meaning of “self-government” as asserted by the colonial powers. The exact wording of the Article stated that of the ways in which these territories could achieve self-government, independence was the *primary* means by which it could do so; and, furthermore, it stated that any other means of self-government had to be “done freely and on the basis of absolute equality.”⁸⁵ Already this was a far stretch from the original provisions of the Charter, and provided the foundations for the growth of the principle of self-determination.⁸⁶ It was in 1960 though, that the GA first coherently expressed its contempt of colonialism, and issued a general proclamation against it. The Resolution was a landmark moment in the process of decolonization⁸⁷ as it effectively recognised those under colonial domination as possessing rights under international law;⁸⁸ notably, it drew heavily on the words contained in the Charter concerning human rights, the dignity and worth of the human person, universal peace, and – most importantly – self-determination. “The subsequent development of international law in regard to non-self-governing territories, as enshrined in the Charter of the United Nations, made the principle of self-determination applicable to all of them. The concept of sacred trust was confirmed and expanded to all 'territories whose peoples have not yet attained a full measure of self-government' (Art. 73). Thus it clearly embraced territories under a colonial régime.”⁸⁹ Furthermore, it explicitly linked the notion of independence to that of self-determination, and stated that “immediate steps shall be taken ... to transfer *all powers* to the people of those territories.”⁹⁰

⁷⁸ Gilchrist, 1945: 987.

⁷⁹ *Ibid.*, 986.

⁸⁰ *Ibid.*, 986.

⁸¹ CO 537/2057, no. 48, “International aspects of colonial policy – 1947”: memorandum by J S Bennett, British Documents on the End of Empire, Series A, Volume 2, *The Labour Government and the End of Empire, 1945-51*, Part II, pp.410-411: “Since San Francisco, the UK and other colonial powers have attempted to take up the position that Chapter XI is a voluntary declaration, imposing obligations on them alone and conferring no rights of supervision or initiative on the UN... The debates last ... have ... made it clear that the majority of the UN are not content with this limited interpretation, and attach great importance to Chapter XI as a means of discussing and formulating resolutions on colonial affairs.”

⁸² Malcolm N. Shaw, *International Law*, 5th ed., (Cambridge: CUP, 2003), 191.

⁸³ CO 936/56/6, no. 3, Oct 1951, ‘Anglo-American talks on colonial and trusteeship questions in the United Nations, 1951’: general introductory note to CO briefs, pp.495-498.

⁸⁴ Crawford, 2006: 605.

⁸⁵ GA Res. 742 (VIII) 1953, Article 6.

⁸⁶ Anghie, 2004: 196 “The doctrine of self-determination, that had been developed in the inter-war period principally in relation to the peoples of Eastern Europe, was now adopted and adapted by the UN to further and manage the transformation of colonial territories into independent, sovereign States.”; In *Namibia*, the ICJ recognised that the concepts and laws governing colonial territories are not “static”, and as such “its interpretation cannot remain unaffected by the subsequent development of law” including “customary law.” *Namibia Case*, ICJ Rep. 1971, p.16, 31.

⁸⁷ Indeed, some have argued that it represents a *jus cogens* norm of international law; See e.g., Joshua Castellino, *International Law and Self-Determination* (The Hague: Martinus Nijhoff, 2000), 22.

⁸⁸ GA Res. 2625 (XXV) 1970 later confirmed that “the territory of a colony or other Non-Self-Governing Territory has, under the Charter, a status separate and distinct from the territory of the State administering it.”

⁸⁹ Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, ICJ Rep. (June 21, 1971): 31, para. 52.

⁹⁰ GA Res. 1514 (XV) 1960, Article 5 [emphasis added]; See also, Western Sahara, Advisory Opinion, ICJ Rep. (1975): 31, para. 55.

In Resolution 1541 the GA listed the means by which a Non-Self-Governing Territory could “be said to have reached a full measure of self-government”, and “emergence as a sovereign independent State” was stated as the first of these.⁹¹ However, it stipulated that no matter which option was taken, each should arise as a result of “free and voluntary choice of the peoples of the territory.”⁹² This principle was further developed by States, and gained strong momentum as a norm of customary international law.⁹³ The process of decolonization, then, was largely as a result of the GA asserting its influence, using the leverage of the position granted to it in Chapter XI to debate on colonial affairs, and then to expand on the notion of self-determination.

There was, however, considerable opposition from the colonial powers, who were, on the whole, reluctant to relinquish control of their dependent territories to the GA.⁹⁴ “The main thrust of the Resolution itself [Res. 1514] was the host of newly formed States who, with the support of the Soviet Union, were keen to reformulate the international sphere of influence.”⁹⁵ Indeed, it was they, and not the colonial powers, who took the steps to bring about the legal régime to dismantle the colonial empires. They emphasised the idea that “the rights of the Mandatory in relation to the mandated territory and the inhabitants have their foundation in the obligations of the Mandatory and they are, so to speak, mere tools given to enable it to fulfill its obligations.”⁹⁶ In other words, the administering and colonial powers were bound by their obligations under international law, and that colonial issues were a matter of international, not internal concern. It is clear, however, that “the developments leave little doubt that the ultimate objective of the sacred trust was the self-determination and the independence of the peoples concerned.”⁹⁷ Indeed, of great significance is the statement that “the interests of the inhabitants of these territories are paramount”. However, there is great difficulty in arriving at a uniform position of how to gauge these interests. Two points are clear though. The first is that political decisions must be decided freely by the people; especially in terms of deciding their political

futures. Secondly, it suggests a prohibition of the exploitation of the resources of those countries. The ICJ confirmed this position in the *Nauru Case*.⁹⁸

Conclusion

Prior to the 1960 Declaration,⁹⁹ and, indeed, prior to the creation of the UN, independence for all colonial territories was not a considered option. It was an available option for Trust Territories, although most administering powers took the stance that administration was primarily a domestic matter, in which the international community should not interfere. It was, by and large, the evolution of the principle of self-determination which propelled the development of the legal norms concerning colonialism and colonial peoples. It is this principle that was responsible for the creation of a wealth of new States throughout the latter half of the twentieth century, as self-determination was “represented as the right to an independent State, implying that it leads to sovereignty.”¹⁰⁰ As Anghie remarks, “decolonization supported the claim that international law had finally become, for the first time, truly universal.” Those States that had previously been excluded from international law were now sovereign equals. “Thus a true “community of States” had finally come into being.”¹⁰¹

It is worthwhile to state here – as a little aside – that the principle of self-determination has generally been considered to be limited to the colonial context,¹⁰² although some have sought to argue that the principle can be extended further, and that it now constitutes a right of “peoples”.¹⁰³ As decolonization progressed, there was a clear trend in that protection of rights gradually changed from rights invested in the people, to the protection of sovereignty. However, there still seemed to be a consistent emphasis of the State working for the benefit of the people.¹⁰⁴ However, this transformation could be considered from the position that, because of the principle of *uti possidetis*, these emerging States were faced with problems of minority groups within

⁹¹ GA Res. 1541 (XV) 1960, *Annex*, Principle V; The other means were listed as “free association with an independent State, or Integration with an independent State.”

⁹² *Ibid.*, Principle VII; See also, *Western Sahara*, Advisory Opinion, ICJ Reports (1975): 32, para. 57. The GA later affirmed that independence must be in accordance with the wishes of the majority of the population – see Resolutions concerning the problem of South West Africa (Namibia), e.g., GA Res. 1747 (XVI) 1962, GA Res. 1805 (XVII) 1962.

⁹³ *Western Sahara*, Advisory Opinion, ICJ Rep. (1975): 33, para. 58.

⁹⁴ Prof. Dr. Georg Nolte, “Article 2(7),” in *The United Nations Charter: A Commentary*, ed. Bruno Simma (2002), 162.

⁹⁵ Castellino, 2000: 23.

⁹⁶ *South West Africa Cases (Ethiopia v. South Africa; Liberia v. South Africa)*, Preliminary Objections, (Judgement of December 21, 1962): 329.

⁹⁷ *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, Advisory Opinion, ICJ Rep. (June 21, 1971): 31, para. 53.

⁹⁸ *Certain Phosphate Lands in Nauru*, (Nauru v. Australia), ICJ Rep. 1992, (Preliminary Objections, Judgement).

⁹⁹ GA Res. 1514 (XV) “Declaration on the granting of independence to colonial countries and peoples.”

¹⁰⁰ Paul Keal, “Indigenous Self-Determination and the Legitimacy of Sovereign States,” *International Politics*, Vol. 44, (2007): 287.

¹⁰¹ Anghie, 2004:196-197

¹⁰² Matthew Craven, *The International Covenant on Economic, Social and Cultural Rights: A Perspective on its Development*, (Oxford: Clarendon Press, 1995), 24.

¹⁰³ On the difficulties of defining a “people” see R. Emerson, “Self-Determination,” *American Society of International Law Proceedings*, Vol. 60, (1966): 136.

¹⁰⁴ See section three

their borders. Thus, it probably seemed prudent to change the emphasis to the rights of the sovereign, rather than of the people, or it could perhaps give leverage of minority groups to claim *their* right to self-determination, and so threaten the newly founded authority of the decolonized State. “For the newly independent States, sovereignty is the hard won prize of their long struggle for emancipation. It is the legal epitome of the fact that they are masters in their own house. It is the legal shield against any further domination or intervention by stronger States.”¹⁰⁵

It is perhaps an ironic twist of fate that Woodrow Wilson¹⁰⁶ and Lenin¹⁰⁷ were the forefathers of self-determination, as the States to whom they belonged were to later utilise these principles for their political self-advantage; it was to embroil the Cold War, as each would give their (somewhat nominal) support to various groups on the basis of supporting self-determination.¹⁰⁸

A New International Order? And Permanent Sovereignty Over Natural Resources

In the last section we saw how the dependent territories utilised the principle of self-determination to wrestle their political independence from their former colonial masters, and in this section we will examine how they sought to expand this principle to achieve economic independence. Economic independence began to be regarded by the “new States” as an essential component of the notion of sovereignty, and it was thought that there could be “no complete sovereignty unless economic liberation ... [was] achieved alongside political emancipation.”¹⁰⁹ On the whole, there was great dissatisfaction with the international status quo, with many

States expressing the view that international law did not fully meet the requirements of the new States;¹¹⁰ and, furthermore, many felt that “the rules of law were developed by the exploiting imperialistic powers to promote their interests at the expense of countries which in earlier centuries were either colonies or politically and militarily weak and provided important sources of raw materials and perhaps labour to the exploiting powers.”¹¹¹ So, although these new States had been welcomed into the Family of Nations as equals, they still felt bound in a struggle against imperialism.¹¹² By and large they took the view that, “imperialism as an effective system of control is not automatically removed by political independence. The economic structure that was built as part of the market system and the investment pattern of the metropolitan centre lives on. And with it *economic* dependence lives on.”¹¹³ Without being free from the constraints of economic dependence these newly independent States were not therefore able to “enjoy *complete* independence and freedom.”¹¹⁴

Economic independence, then, was seen as an indispensable aspect of self-determination and sovereign equality (as I have demonstrated in the past two chapters, freedom to determine one’s economic as well as political system was considered vital to the notion of sovereignty and independence), as well as forming an integral part of shaking off the remnants of the old colonial régime. The real impetus of this drive for economic independence came during the Sixth Special Session of the UN GA,¹¹⁵ where two resolutions were adopted: the Declaration on the Establishment of a New International Economic Order (NIEO)¹¹⁶ and the Programme of Action on the Establishment of a New International Economic Order.¹¹⁷ This was set against the background of an emerging right to development¹¹⁸ and of

¹⁰⁵ Georges M. Abi-Saab, “The Newly Independent States and the Rules of International Law,” *Howard Law Journal*, Vol. 8, (1962): 103.

¹⁰⁶ Woodrow Wilson’s Thirteen Points, Jan. 8, 1918; available online at: <http://www.ourdocuments.gov/doc.php?flash=true&doc=62>

¹⁰⁷ Castellino, 2000: 21; Vladimir I. Lenin, “The Right of Nations to Self-Determination (1914),” reprinted in Micheline R. Ishay, *The Human Rights Reader: Major Political Essays, Speeches, and Documents from Ancient Times to the Present*, 2nd ed, (London: Routledge, 2007): Lenin considered it to be “incorrect to understand the right to self-determination to mean anything but the right to a separate State existence.”

¹⁰⁸ See section four

¹⁰⁹ George Elian, *The Principle of Sovereignty Over Natural Resources*, Sijthoff and Noordhoff, (1979), 27 [brackets mine].

¹¹⁰ Abi-Saab, 1962.

¹¹¹ J. J. G. Syatauw, *Some Newly Established Asian States and the Development of International Law* (The Hague: Martinus Nijhoff, 1961), 230; Ram Prakash Anand, *International Law and the Developing Countries* (The Hague: Martinus Nijhoff, 1987), 106-107.

¹¹² See, e.g., Political Declaration of the Fourth Conference of Non-Aligned Countries (Algiers, Sept. 5-9, 1973); Also, consider the opening speech made by the leader of the Non-Aligned Countries – Algeria’s President Boumedienne at the Sixth Special Session of the UN GA, UN GAOR, 6th Special Sess., prov. Verbatim rec. A/PV.2208 (April 10, 1974); Also, Harold D. Lasswell, “The Relevance of International Law to the Development Process,” *American Society of International Law Proceedings*, Vol. 60, (1966): 2-3.

¹¹³ Harry Magdoff, *Imperialism without Colonies*, New York: Monthly Review Press (2003), 33 [emphasis added]; Also, Grovogui, 1996: 2: “The process of decolonization transferred rudimentary political powers to the formerly colonized, but it did not transform the structures of domination – the institutional and cultural contexts of Western hegemony in the global order.”

¹¹⁴ GA Res. 1514 (XV) 1960, Article 5.

¹¹⁵ John King Gamble and Maria Frankowska, “International Law’s Response to the New International Economic Order: An Overview,” *Boston College International and Comparative Law Review*, Vol. 9, (1986): 257 [brackets mine]: It was only during the latter half of the twentieth century that “the LDCs [less developed countries] enjoyed the political power necessary to press their case for an NIEO.”

¹¹⁶ GA Res. 3201 (S-VI) 1974.

¹¹⁷ GA Res. 3202 (S-VI) 1974.

¹¹⁸ Although not formally recognised until 1986, in GA Res. 41/128 (XLI) 1986; See also, Ved P. Nanda, “The Right to Development under International Law: Challenges Ahead,” *California Western International Law Journal*, Vol. 15 (1985); Jack Donnelly, “In Search of the Unicorn: The Jurisprudence and Politics of the Right to Development,” *California Western International Law Journal*, Vol. 15 (1985).

(economic) self-determination.¹¹⁹ Notions of development were established in the terms governing obligations of the colonial powers towards the dependent territories, and tended to be expressed in terms of ensuring the “well-being” and “progressive development” of the peoples.¹²⁰

In this section I will outline the various propositions that were put forth for the creation of a NIEO, their legal ramifications, and the arguments posited in favour of them – as well as an appraisal of their legal validity, so to speak; I shall also consider why it was resisted by the developed nations, their arguments in opposition to it, and, ultimately, why the proposed order failed. Again, I wish to draw emphasis upon the tensions between the struggles of the new Third World States to obtain independence and sovereignty, and the imposition of structures of domination and subordination.

The Principles of a New Order

The proposed NIEO was essentially an attempt to establish a system of more equitable economic relations,¹²¹ one which would help the development of the newly established Third World¹²² (and so lessen the ever-widening gap between the developed and underdeveloped countries),¹²³ and finally abolish imperial control over the sovereign capacities of the decolonized States.¹²⁴

It culminated in the adoption of the “Charter of Economic Rights and Duties of States,”¹²⁵ adopted in 1974. It was recognised that it was “not feasible to establish a just order and a stable world as long as a charter to protect the rights of all countries, and in particular the developing States, is not formulated.”¹²⁶ The Charter, then, was designed to protect these rights, and enshrine them in international law. It contains three chapters: the first

of which is concerned with the principles which should guide economic relations; the second set out the economic rights and duties; and the third outlined “common responsibilities towards the international community”. It is in the second chapter that the main objectives are enunciated. There is a general feeling in these Articles of the need for uniform regulations to create stable and equitable economic relations, based on co-operation and development.¹²⁷ Especially prevalent is the insistence on instigating trade relations to benefit the developing countries, which ultimately aspire to improve their development. For instance, Article 14 states that “States shall take measures aimed at securing additional benefits for the international trade of developing countries so as to achieve a substantial increase in their foreign exchange earnings.”¹²⁸ In addition to promoting their development, these States were keen to ensure their independence. Uruguay argued that economic independence was essential to, and the most effective means of ensuring the development of underdeveloped countries.¹²⁹ Article 1 restated the principle that States are free to choose their political and economic systems; in a similar vein, Article 32 held that “no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights.”¹³⁰ One of the most controversial and highly contentious recommendations dealing both with the development of these countries, and with ensuring their independence, was concerned with the notion of permanent sovereignty over natural resources, and the issue of nationalization and expropriation of alien property.

Permanent Sovereignty and Expropriation

The doctrine of Permanent Sovereignty over Natural

¹¹⁹ Nico Schrijver, *Sovereignty over Natural Resources: Balancing Rights and Duties*, (Cambridge: CUP, 1997), 369.

¹²⁰ See section five for expansion on this notion of development; also conclusion of section two.

¹²¹ GA Res. 3201 (S-VI) 1974, *Preamble*; Andres Rozental, “The Charter of Economic Rights and Duties of States and the New International Economic Order,” *Virginia Journal of International Law*, Vol. 16 (1975-1976): 311.

¹²² Mark Ellis, “The New International Economic Order and General Assembly Resolutions: The Debate Over the Legal Effects of General Assembly Resolutions,” *California Western International Law Journal*, Vol. 15 (1985): 647.

¹²³ International inequalities of wealth presents itself as a substantial threat to international peace and stability and is thus a pressing international concern; GA Res. 1428 (XIV) 1959, *Preamble*: “Recognizing the urgent necessity of correcting economic and social imbalances existing in the world.”; UN GAOR, 29th Session, provisional summary record, A/C.2/SR.1638, at p.9; quoted in G. W. Haight, “The New International Economic Order and the Charter of Economic Rights and Duties of States,” *International Lawyer*, Vol. 9, No. 4, (1975): 596.

¹²⁴ For an historical overview of the NIEO, see e.g., John King Gamble and Maria Frankowska, “International Law’s Response to the New International Economic Order: An Overview,” *Boston College International and Comparative Law Review*, Vol. 9, (1986): 257-263; F. V. Garcia, “The Proposed New International Economic Order: A New Approach to the Law Governing Nationalization and Compensation,” *Lawyer of the Americas*, Vol. 12, (1980): 10-18.

¹²⁵ GA Res. 3281 (XXIX) 1974; On the history of the Charter, see Rozental, 1975-1976: 312-314.

¹²⁶ GA Res. 3281 (XXIX) 1974, *Preamble*. Also, UN Doc. A/PV.2315, at p.62 (1972); The fact that the NIEO would favour the developing States thus points to a contradiction in terms, as it purports to be in favour of establishing *equitable* relations – yet, favouring one group of States over another (it has been argued) constitutes discrimination, and so is Contrary to the General Agreement on Tariffs and Trade (Oct. 30, 1947, Art.1, T.I.A.S., 1700, 55 UNTS, 194 (1948)).

¹²⁷ Garcia, 1980: 17-20.

¹²⁸ GA Res. 3281 (XXIX) 1974, Article 14.

¹²⁹ UN Doc. A/C.2/SR.231, Dec. 6, 1952, p.253, para. 1 (Mr Cusano), cited in Schrijver, 1997: 43.

¹³⁰ GA Res. 3281 (XXIX) 1974, Article 32.

Resources¹³¹ (hereinafter PSNR) was one of the most prominent features of the NIEO, and was a central part of the claim to the sovereignty and independence of the new States. Many States “perceived this to be a main basis for their economic development and for a redistribution of wealth and power in their relations with the industrialised world.”¹³² Indeed, “the proclamation of this right resulted from a long-standing demand put forward by the developing countries of the southern hemisphere against the industrialized, capital-exporting States of the North in an attempt to win control over their resources and economies.”¹³³ It was, however, a principle which was originally introduced in the UN GA in 1952, when it recognized that “the under-developed countries have a right to determine freely the use of their natural resources.”¹³⁴ Later that year the Assembly deemed the “right of peoples freely to use and exploit their natural wealth and resources” to be an inherent aspect of sovereignty.¹³⁵ Indeed, PSNR was often regarded as an expression of economic sovereignty, and economic self-determination.¹³⁶ During the crisis over South West Africa (Namibia) the GA stated that the Namibian people had a right to permanent sovereignty over their natural resources, and condemned “the policies of those States which continue[d] to support foreign economic and other interests engaged in exploiting the natural and human resources of Namibia.”¹³⁷ Concurrent with the principle of self-determination, PSNR seemed to be a right vested in the people. Indeed, even when the emphasis changed from “peoples” to “States”, it was still expressed in such a fashion whereby the interests of the peoples of the territory were paramount.¹³⁸

One of the central tenets of PSNR is the right of States to expropriate, or nationalize alien property;¹³⁹ again, this was a principle established well before the contemplation of a NIEO. In its original manifestations it required that “requisitioning shall be based on grounds of reasons of

public utility, security or the national interest which are recognized as overriding purely individual or private interests.”¹⁴⁰ Additionally, “appropriate” compensation should be paid, and if any dispute were to arise it should be settled through arbitration or international adjudication. Eleven years later the GA took a different approach. This resolution held that each State “is entitled to determine the amount of possible compensation and the mode of payment,” thus removing any mention of international law; and, with regards to disputes, it stipulates that they should be “settled in accordance with the national legislation of each State carrying out such measures.”¹⁴¹ This position was adopted the Charter on Economic Rights and Duties, and was thus a part of the proposed NIEO.¹⁴² Essentially, there was an attempt to ground the process of expropriation and nationalization of alien property in the law of the State concerned, and so exclude it from the ambit of international law. The intent behind this was to give States more control over their resources by easing the restrictions concerning nationalization. A number of the industrialized States were wary of this move, as many of the resources and industries that were most likely to face nationalization were foreign owned, generally by companies based in the industrialized world. Furthermore, it also threatened to potentially disrupt the vital flow of resources upon which their economies and the international economy depends.

The Opposition

In reaction to the “Charter of Economic Rights and Duties” the US Council of the International Chamber of Commerce (ICCom) remarked that it was “the cutting edge of a threat to the well-being – and even the existence – of foreign-owned private enterprise and to the security of foreign investment in many countries.”¹⁴³ This was a typical reaction amongst the Western States who feared that, if utilised, the principles enunciated in the proposal for a

¹³¹ On the issue of what qualifies as a “natural resource”, see generally, Schrijver, 1997. The issue is a complicated one, as there is no real indication as to what precisely constitutes a “natural resource”; some interpretations have been restrictive, whereas some expansive. For example, *contrast* the ‘Declaration on the Establishment of a NIEO’ GA Res. 3201 (S-VI) 1974, Article 4(e), posits that permanent sovereignty extends over a State’s “natural resources and all economic activities”; with the “Charter of Economic Rights and Duties of States” GA Res. 3281 (XXIX) 1974, Chapter II, Article 2(1), which states that it includes its “wealth, natural resources and economic activities.”

¹³² Schrijver, 1997: 82.

¹³³ Prof. Dr. Albert Bleckmann, and Dr. Bardo Fassbender, “Article 2(1),” in *The Charter of the United Nations: A Commentary*, ed. Bruno Simma (2002), 81.

¹³⁴ GA Res. 523 (VI) 1952, *Preamble*. The paragraph continued: “...and that they must utilise such resources in order to be in a better position to further the realization of their plans of economic development in accordance with their national interests,” although it goes on to add “...and to further the expansion of the world economy.”

¹³⁵ GA Res. 626 (VII) 1952; Elan, 1979: 24.

¹³⁶ See sections 1 & 2

¹³⁷ GA Res. 3295 (XXIX) 1974, Section IV, Article 8 [brackets added].

¹³⁸ GA Res. 1803 (XVII) 1962, Article 1: “The right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised in the interest of their national development and of the wellbeing of the people of the State concerned.”; GA Res. 2158 (XXI) 1966, Article 1.

¹³⁹ See, generally: Mr. Justice Harlan, *Banco Nacional da Cuba v Sabbatino*, (1964), 428-429.

¹⁴⁰ GA Res. 3171 (XXVIII) 1973, Article 3.

¹⁴¹ Schrijver, 1997: 82.

¹⁴² GA Res. 3281 (XXIX) 1974, Chapter II, Article 2(2c).

¹⁴³ US Council of the International Chamber of Commerce, *A New Challenge to Private Enterprise*, (1975), cited in Gillian White, “A New International Economic Order?” *Virginia Journal of International Law*, Vol. 16, (1975-1976): 323.

NIEO could seriously damage their overseas commercial interests, as it would make their foreign assets extremely liable, and would make foreign investment less desirable. Indeed, “this unwillingness to accept the principle that foreign investors are entitled by international law to a minimum standard of fair treatment was clearly one of the reasons why the US, the UK, Belgium, Denmark and ten other countries abstained.”¹⁴⁴ When the Western States could not change the wording of the Articles in the Charter during the drafting process, they then made a series of reservations against it. The US delegate (Ambassador Scali), stated: “the present Declaration [on the economic rights and duties of States] does not couple the assertion of the right to nationalize with the duty to pay compensation in accordance with international law. For this reason we do not find this formulation acceptable. The governing international law cannot be and is not prejudiced by the passage of this resolution.”¹⁴⁵ The reservations of the other reserving States made similar points and Ambassador Richards of the United Kingdom stated: “We do not interpret the Declaration as in any way affecting international obligations in relation to States’ sovereignty over natural resources, nor do we accept the apparent obligation for compensation referred to in paragraph 4 (f).”¹⁴⁶

Additionally, there was a question as to whether or not the NIEO constituted a new norm of customary international law. The debate was centred around the distinction between what is the law (*lex lata*) and what the law should be (*lex ferenda*), and the question of whether the resolutions issued were a reliable indication of *opinio juris*, and so indicating the view of States that these principles considered to be law.¹⁴⁷

Delegates of the industrialized nations doubted “the advisability, possibility or feasibility of making the rights and duties formulated in a draft charter legally binding on States.”¹⁴⁸ Some argued that the resolutions were simply “political acts”, and therefore succeeded in “excluding them from the neat and orderly realm of legal principles.”¹⁴⁹ Moreover, the fact that a small but significant group of States strongly opposed the implementation of these

principles, made reservations, voted against them, and actively spoke out against them, lends itself to suggest that the proposals didn’t gain the required *opinio juris*. Indeed, it was not consented to by the whole of the international community.¹⁵⁰ The non-legal character of the declarations establishing a NIEO have been further confirmed through numerous international arbitral awards.¹⁵¹

There is strong opinion however that the GA does possess legislative abilities.¹⁵² But owing to the large opposition, the resolutions appear to be more declaratory rather than legally binding. “On the one hand, virtually all governments have affirmed the general line that General Assembly resolutions are not legally binding (except when addressed to subsidiary organs or secretariats). Not surprisingly, this position is most vigorously asserted when they oppose the content of the resolution. On the other hand, we find that at one time or another many of the same governments have maintained that particular declarations express agreed law based either on the Charter or on general international law.”¹⁵³ It must be noted though, that it was always the intent of the developing world that the Charter partly be the codification of existing customary international norms, but also be designed to start the development of new rules.¹⁵⁴ That is, it was explicitly acknowledged that all the principles were not established rules of international law; the aim was to gain the acquiescence of other States, and so create new conditions of international law. “It was envisaged as a practical instrument, for use by all States, which would clearly set out the rights and obligations governing international economic relations. ... Thus, the Charter was not perceived as an end in itself but as a first, necessary, and long-overdue step towards a complete régime governing States in the economic field.”¹⁵⁵

Conclusion

As we have seen, the NIEO was an attempt by the newly decolonized States to change an international law which had disadvantaged them; it was, moreover, an attempt to establish a system that was based on social justice and

¹⁴⁴ Haight, 1975: 603.

¹⁴⁵ *I.L.M.*, Vol.13 (1974):746.

¹⁴⁶ *I.L.M.*, Vol.13 (1974):762, at 763.

¹⁴⁷ See generally, White, 1975-1976: 323-345.

¹⁴⁸ UNCTADOR, TD/B/AC.12/1 (March 6, 1973) cited in G. W. Haight, 1975: 595.

¹⁴⁹ Oscar Schachter, “The Evolving International Law of Development,” *Columbia Journal of Transnational Law*, Vol. 15, (1976): 4.

¹⁵⁰ *I.L.M.*, Vol. 13 (1974) p.745; Haight, 1975: 596.

¹⁵¹ *Texasco Overseas Petroleum Company/California Asiatic Oil Company v. Government of Libyan Arab Republic*, International Arbitral Tribunal, *ILM.*, Vol.17 (1978): 29; *Kuwait v. American Independent Oil Company (AMINOIL)*, Arbitration Tribunal, *ILM.*, Vol.21 (1982): 1033.

¹⁵² D. H. N. Johnson, “The Effect of Resolutions of the General Assembly of the United Nations,” *BYIL*, Vol. 32, (1955-1956); Richard A. Falk, “On the Quasi-Legislative Competence of the General Assembly,” *The American Journal of International Law*, Vol. 60, No. 4 (October 1966); Jericho Nkala, *The United Nations, International Law, and the Rhodesian Independence Crisis*, (New York: OUP, 1985).

¹⁵³ Schachter, 1976: 4.

¹⁵⁴ Rozental, 1975-1976: 314, 316: “Their hope was that a solemn proclamation by the GA, although not legally binding, would incorporate legal norms which would gradually acquire a certain force in the regulation of economic interactions.”

¹⁵⁵ *Ibid.*, 311.

development.¹⁵⁶ The main route to their development, as they saw it, was through asserting their sovereignty over their economic spheres and claiming a right to permanent sovereignty over their natural resources. “Consequently, the West had to confront the challenge of preventing the disruption of the international order which would follow from the developing world’s campaign to articulate its history of exploitation and to change the rules of international law that had both justified and furthered this system of exploitation.”¹⁵⁷ It was precisely because of this challenge to its legal nature that the NIEO failed to become an established norm of international law; the opposition from the West prevented the Charter from becoming legally binding. The new States had been denied the opportunity to remake international law so as to benefit themselves, to rectify the damages inflicted by colonialism, and had been denied the freedom to express their sovereign rights over their economic spheres and so take control of their development.

Maintaining a Hidden Hand: Correcting Disobedience

The new international law of the twentieth century advocated peaceful relations between States, premised on the norms of equality between sovereigns, respect for territorial integrity, and on the principle of immunity from intervention in the domestic affairs of States. The process of decolonization greatly expanded the number of independent States on the world stage, and these new States were keen to assert their independence through adherence to and respect for these base norms of international law. However, as I have attempted to illustrate thus far, the third world States were met with continuous opposition from the Western powers. Their newly acquired sovereignty faced many challenges as the dominant States exerted their power to ensure the perpetuation of their world view. However, it was not only on the international legal field that these new States faced problems in guarding their sovereignty; they were also under threat from intervention by the dominant powers (both the Western States, and the Soviet Union). In this section I examine the new logics posed by the Cold War, and how the notion of supporting self-determination was used and abused. I look further at two specific examples of intervention: firstly, the Suez crisis, as this neatly demonstrates how the concept of the “uncivilized Other” was used to justify intervention – and it was the defining moment when the US became the dominant power in the world, effectively making the UK and France (which thought that they still were near equal status to the US) very

much second class powers; and, secondly, the US facilitated coup d’état in Iran, as this was the first (documented) case of successful “régime change” by the US, which led to many more similar covert operations. I seek to argue that the dominant powers sought to safeguard their positions through ridding themselves of potential threats to their hegemonic positions, and were readily willing to violate norms of international law to do so. “A key prerogative of this position has been a right to intervene in the affairs of other States in order to promote some proclaimed community goal.”¹⁵⁸ Furthermore, I contend that there was a fundamental paradox emanating from these States, as they often claimed to support human rights and self-determination, but in reality their actions were aimed at maintaining certain international structures and at creating “friendly” relations (i.e., relations that were amicable to their interests). Here, then, I attempt to set the legal aspects of this paper against the political background: to reconcile the *realpolitik* with the law. I also argue that it was during this period that the US took over the role Britain had played in protecting the Western sphere – the so-called “changing of the guard of Empire”.

New Cold War Logics

In 1950 the US National Security Council (NSC) issued a classified report concerning the Cold War, known as NSC 68.¹⁵⁹ The document outlined the Soviet threat to the US and its global position, and the zero-sum nature of the conflict itself. It advocated, *inter alia*, that the US should seek to follow a policy of “containment”, and so create a sphere of influence that would be supportive of US interests. This sphere of influence would be created from the host of newly decolonized States. The process of decolonization posed a grave threat to US hegemony, and the Western world as a whole: if these States were to align themselves with the Soviet Union, then the US and the West would lose the natural resources it required to fuel its economies; if they were to be brought under the wing of the West on the other hand, then the West would triumph. So, despite the Cold War being classified as “cold”, there were still a great many “hot” wars being fought, often under the heading of “national liberation struggles”. In 1968 Richard Falk wrote: “If empire once depended primarily upon the extent of colonial occupation, it now increasingly depends upon the capacity to influence the outcome of important internal wars.”¹⁶⁰ Indeed, this was the case, as we shall see in the next section. An important element throughout was the relationship between the British and the Americans. The

¹⁵⁶ See James Thuo Gathii, “Good Governance as a Counter Insurgency Agenda to Oppositional and Transformative Social Projects in International Law,” *Buffalo Human Rights Law Review*, Vol. 5 (1999): esp. 115-119.

¹⁵⁷ Anghie, 2004: 235.

¹⁵⁸ Simpson, 2004: 5.

¹⁵⁹ NSC-68: online at: <http://www.fas.org/irp/offdocs/nsc-hst/nsc-68.htm>.

¹⁶⁰ Richard A. Falk, *Legal Order in a Violent World*, (Princeton, N.J.: Princeton University Press, (1968), 112.

US *needed* the British Empire in order to win the war; “the dissolution of the empire was not in our interest as there were many things the Commonwealth could do which we could not do and which we wished them to continue doing.”¹⁶¹ The influence that the British held over their dependent territories was of great importance to the US: “Let us be frank in recognizing our stake in the strength and stability of certain European nations which exercise influence in the dependent areas. ... A sudden break in economic relations might seriously injure the European economy upon which our Atlantic defence system depends, and at the same time prove equally injurious to the dependent territories themselves.”¹⁶² So, whilst “officially” maintaining an anti-imperial stance, and advocating independence for colonial peoples, they kept a “hidden hand” in the affairs of the new States: “it was essential for the United States and the British Commonwealth to keep out of the limelight ... but ... absolutely essential to “pull the strings” whenever necessary.”¹⁶³ In other words, “ideally, the United States preferred “independence” and covert influence to colonialism.”¹⁶⁴ Thus, despite expressing strong anti-imperial sentiments, the US was effectively underwriting the continuance of the European Empires in order that it could win the Cold War.

Interventions and the Indirect Use of Force

Since 1945 the US has preferred to use various forms of coercion other than the direct application of military force to implement its policies across the globe, and these have often taken the form of covert operations (interventions) or the indirect use of force. These methods were especially prevalent throughout the Cold War, when the US was reluctant to use its forces in global struggles lest it turn the Cold War into a Hot War. It found, however, that these methods were extremely effective in removing unwanted governments and installing more likeable tyrants (indeed, despite its avid support for democracy the US government

has often been found to be propping up brutal dictators and tyrants who, generally speaking, did not have the best interests of the population at heart).¹⁶⁵ The US has executed dozens of covert operations and indirect uses of force against countries all over the world.¹⁶⁶ Needless to say, these actions were and are in direct violation of international law,¹⁶⁷ however, “where the interests of the European powers, such as those of Britain, collided with their obligations under international law, more often than not they did not let those obligations limit their action; instead, such powers were willing to forego the standards of behaviour established by international law.”¹⁶⁸

Supporting Self-Determination

A key means by which the US sought to consolidate its interests and maintain a sphere of friendly relations was to support numerous groups in their quest for self-determination. In short, it sponsored nationalist groups in the hope that when they gained power they would be supportive of and protect US interests. The logic was “to prevent nationalism getting out of control ... by creating a class with a vested interest in cooperation.”¹⁶⁹ The British, too, saw the fruits of supporting the nationalist groups: “Nationalism is an emotion requiring to be harnessed for constructive purposes if it is not to become extremist, destructive and the instrument of Communist incitement.”¹⁷⁰ This was, in part, the reasoning behind US advocacy of independence for colonial territories. They believed that “given political independence, the nationalists would stand on their own feet against the communists. A relatively small amount of economic and military aid from the West would win their alliance and secure Europe’s economic assets.”¹⁷¹

The Suez Crisis

The Suez Canal¹⁷² was for a long time of significant

¹⁶¹ George Kennan, Top Secret Minutes of 7th Meeting of the Policy Planning Staff, January 24, 1950, Foreign Relations of the United States, 1950, Vol. III, 620.

¹⁶² Ibid.; Also, CIA, Office of Reports and Estimates, “Review of the World Situation,” September 26, 1947, Secret, in Michael Warner (ed.), *CIA Cold War Records: The CIA under Harry Truman* (Center for the Study of Intelligence, CIA, 1994): “Existing British overseas commitments are so extensive and important that their precipitate liquidation would create conditions prejudicial to security interests of the United States.”

¹⁶³ Anglo-American official talks, Washington, 13 September 1949, Foreign Relations of the United States, 1949, VII, Part 2, p.1199; See generally, R. J. Aldrich, *Hidden Hand: Britain, America and Cold War Secret Intelligence*, (New York: Overlook Press (2002).

¹⁶⁴ WM. Roger Louis and Ronald Robinson, “The Imperialism of Decolonization,” *The Journal of Imperial and Commonwealth History*, Vol. 22, No. 3 (1994): 471.

¹⁶⁵ Prof. Dr. Albrecht Randelzhofer, “Article 2(4),” in *The Charter of the United Nations: A Commentary*, ed. Bruno Simma (2002).

¹⁶⁶ William Blum, *Killing Hope: US Military and CIA Interventions since World War II* (London: Zed Books, 2003).

¹⁶⁷ See section one, subsection “External Sovereignty.”

¹⁶⁸ Jean Allain, “Orientalism and International Law: The Middle East as an Underclass,” *Leiden Journal of International Law*, Vol. 17, No. 2 (2004): 399.

¹⁶⁹ FO memorandum on “The Problem of Nationalism,” June 21, 1952, CO 936/217, in *British Documents on the End of Empire*, Series A Volume 3, *The Conservative Government and the End of Empire 1951-57*, David Goldsworthy (ed.), Part I (HMSO 1994), 18.

¹⁷⁰ CO 537/5698, no. 69, May 1950, British Documents on the End of Empire, Series A, Volume 2, *The Labour Government and the End of Empire, 1945-51*, Part I, “The Colonial Empire today: summary of our main problems and policies”: CO International Relations Dept paper. *Annex*: some facts illustrating progress to date, p.354.

¹⁷¹ Louis and Robinson, 1994: 471.

¹⁷² For a brief history of the Suez Canal, see Allain, 2004:47-57.

importance to British overseas interests, primarily because it represented the gateway to the Middle East¹⁷³ – an area which held great strategic and commercial value to the British, especially with regards to their empire. In 1956 Colonel Gamal Abdel Nasser and his revolutionary council revealed plans to nationalize the Canal; a move that was met with worry and hostility from the major colonial powers. The minutes taken from a discussion of the matter during a Cabinet meeting are very revealing of the British reaction. Firstly the Cabinet members noted that they would “be on weak ground” if they employed the “narrow argument that ... Nasser had acted illegally.” In fact, they even went so far as to admit that the action taken by Nasser “amounted to no more than a decision to buy out the shareholders.” They concluded that they should present their case on “wider international grounds”, arguing that it was “an important international asset ... that Egypt could not be allowed to exploit ... for a purely internal purpose”, and so it “should be managed as an international trust.” In order to convince the international community that this should be the case, they sought to demonstrate that “the Egyptians had not the technical ability to manage it effectively”, nor would they “be able to provide the resources needed” to develop the canal further. Additionally, the Cabinet decided that “they must be subjected to the maximum political pressure ... and, in the last resort, this political pressure must be backed by the threat – and, in need be, the use – of force.”¹⁷⁴

Note, first of all, the recognition of the fact that the action taken by Nasser was entirely legal, and hence the need to find another route to recapturing the vital asset. The justification that was devised was that the Egyptians would be incapable of running the Canal effectively; in other words, the “uncivilized” non-European Other should not have the responsibility of controlling such an important international resource. They sought to create this just cause for intervention through a covert operation, called “Operation Pile Up”. The aim of this was to overload the Canal by swamping it with traffic, and thus prove how ineffective the Egyptians were at running it. Perhaps it is an ironic twist of fate that the proposed covert operation did no such thing:

the Egyptians proved to be able to operate the Canal, even with the drastically increased load.¹⁷⁵ Following the failure of this operation, attempts were made to get authority from the UN SC to sanction the use of force against Egypt, and – failing this – a tripartite attack was organised, involving Britain, France and Israel (which similarly failed).¹⁷⁶ This episode is enlightening insofar as it demonstrates the ways in which the European powers considered the new non-European States, and the perpetuation of ideas of the Self and Other. Similarly, it shows the willingness to break international law – yet, *at the same time*, trying to work within the confines of it, by providing justifications (such as a reasonable cause for invasion).

Iran

When Dr. Mohammed Mossadeq assumed leadership of Iran in 1951, he nationalized Iran’s petroleum industry – which had previously been controlled by the Anglo-Iranian Oil Company (now the British Petroleum Company) on the basis of an oil concession, granted in 1901.¹⁷⁷ Evidence shows that the coup d’état was originally a British proposal, requesting US support.¹⁷⁸ The US expressed interest, and soon took over the operation. Their main motivation was driven by the fear that Iran, with a nationalist anti-Western leader behind the reigns, had the potential to “fall behind the Iron Curtain” which would “mean a victory for the Soviets in the Cold War and a major setback for the West in the Middle East.”¹⁷⁹ The British were equally concerned about the potential downfall of Iran, especially as they had large commercial interests there.¹⁸⁰ The coup itself is highly significant because it “marked the first peacetime use of covert action by the US to overthrow a foreign government. As such, it was an important precedent for events like the 1954 coup in Guatemala and the 1973 overthrow of Salvador Allende in Chile.”¹⁸¹ The facts are well documented,¹⁸² and it leaves little doubt that project TPAJAX was an illegal intervention into the sovereign affairs of Iran. “Specifically, the aim was to bring power to a government which would reach an equitable oil settlement.”¹⁸³ The project succeeded in ousting (democratically elected) Mossadeq, and replacing

¹⁷³ PRO CAB 128/30 Pt II, CM 54(56), 27 July 1956, cited in Anthony Gorst and Lewis Johnman, *The Suez Crisis*, Routledge (1997), 58: “The Canal was the vital link between the East and the West and its importance as an international waterway ... had increased with the development of the oil industry and dependence of the world on oil supplies.”

¹⁷⁴ *Ibid.*

¹⁷⁵ Keith Kyle, *Suez: Britain’s End of Empire in the Middle East*, (London: I.B Tauris, 2003), 249-252.

¹⁷⁶ Allain, 2004: 60-69.

¹⁷⁷ CAB 128/20, CM 51 (51) 2, “Persia”: Cabinet conclusions on action to be taken in Anglo-Iranian oil dispute, British Documents on the End of Empire, *The Labour Government and the End of Empire, 1945-1951*, Part I, p.87

¹⁷⁸ Dr. Donald N. Wilber, *Overthrow of Premier Mossadeq of Iran*, (1969), 1-2. Available online at: <http://www.nytimes.com/library/world/mideast/iran-cia-summary.pdf>.

¹⁷⁹ *Ibid.*, p.iii

¹⁸⁰ William Clark (Anthony Eden’s press adviser), Diary, 15 Aug. 1956, cited in W. Clark, *From Three Worlds: Memoirs*, London: Sidgwick and Jackson (1986), 174: “People still talk about the danger of our alienating India, or worrying Africa, but the fact is that if we lose out in the Middle East we shall be immediately destroyed.”

¹⁸¹ Mark J. Gasiorowski, “The 1953 Coup D’état in Iran,” *International Journal of Middle East Studies*, Vol. 19, No. 3 (Aug. 1987): 261.

¹⁸² Wilber, 1969.

¹⁸³ *Ibid.*

him with a leader who was less likely to fall into the hands of the Soviets.

Conclusion

In the conclusion of the first section, I posited that the principle of sovereign equality is threatened by any sort of hegemony within the international order. It is a principle whose aim is to remove power as a legitimate tool of international relations, and to grant States the freedom to choose the form which they take – and to protect that freedom. As we have seen in this section, however, the dominant States have frequently acted against these international legal rules, in order to try and coerce sovereign independent States to change policies which are the sole prerogative of that sovereign State. The US in particular has utilised its immense power to, for want of a better word, meddle in the domestic affairs of other States, in order to obtain certain objectives. It has used its power to ensure its hegemonic position, to the detriment of many States and peoples. The resulting factor is that it has been able to successfully block the rise of any serious opposition, especially amongst the Third World States, who are especially hostile to the actions of the West. “Billions of dollars have been spent to undo regimes and movements not favourable to the dominant States. It has prevented an effective third world coalition from emerging as a counterweight to the unity of the first world.”¹⁸⁴ Such interventions have often been framed as “necessary” due to the threat that these “uncivilized” peoples posed to the “international community”. Indeed, the notion of the international community has been extremely valuable in legitimising the actions of the West in violating the norms of State sanctity. It would seem that “Britain’s wishes (and those of the “civilized” world) are of a “far profounder importance”. If this means blatantly disregarding the dictates of international law, so be it, the civilizing process must proceed unhampered.”¹⁸⁵ The recent Iraq war provides a good example of this in action; George W. Bush, former President of the US, framed the threat of Iraq as a threat to humanity, to civilization itself. “Every nation in every region now has a decision to make. Either you are with us, or you are with the terrorists... This is not, however, just America’s fight. And what is at stake is not just America’s freedom. This is the world’s fight. This is civilizations’ fight. This is the fight of all who believe in progress and pluralism, tolerance and freedom.”¹⁸⁶

Triumph of the West: Domination

My contention thus far has been that the dominant

powers in the world order have been reluctant to cede their position to allow for a world order predicated on more equitable relations. Firstly, the colonial powers did not give up title to their colonial possessions without severe pressure from anti-colonial States within the GA, and the evolution of the principle of self-determination for all peoples was wrought with the tension between these powers and the desires for independence expressed by those under colonial domination. Secondly, the dominant States strongly opposed the new States’ attempt to exercise their full sovereign rights, especially in obtaining sovereignty over their economic facilities – as evidenced in the debate concerning a NIEO and PSNR. Thirdly, the dominant States have readily violated *jus cogens* norms of international law in order to “correct” disobedient States, and to install régimes that would be amicable to their interests. These trends seem to suggest that, since 1945, the plight of the Great Powers has been characterized by “the unpredictable erosion of position after position, foothold after foothold, followed on each occasion by further efforts to hold together the remnants of world power and influence, by one means or another.”¹⁸⁷ The objective of this section is to illustrate the means by which the Great Powers (i.e., the dominant West) have maintained their position of power through informal channels: through global structures and institutions, and through the exertion of a system of economic relations.¹⁸⁸ Such systems have had the effect of holding “the new States as far as possible within the commercial, and also the monetary, systems of the metropolis, and so retain[g] the supposed economic benefits of empire.”¹⁸⁹ Furthermore, I posit that the imperial project has been able to do so due to the absence and suppression of notions of justice in international law, and the employment of a restrictive concept of development – i.e., the denial of the expression of a right to development as enunciated by the new States during 1970s, and the subsequent assertion that development must be achieved through specific means. This has led to development programmes being employed that fail to account sufficiently the best interests and well-being of peoples. Indeed, I argue that they have been constructed with the aim of creating the stability and infrastructure required to exploit the resources of those countries.

Perspectives on Development

A large part of colonial policy tended to be directed toward the development the dependent territories, and was often portrayed in terms of increasing the productive capacity of the territories. The defining feature of such policy initiatives was the “belief that the primary [for development] need

¹⁸⁴ Chimni, 2006: 6.

¹⁸⁵ Allain, 2004: 400.

¹⁸⁶ George W. Bush, “Address to the Nation by the President of the United States,” 147 *Congressional Record* H5737, 5861 (daily edn. Sept. 20, 2001).

¹⁸⁷ John Darwin, “British decolonization since 1945: a pattern or puzzle?” in *Perspectives on Imperialism and Decolonization*, eds. R.F. Holland and G. Rizvi, (London: Routledge, 1984), 206.

¹⁸⁸ John Springhall, *Decolonization Since 1945* (New York: Palgrave Macmillan, 2001), 4 [emphasis in original].

¹⁸⁹ D. K. Fieldhouse, *The West and The Third World* (Malden: Blackwell, 1999), 231 [brackets mine].

was capital investment.”¹⁹⁰ This was, essentially a policy of pursuing economic growth to fuel development; it linked the expansion of industrial sectors, and the growth of the GDP with the notion of development. It was this approach to development, broadly speaking, that came to be accepted as the “official” policy of those international agencies responsible for development of third world countries. This “growth” orientated approach was chosen in lieu of the more “social” form, as advocated by third world States during the debates concerning the NIEO. In fact, there is evidence to suggest that this rival approach was actively suppressed by the industrialized States, as they saw it is a threat to their interests, and the continuance of the capitalist system as the accepted norm. Its base premise was concerned with ensuring that people’s basic needs were fulfilled – this was, they argued, a fundamental prerequisite to development and economic growth.¹⁹¹ Its advocates argued that because the other approach had as “its primary emphasis ... increasing per capita income, it downplayed or ignored the provision of basic needs such as formal education, public health, utilities or other similar social amenities.”¹⁹² Here, then, are the two general perspectives on development; one concerned with economic growth, the other placing its emphasis on providing basic social rights. Indeed, this distinction can be witnessed in the debate that preceded the adoption of the two international human rights covenants, and the States that signed up to each. The industrialized Western States supported and gave more emphasis to the ICCPR, whereas the developing Third World States tended to support the ICESCR.¹⁹³ It is the rights encapsulated in the former covenant that have been attached by institutions such as the World Bank, and States of the Western world, to the issue of development.¹⁹⁴ I argue that the implementation of Civil and Political rights has the effect of bringing stability to States, which is thus effective in creating the conditions necessary for “transnational capital to flourish.”¹⁹⁵ Furthermore, it places emphasis on private over social rights, which, in turn, “allows the pursuit of the neo-liberal agenda.”¹⁹⁶ Finally, I posit that this approach to development has not helped bring about the development of the people of the third world, and has, in fact, perpetuated the system of unequal relations that has caused the subjugation of the third world, whilst ensuring the dominance of the West.

Third World Debt

The debt accrued by the third world has today reached

immense proportions, and presents itself as a significant barrier to the progression of the underdeveloped countries. A large portion of this debt was transferred and “imposed on the newly independent States when they acceded to international sovereignty: in 1960, the external public debt of these countries already amounted to US \$59 billion. With the additional strain of an interest rate unilaterally set at 14 per cent, this debt increased rapidly. Before they had even had time to organise their economies and get them up and running, the new debtors were already saddled with a heavy burden of debt.”¹⁹⁷ Not only was this considerably unjust, it also challenges the notion that these States had acquired full sovereignty, as they were bound by agreements that had been imposed by their former colonial masters which were contrary to the best interests of the people of the territories concerned.¹⁹⁸ The majority of the rest of the debt acquired by the third world was a direct response to the programmes of development created and sponsored by the Western States. By removing the means by which third world States had envisioned their development, these States had then to rely largely on aid and loans to ensure development. The primary function of the World Bank was to facilitate development through issuing loans to the third world States. However, these loans were of little use, as the repayments frequently eclipsed the amount given. “The new loans that a developing State felt obliged to enter into for development purposes could not be used for development ... [as they] were not even enough to cover the servicing of the existing debt.”¹⁹⁹ As part of the programmes of financial assistance the World Bank has attached a series of conditions to the loans it grants, known as Structural Adjustment Programmes (SAPs). These have tended to prescribe the liberalization of the economy and have encouraged privatization and export centred open markets which are attractive to foreign investors. These have ultimately led to cutbacks on spending of important things such as healthcare and education in order to meet loan repayments. In other words, they have reduced the standards of living of the population in order to open up the economy to foreign investment and resource extraction; they actively encourage the exportation of resources, and the importation of foreign goods. “If a society spends one hundred dollars to manufacture a product within its borders, the money that is used to pay for materials, labour and other costs, moves through the economy as each recipient spends it. Due to this multiplier effect, a hundred dollars worth

¹⁹⁰ Ibid., 226 [brackets added].

¹⁹¹ Gathii, 1999: 123.

¹⁹² Ibid., 123.

¹⁹³ GA Res. 2200A (XXI) 1960.

¹⁹⁴ Gathii, 1999.

¹⁹⁵ Chimni, 2007: 8.

¹⁹⁶ Ibid., 17.

¹⁹⁷ E/CN.4/Sub.2/2004/27, para.8.

¹⁹⁸ On the issue of obligations to act in the best wishes of the people of colonial territories, see section two.

¹⁹⁹ E/CN.4/Sub.2/2004/27, para.10.

of primary production can add several hundred dollars to the GNP of that country. If that money is spent in another country, circulation of that money is within the exporting country. This is the reason an industrialized product-exporting/commodity-importing country is wealthy and an underdeveloped product-importing/commodity-exporting country is poor ... Developed countries grow rich by selling capital-intensive (thus cheap) products for a high price and buying labour-intensive (thus expensive) for a low price. This imbalance of trade expands the gap between rich and poor. The wealthy sell products to be consumed, not tools to produce. This maintains the monopolization of the tools of production, and assures a continued market for the product.²⁰⁰ This, I contend, is one of the fundamental reasons for the levels of poverty in the developing countries. It would seem that “debt has thus become not only a means of pushing these countries into extreme poverty, but also a tool for domination and exploitation, phenomena that one might have supposed to have disappeared along with colonialism.”²⁰¹

Norms of “Good Governance”

Chimni shrewdly observes the role that ideology plays in the creation and development of law. He argues that “the language of law has always played ... a significant role in legitimizing dominant ideas,” and that international law, as a “matrix in which global problems are approached, analysed and resolved ... is shaped and framed by the dominant ideas of the time.”²⁰² Of course, the international sphere is composed of a wide variety of different actors, all with varying ideologies, national interests, and so forth, and thus it would not only be impossible, but also a fallacy to posit that international law is shaped by any one force.²⁰³ However, the dominant actors play a very big part in shaping the world stage, and it is their ideas which have, by and large, shaped the course of international law. Essentially, then, international law is important in “legitimiz[ing] their vision of world order.”²⁰⁴

The idea of “good governance” (i.e., the norms to which governments should adhere to in the operation of their sovereign functions) is one such ideology which has been

enunciated by the dominant States and has subsequently acquired the force of accepted international norms. This has been justified largely by reference to the “uncivilized” nature of the non-European nations:²⁰⁵ “The North seeks to occupy the moral high ground through representing the third world peoples ... as incapable of governing themselves.”²⁰⁶ This has led to the application of various norms of “good governance”, often included as conditions on loans issued by the World Bank. These norms are inextricably connected with the rights contained within the ICCPR; the focus of which is on rights such as the protection of private property, and the enforcement of contracts.²⁰⁷ “By emphasising the compatibility between human rights and laissez-faire economic policy, the good governance agenda underplays the constraints neo-liberal economic policy imposes on the realization of social and economic rights (or welfare entitlements/basic needs) in particular, and third generation rights associated with the NIEO, such as the right to development.”²⁰⁸

Democracy and the freedom of capital

Democracy is one such ideal that has been exported by the dominant forces in the world. Thomas M. Frank argues that while it has yet to emerge as a recognized international legal norm, it “is rapidly becoming ... a normative rule of the international system.”²⁰⁹ On the surface, this perhaps appears to be a beneficial development – after all, democracies operate on the premise that the legitimacy of the government is to be found in the hands of the people. However, a corollary of democracy as a system of governance is the separation of government and the economy, and the opening up of the national economy to the international. Indeed, “a country’s performance on issues such as the nature of its political institution, elections and democratization constitutes an important framework for successful economic adjustment.”²¹⁰ The general result of this has been the “relocation [of] sovereign economic powers in international institutions, greatly limiting the possibilities of third world States to pursue independent self-reliant development.”²¹¹ Furthermore, one of the fundamental objectives of spreading democracy is “to create the conditions in which transnational capital can flourish.”²¹² A further impact of democratization has been the move towards the international protection of

²⁰⁰ J. W. Smith, *The World’s Wasted Wealth* (Cambria, CA: Institute for Economic Democracy, 1994), 127, 139.

²⁰¹ E/CN.4/Sub.2/2004/27, para. 3.

²⁰² Chimni, 2006: 15; See also, Jean Allain, *op. cit.*, p.1

²⁰³ See *supra* note 1.

²⁰⁴ Chimni, 2006: 16.

²⁰⁵ See e.g., Anghie, 2004.

²⁰⁶ Chimni, 2006: 16.

²⁰⁷ Gathii, 199: 122.

²⁰⁸ *Ibid.*

²⁰⁹ Thomas M. Frank, “The Emerging Right to Democratic Governance,” *AJIL*, Vol. 86, No. 1 (Jan. 1992): 46.

²¹⁰ Gathii, 1999: 144.

²¹¹ Chimni, 2006: 7.

²¹² *Ibid.*, 8.

private property, and the internationalization of property rights, which has led to the removal of the rights of third world States to the technologies of the developed world that they desperately need.

Closer Together, Further Apart

I challenge the perception that this method of development is effective in alleviating poverty, as rarely does the money trickle down to the majority of the peoples of the third world.²¹³ Whilst advocates of this form of development may point to growth in Gross National Product (GNP) as an indicator of improving conditions, I argue that it is only a marginal proportion of the population that are feeling the effects. Rather, the divisions of wealth within these countries are steadily getting larger; a select few benefit from these conditions, whereas the rest live in poverty.²¹⁴ “These developments seek to accommodate the interests of a transnational ruling elite which has come to have unprecedented influence in shaping global policies and law.”²¹⁵ These so-called transnational ruling elites have benefited greatly from these development policies as they tend to be in control of the resources and in the position to accept lucrative deals in return for concessions on these resources, as well as diverting and squandering large sums away from public spending.

Conclusion

It is in the opinion of this author that the emphasis placed on Civil and Political Rights over Economic Social and Cultural Rights in the realm of development has had disastrous consequences for the Third World. It has kept the Third World in a subordinate position, and has prevented any meaningful development, whilst in some cases actually creating further poverty. It seems, *prima facie* at least, that the instruments used to promote development are simply an extension of the old colonial régimes, with the primary aim of extracting resources and creating markets to sell goods to. The justification that is summarily offered is that the exploitation of natural resources is for the benefit of mankind, which, again, seems to be a continuation of old colonial policies.²¹⁶ I argue that through the suppression of the Third World attempts to create a new order, based on social justice and equitable relations, and the subsequent triumph of Western models of governance and economics, we have witnessed the creation of a new system of domination and subordination. These systems have made a large group

of resource-rich States dependent upon the small majority. In many senses, then, it would appear that nothing much has changed from the old system of colonialism.

Conclusion

At the beginning of this paper I outlined the so-called “traditional” perspective of the evolution of the international system, and of the process of decolonization. In the second section I considered the evolution of decolonization in international law, from its inceptions at San Francisco, to its enshrinement in the United Nations Charter, and, finally, to the evolution of the principle of self-determination, which was largely responsible for granting the colonized people a right to independence under international law. I also showed how the attitudes and actions of the Great Powers tried to prevent this process from occurring, as they frequently used their superior civilized position to bar action from the United Nations General Assembly and the various anti-colonial States. “The German colonies in the Pacific and Africa are inhabited by barbarians, who cannot possibly govern themselves, but to whom it would be impracticable to apply any ideas of political self-determination in the European sense.”²¹⁷ I then showed in section three how these new States attempted to obtain a true measure of sovereignty through their attempts at the creation of a New International Economic Order. These attempts were directed at changing the international law which had subjugated them to the Western powers for so long, and deprived them of their independence. Indeed, the latter half of the twentieth century has been marked by the struggles of the majority of the globe to emancipate themselves from their colonial pasts, and to achieve both political and economic independence. These attempts had been largely unsuccessful, and have led to the perpetuation of the same structures of domination and subordination as existed under colonial rule. “The newly independent States ... fought to develop new rules, even a new international economic order. But in the event the Bretton Woods Institutions triumphed, imposing their own view of development and a certain set of structures of governance on half the world’s population and a majority of its governments. The outcome has been, on the whole, increased indebtedness and new forms of dependence.”²¹⁸

In section four I show how the West – and, during the Cold War, the Soviet Union – awarded itself the right to intervene in the internal affairs of others, and as a

²¹³ Gathii, 199: 130.

²¹⁴ Magdoff, 2003: 13.

²¹⁵ Chimni, 2007: 7.

²¹⁶ Lord Lugard, cited in, CO 537/5698, no. 69, May 1950, British Documents on the End of Empire, Series A, Volume 2, *The Labour Government and the End of Empire, 1945-51*, Part I, “The Colonial Empire today: summary of our main problems and policies”: CO International Relations Dept paper, p.334

²¹⁷ J. C. Smuts, *The League of Nations: A Practical Suggestion*, (New York: The Nation Press, (1919), 15.

²¹⁸ Anghie, 2004: xii.

consequence deprive them of the function of their sovereign rights. The objective of this has been to prevent the rise of any credible threat to the position of the West as a whole, and the US in particular. During the Cold War the US was especially busy in the activities of removing foreign governments which they disliked – i.e., governments who could potentially turn to the Communists, or who were simply not willing to bend to America's will. I show how the conceptualization of the international community has been vital in legitimising these actions, often through appealing to a sense of "Self" and "Other". That is, the defining of the "international community" through reference to what one perceives the "Self" to be, and justifying actions taken against the "Other" because of a potential (usually imagined) threat to the interests of the community. Again, there is a tendency to portray the community as superior to the Other. This, I feel, has been a strong justification for the continuance of structures which subordinate the "Other" to the West.

In the fifth section I argue that as a result of the West's suppression of the NIEO and the corollary expression of development as articulated by the Third World, the economic institutions of the West and their methods of encouraging development were adopted as the international norm. I posit that this new system deliberately disadvantaged the Third World, so as to keep its economies tied to the West, in a new form of dependency and – although it is perhaps somewhat taboo to say so – a new form of slavery. I have illustrated that the mechanisms of development as employed by the West have had the effect of opening up the economies of Third World States, and have employed various means to make the extraction of capital and resources as straightforward and cheap as possible. Furthermore, I argue that this "growth as development" method is entirely ineffective at bringing the population of these countries out of poverty. Even if there has been recorded growth in GNP, the wealth tends to stay in the hands of only a few people, creating what Chimni called a "transnational ruling elite". This system has not improved the living standards or the wealth of the people of the Third World, and has in some cases made conditions worse. I posit that the suppression of the vision of development created by the Third World, grounded in ideas of social justice and equity, and the restraints on their right to exercise Permanent Sovereignty over their Natural Resources, has seriously impeded their development, and has greatly qualified the exercise of their sovereign rights – i.e., the right to pursue one's own economic development, and to choose the type of economic system.

Each of these Chapters seeks to show that the West has tried to severely limit the sovereignty of the States

of the Third World, even prior to their independence. It seems to imply that despite the claims made by the principle of sovereign equality, States are not accorded equal sovereign rights, and have not been able to achieve the plurality to which the principle promised. Indeed, as Gerry Simpson remarks, there appears to be a distinction between: "an elite group of States, commonly referred to as the "Great Powers," and a large mass of middle and smaller States who defer to these larger powers in the operation and constitution of international legal order. These Great Powers occupy a position of authority within each of the legal régimes that has risen since 1815 ... In each instance, these powers have policed the international order from a presumed position of assumed cultural, material and legal superiority. A key prerogative of this position has been a right to intervene in the affairs of other States in order to promote some proclaimed community goal."²¹⁹

Furthermore, the arguments put forward in this paper implicitly (if not in some cases explicitly) suggest that power and politics have played a far greater role in shaping the international order than international lawyers otherwise suggest.

Another thread of this paper has been concerned with the rise of the US to the position of the primary hegemonic power. With the decline of British power, the British Empire required increasing support from the US, and with it came ever more concessions to the US. Indeed, post World War Two Britain was heavily dependent on America for holding up its Empire. In section four I remarked that the Suez crisis marked the last occasion that Britain and France really had a hold over global affairs; following this the US began to dictate international affairs much more. In some ways, it seems as this was simply the "changing of the guard" of the British Empire, as the US sought to continue the same structures of domination that had existed under the colonial Empires of Europe, and it even seemed to continue with the civilizing mission started by the British in their heydays of global imperial control. So although the US strongly advocated freedom and independence to colonial peoples, it still wished to maintain a hand in their internal affairs; indeed, it has sought to perpetuate its world vision, using its strength – which is derived from the structures that govern the world order – to ensure the dominance of these same structures. I argue, therefore, that the US constitutes a new form of "empire". Empire is: "a relationship, formal or informal, in which one State controls the effective political sovereignty of another political society. It can be achieved by force, by political collaboration, by economic, social or cultural dependence. Imperialism is simply the process or policy

²¹⁹ Simpson, 2004: 5.

²²⁰ Michael W. Doyle, *Empires* (New York: Cornell University Press, 1986), 45.

of maintaining an empire.”²²⁰ It certainly displays all the necessary characteristics.

For my final surmising remarks, I argue that it is sovereign *inequality* rather than sovereign equality that governs international law. Hegemony and power have characterized the international order, and the process of decolonization achieved little success in creating true independence for colonial peoples. So, in lieu of a conclusion, I state that “traditional international law has helped to make independence a completely superficial phenomenon, beneath the surface of which old forms of domination survive and the economic empires of the multinational corporations, and the powers that protect them, prosper.”²²¹

²²¹ Mohammed Bedjaoui, *Towards a New International Economic Order* (New York: Holmes & Meier, 1979), 81.

Appendix

Abbreviations:

- American Journal of International Law – AJIL
- British Documents on the End of Empire Project – BDEEP
- British Yearbook of International Law – BYIL
- Cabinet (of the British Government) Documents – CAB
- Cambridge University Press – CUP
- Central Intelligence Agency – CIA
- Colonial Office – CO
- European Journal of International Law – EJIL
- Foreign Relations of the United States – FRUS
- International – Int'l
- International Chamber of Commerce – ICCom
- International Court of Justice (Reports) – ICJ / ICJ Rep.
- International Covenant of Civil and Political Rights – ICCPR
- International Covenant of Economic, Social and Cultural Rights – ICESCR
- International Law Commission – ILC
- International Legal Materials – ILM
- International Monetary Fund – IMF
- General Assembly Resolution – GA Res.
- Law Journal – L. J.
- Law Review – L. R.
- Less Developed Countries – LDCs
- National Security Council – NSC
- New International Economic Order – NIEO
- Oxford University Press – OUP
- Permanent Court of International Justice – PCIJ
- Permanent Sovereignty Over Natural Resources – PSNR
- Structural Adjustment Programme - SAP
- United Nations – UN
- United Nations Conference on International Organisation – UNCIO
- United Nations Conference on Trade and Development - UNCTAD
- United Nations General Assembly – GA
- United Nations Reports of International Arbitral Awards – UNRIAA
- World Trade Organisation – WTO
- World War One / Two – WWI / WWII

General Assembly Resolutions:

- GA Res. 523 (VI) 1952
- GA Res. 742 (VIII) 1953
- GA Res. 1428 (XIV) 1959
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Satisfaction Revealed: An Evaluation on Non-Response in the Afrobarometer Survey

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Satisfaction with democracy signifies an important indicator of democratic progress, yet has not been scrutinized for inaccuracy due to non-response. This paper evaluates the non-response bias for a satisfaction with democracy question in Round 3 of the Afrobarometer Survey. A causal model explains both the probability of satisfaction as well as the likelihood of response. A Heckman two step equation method identifies the presence of a strong selection bias. The results provide useful insights for the study of non-response as well as satisfaction with democracy in Sub-Saharan Africa. The Heckman corrected estimates of satisfaction are used to reevaluate a previous study of electoral quality and satisfaction with democracy.

Introduction

This paper investigates the accuracy of a measure of democratic progress in Sub-Saharan Africa. In countries which have recently transitioned to democracy, a variety of tools may be used to evaluate the success or failure of new democratic governments. These tools may include objective measures like growth rate of output and corruption indices. Subjective tools, such as survey results that report individuals' levels of satisfaction with democracy, may also be utilized to understand how successful democracy has been in the eyes of the citizenry. Thus, measures of satisfaction with democracy are frequently cited in the context of uncovering to what extent democracy delivers improved public goods to society.

The Afrobarometer survey measures the views of Africans in eighteen African countries on issues ranging from democratic governance to economic development.¹ The survey asks respondents to evaluate their satisfaction with democracy, to which they may choose one of five levels of satisfaction. A high number of respondents, ranging from seventeen to forty percent among the eighteen countries, do not choose a level of satisfaction, but instead answer "don't know." Although non-response is commonly seen in survey data, the high percentage of non-response is surprising here because satisfaction is a sentiment commonly considered as inherently known by an individual. Therefore, individuals who report a "don't know" answer choose not to report their actual level of satisfaction. Nevertheless, given that satisfaction is inherently known by each individual, a true level of satisfaction exists even when it is not explicitly seen in the data set.

In the case that non-response occurs systematically, and not at random, it may create a selection bias and skew the estimation of satisfaction. In this case, raw measures that do not correct for a selection bias may overestimate or underestimate the true level of satisfaction with democracy in a particular country. This truncated measure of satisfaction may not only misrepresent the true level of satisfaction, but may also be used to report faulty relationships between satisfaction with democracy and other variables. Constructing an accurate measure of satisfaction with democracy requires a two step process, which involves the generation of a theoretical model which explains both the response to the satisfaction question and the direction of the response in terms of the level of satisfaction itself.

Using pre-existing literature on non-response and satisfaction with democracy, a theoretical model may be developed to explain both whether an individual responds to the satisfaction question and the level of satisfaction they report in the event that they respond. The extant literature explores non-response with respect to economically oriented questions rather than political questions, like those regarding satisfaction with democracy. Notable among this literature, Berinsky develops a theoretical model which explains both the direction of response for economic policy questions and the level of non-response for these questions². The pre-existing research has addressed neither non-response for survey questions in Sub-Saharan Africa, nor overall non-response for questions about democracy.

Pre-existing literature has evaluated the determinants and explanatory power of satisfaction with democracy without reference to the possible non-response bias of the satisfac-

¹ Countries include: Benin, Botswana, Cape Verde, Ghana, Kenya, Lesotho, Madagascar, Malawi, Mali, Mozambique, Namibia, Nigeria, Senegal, South Africa, Tanzania, Uganda, Zambia, and Zimbabwe.

² Adam Berinsky, *Silent Voices: Political Opinion and Political Participation in America* (Princeton: Princeton University Press, 2004).

tion with democracy measure. By creating a measure of satisfaction that corrects for a non-response bias, results from this paper may be used to reevaluate pre-existing research on satisfaction with democracy. Alemika studies the impact of election fairness on satisfaction with democracy. She argues that individuals who report higher perceptions of election fairness will report higher levels of satisfaction with democracy.³ Using the corrected measure of satisfaction which corrects for the non-response bias, her study of election fairness and satisfaction may be verified or brought into question. Re-evaluation of her study, using both her methodology and data, indicates that she underestimates satisfaction across different levels of electoral quality. Nevertheless, the overall significance of her results holds.

The following sections of the paper present an analysis of non-response with respect to satisfaction with democracy in Sub-Saharan Africa. The Literature Review and Causal Theory sections include analysis of pertinent pre-existing literature and their relationship to this project. The research design and hypotheses describe how the Heckman selection model will be used to evaluate non-response and satisfaction. The Basic Results section compares the results of the different models, followed by the Analysis section which highlights results from the Heckman model. The Extensions section uses the Heckman results to re-evaluate the relationship between electoral fairness and satisfaction with democracy. The final section acknowledges the many difficulties inherent in selection models and this project.

Literature Review

Two separate bodies of literature address the topic of non-response to survey questions regarding satisfaction with democracy. A wide array of social science literature discusses the issue of non-response, while political science research focuses on the issue of satisfaction with democracy. The pre-existing research on non-response indicates a clear direction for the analysis of non-response in the Afrobarometer data, while the literature on satisfaction with democracy contains many controversies and possible directions for the analysis of this variable in the data.

Recent research explores various techniques to address the issue of non-response in survey data. Honaker and King address the issue of missing data through a discussion of multiple imputation techniques.⁴ The authors describe several methods which enable data analysis to account for missing data values. Listwise deletion constitutes the most common method for dealing with non-response. Respondents with a missing value for either an independent or dependent vari-

able are deleted from the data set. Listwise deletion requires the assumption that the missing data values are MCAR (Missing Completely at Random). Since this assumption may not always be applicable, Honaker and King develop a multiple imputation method that relies on the assumption that the missing data values are MAR (Missing at Random). MAR differs from MCAR in its flexibility. While MCAR requires that all missing data is missing at random, the MAR assumption concedes that missing data might not be completely missing at random. For MAR, missing data is assumed to be random even though it may not occur at random because the data needed to analyze the missing data is unavailable. The authors justify the MAR assumption as follows: "An MAR assumption can be wrong, but it would by definition be impossible to know on the basis of the data alone, and so all existing general purpose imputation models assume it." Here, the authors explain that in cases when the determinants of missingness cannot be found in the data alone, the MAR assumption must be utilized in order to address the issue of non-response. In the case of the Afrobarometer survey data, however, the determinants of non-response may be found within the survey data itself. Given the availability of this data, neither the MAR nor MCAR assumption is necessary to analyze non-response for satisfaction with democracy.

Several studies similarly find the determinants of non-response within the body of the survey itself. These studies utilize a Heckman two step equation model, which allows the authors to specify which independent variables should theoretically determine both the level and direction of response. For example, Berinsky and Tucker present an analysis of non-response for a survey question on market reform in post-Soviet Russia⁵. The authors develop a theoretical argument that identifies variables that predict both the level of response and the direction of response. Specifically, they address how liberal a respondent is on the issue of the economy. Non-response is described as a function of a respondent's economic well being, education, locality, and support for reform. From a background of the theory of public opinion formation, the authors claim a positive relationship between economic status and response. Wealthier individuals have access to politically relevant resources, such as education and money, and are therefore more capable of forming an opinion on the state of affairs. Berinsky and Tucker deem opinion formation of a nation's politics a summary judgment, requiring respondents to link their personal situation to the "world of politics." Impoverished respondents lack the politically relevant resources of money and education and are therefore less capable in linking their personal lives with the status of the

³ Ertanibi Alemika, "Quality of Elections, Satisfaction with Democracy, and Political Trust in Africa," *Afrobarometer Organization*, 2007.

⁴ James Honaker and Gary King, "What to do about Missing Values in Time Series Cross Section Data," Working Paper (2008): 5.

⁵ Adam Berinsky and Joshua Tucker, "'Don't knows' and Public Opinion towards Economic Reform: Evidence from Russia," *Communist and Post Communist Studies* 39 (2006): 73-99.

country. The authors also argue that respondents in urban areas have more access to politically relevant resources and are therefore more likely to answer survey questions regarding the nation's state of affairs.

In addition to the variables that capture a respondent's proximity to politically relevant resources, other variables may also determine the level of non-response. Berinsky argues that inclusion of demographic variables that may affect both satisfaction and response are essential in determining whether satisfaction level systematically matters for response⁶. If demographic variables such as age and gender are omitted, omitted variable bias may result. Resultantly, the analysis of non-response in the Afrobarometer survey requires the inclusion of age, gender, and urban location as demographic variables.

While Berinsky and Tucker analyze non-response in post-Soviet Russia, the analysis of non-response in Sub-Saharan Africa requires modifications to their model. While economic well being has wide variation in post-Soviet Russia, it has less variation in Sub-Saharan Africa. Other variables like media access and political participation may more closely link respondents with politically relevant resources than wealth status alone. Berinsky and Tucker use education as a proxy for access to political information; however, little variation is seen in the Afrobarometer for this variable. Other variables, such as media access, may serve as a proxy for a respondent's level of political information. Political participation may similarly serve as a proxy for a respondent's political efficacy. In cases of clientelism, political participation certainly increases a respondent's access and exposure to politically relevant resources, such as government jobs and handouts. As Berinsky and Tucker argue, linkage to politically relevant resources increases response. Therefore, media access and political participation have a theoretical link to higher levels of response.

While the pre-existing research on non-response indicates a clear direction for the analysis of non-response in the Afrobarometer survey, the separate body of literature on satisfaction with democracy contains many more divides.

Evaluation of the determinants of satisfaction with democracy is a topic of much controversy in comparative political science. The measure has been scrutinized on several grounds including its vagueness and the difficulty it may present for cross country analysis. Canache et al describes the three major uses of satisfaction measures across

countries⁷. They describe how satisfaction with democracy may indicate support for incumbent governments, support for a democratic system of government, and an individual's life satisfaction. Canache debunks the usefulness of satisfaction with democracy measures due to the difficulty in comparing cross country measures and the uncertainty regarding what this measure captures. The authors criticize satisfaction with democracy measures from nearly every angle, but fail to explore the issue of non-response and do not consider how it may lead to faulty interpretations of the survey results.

Several authors explore the possible determinants of satisfaction with democracy.⁸ Bratton and Mattes present the most comprehensive list of determinants for satisfaction with democracy, describing how satisfaction with democracy may be rooted in either instrumental or intrinsic rationales⁹. In the case of instrumental roots, satisfaction with democracy may increase with economic gains from democratic regimes. Respondents who support democracy on instrumental grounds may link government performance with satisfaction with democracy. For these respondents, satisfaction with democracy may translate to "satisfaction with this democratic regime." Resultantly, evaluation of government performance and economic well being serve as two determinants of satisfaction.

In addition to income, urban versus rural location may serve as another indicator of economic well being and thus serve as a key determinant of satisfaction with democracy in Sub-Saharan Africa. Sahn and Stifel identify the rural-urban gap with respect to standard of living across Sub-Saharan Africa¹⁰. The authors report higher levels of income and seven other indicators of living standards in urban versus rural locations. Given this discrepancy, urban areas are expected to be wealthier than rural areas. Urban respondents, therefore, are expected to be more satisfied with democracy than rural respondents. Instrumental support for democracy may also result in satisfaction levels that are dependent on the political orientation of the current regime. In the case that a respondent's favored party has power, this respondent may derive a greater level of satisfaction. Thus, political orientation marks a fourth determinant of satisfaction with democracy.

In the case of intrinsic roots, satisfaction with democracy may relate to the spread of democratic ideals like free elections and civil liberties. For intrinsic supporters of democracy, education may relate to satisfaction.

⁶ Adam Berinsky, "The Two Faces of Public Opinion," *American Journal of Political Science* Vol. 43, No. 4 (1999): 1209-1230.

⁷ Damarys Canache and Jeffery J. Mondak, "Knowledge Variables in Cross-National Social Inquiry," *Social Science Quarterly* Vol. 85, No. 3 (2004): 539-558.

⁸ See Wantchekon and Taylor (2007); Fernandez et al (2000); Cho (2004); and Evans and Rose (2006).

⁹ Michael Bratton and Robert Mattes, "Support for Democracy in Africa: Intrinsic or Instrumental," *British Journal of Political Science* Vol. 31, No. 3 (2001): 447-474.

¹⁰ David Sahn and David Stifel. "Urban-Rural Inequality in Living Standards in Africa," *Journal of African Economies* Vol. 12, No. 4 (2003): 564-597.

Respondents with higher levels of political information through schooling may be more capable to evaluate their democracy's progress to democratic ideals. Accordingly, education serves as the fifth determinant of satisfaction with democracy. It is not readily clear in which direction this relationship should run. In the case that education reveals the true successes of a democratic regime, education and satisfaction will be positively correlated. It may also be the case that education and access make a respondent closer to the regime and its failure. In the case that proximity to the regime exposes any non-democratic tendencies of the government, these variables will be negatively correlated with satisfaction.

Demographic variables such as age may also affect a respondent's level of satisfaction with democracy. Deaton describes how life satisfaction declines with age for both low and middle income countries¹¹. Deaton explains this relationship in the context of expectations. Elderly respondents who do not expect to live much longer may not look forward to eventual improvements. Younger respondents, on the other hand, have a longer horizon of life expectancy and may anticipate positive societal changes. Although the author discusses this relationship in reference to satisfaction with life, a similar logic may be applied to satisfaction with democracy. Therefore, satisfaction is expected to be inversely proportional to age.

The effect of gender on satisfaction with democracy and life satisfaction in general has not been addressed in the pre-existing literature. Given the lack of theoretical basis to assume that gender has a systematic effect on satisfaction, satisfaction is predicted to be gender neutral.

The literature on non-response has been largely devoted to the analysis of non-response with respect to questions of economic policies and reforms. No pre-existing research explores the possibility of non-response for political variables like satisfaction with democracy. Given the large body of literature on satisfaction with democracy, as described above, the possibility of a non-response bias may have important implications for the understanding of satisfaction with democracy. Given the availability of the Heckman model to analyze non-response, correction for a possible bias shall lead to a more accurate measurement of satisfaction with democracy and its true determinants.

Causal Theory

In *Silent Voices*, Adam Berinsky develops a causal model that predicts why a respondent may choose to answer a survey question or choose "don't know." He describes the

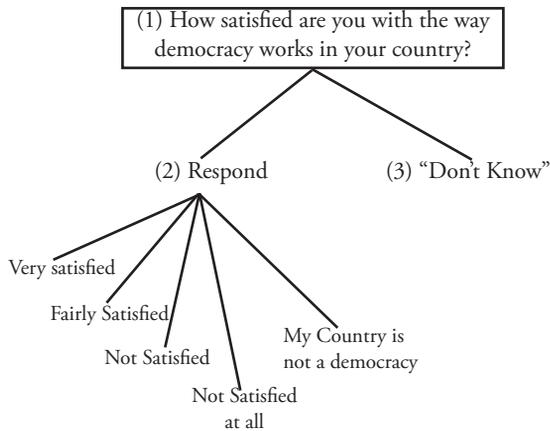
frequency of non-response as an increasing function of both cognitive and social complexity of the survey question.

In the Afrobarometer survey, both cognitive and social complexity of the satisfaction question drives certain individuals to not respond. Although the question seems intellectually simple at first glance, further analysis reveals the multifaceted nature of satisfaction with democracy that renders some ignorant of their own satisfaction. "Democracy" contains many political institutions that individuals may consider when formulating their response. A respondent may consider separately his or her level of satisfaction with the country's legislature, electoral institutions, local governments, and the office of the president. In order to respond, the individual must aggregate several levels of satisfaction with the multiple components of a democracy described above. The aggregation of these viewpoints presents a cognitive challenge to some individuals. Less educated respondents are expected to face more cognitive complexities, and are therefore expected to exhibit a higher likelihood of non-response. The individuals are unable to formulate a single level of satisfaction with democracy, and therefore choose the answer "don't know." "Don't know" represents their incapacity to average their levels of satisfaction with the different components of democracy. Alternatively, a "don't know" response may suggest apathy towards the survey question. Nevertheless, an average level of satisfaction exists for each "don't know" respondent and the Heckman model enables the identification of this value.

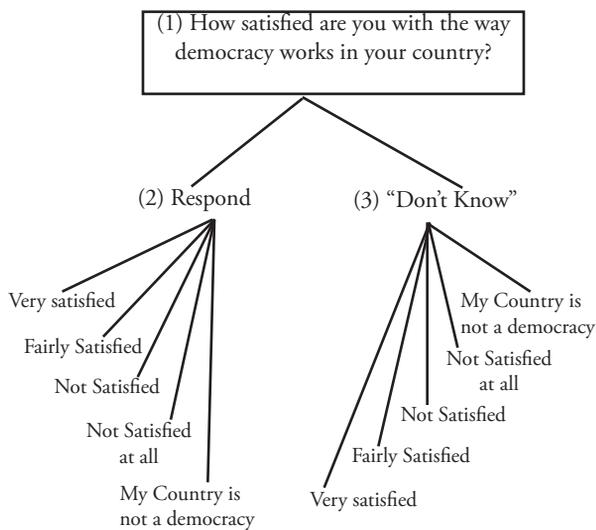
Non-response due to the social complexity of the satisfaction survey question relates to a respondent's contact with the world of politics. Connection with the political realm may result from interaction with government offices and politicians. Respondents also find personal identification with politics through media and participation in both community and politically oriented activities. Proximity to these politically relevant resources may be estimated by a group of variables in the Afrobarometer survey; these variables include media access, political participation, and community participation.

Given the background on the causal mechanisms of non-response, the Heckman model eliminates the bias from non-response and produces estimates of the true level of satisfaction in the Afrobarometer survey. The Afrobarometer attempts to capture the true level of satisfaction with democracy across twenty countries. When individuals are asked, "How satisfied are you with the way democracy works in your country?" they may behave in the following manner:

¹¹ Angus Deaton, "Income, Health, and Well being around the World: Evidence from the Gallup World Poll," *Journal of Economic Perspectives* Vol. 22, No.2 (Spring 2008): 53-72.



At node 1, a respondent must decide whether to answer the question. The process ends at node 3 if the respondent decides not to answer, but continues at node 2 if the respondent chooses to answer. In order to assess the true level of satisfaction in the sample, a level of satisfaction must be assigned to respondents who choose “Don’t Know.” This results in the following depiction:



In the case that an individual lands on node 2, several variables determine which end node he finishes the sequence on. Individuals who support the incumbent party and who offer a positive evaluation of government performance should report a higher level of satisfaction than would otherwise be the case. Wealthy, urban, and educated individuals may have a higher level of overall satisfaction, which may in turn lead them to report a higher level of satisfaction with democracy. As demonstrated above, survey respondents first choose whether or not to respond. Pre-existing research treats node 3 as the final node for a respondent who chooses “Don’t Know.” Through a two equation Heckman model, satisfaction levels may be observed for all respondents in the survey.

Hypotheses

Hypothesis testing using a probit model may be used to evaluate which variables have a significant effect on satisfaction with democracy. These hypotheses will test the proposition that each independent variable has no significant effect on satisfaction with democracy against the two sided alternative at the 95% level of confidence. For each β , we will reject the null hypothesis that a variable of interest has no effect on satisfaction if the p value is less than .05. The hypotheses will include the following:

Hypothesis 1: Demographic variables like gender, age, economic well being, education level and urban location will significantly affect a respondent’s level of satisfaction. $\beta_{\text{gender}} \neq 0$, $\beta_{\text{age}} \neq 0$, and $\beta_{\text{urban}} \neq 0$, $\beta_{\text{education}} \neq 0$, and $\beta_{\text{economic well being}} \neq 0$.

Null Hypothesis: Demographic variables like gender, age, economic well being, education level, and urban location will not affect a respondent’s level of satisfaction. $\beta_{\text{gender}} = 0$, $\beta_{\text{age}} = 0$, $\beta_{\text{urban}} = 0$, $\beta_{\text{education}} = 0$, and $\beta_{\text{economic well being}} = 0$.

Hypothesis 2: Variables that measure a respondent’s evaluation of the current government, like political orientation and evaluation of government performance, will significantly affect a respondent’s level of satisfaction. $\beta_{\text{political orientation}} \neq 0$ and $\beta_{\text{government performance}} \neq 0$.

Null Hypothesis: Variables that measure a respondent’s evaluation of the current government, like political orientation and evaluation of government performance, will not affect a respondent’s level of satisfaction. $\beta_{\text{political orientation}} = 0$ and $\beta_{\text{government performance}} = 0$.

Given the above discussion of each of these variables, I expect satisfaction to increase with income, age, education, media access, legislative fragmentation, evaluation of government performance, and political orientation that favors the incumbent party. Gender is expected to have no affect on satisfaction.

Similarly, hypothesis testing will be used to identify which variables significantly affect non-response. These hypotheses will be tested in the same way as described for satisfaction:

Hypothesis 3: Demographic variables like gender, age, level of education, economic well being, and urban location will significantly affect the act of response. $\alpha_{\text{gender}} \neq 0$; $\alpha_{\text{age}} \neq 0$; $\alpha_{\text{education}} \neq 0$; $\neq 0$; $\alpha_{\text{economic well being}} \neq 0$; $\alpha_{\text{urban}} \neq 0$

Null Hypothesis: Demographic variables like gender, age, level of education, economic well being, and urban location will not affect response. α gender=0, α age=0; α education=0, α economic well being=0, and α urban=0.

Hypothesis 4: Variables that represent proximity to politically relevant resources like political participation, community participation, and media access will affect response. α political participation \neq 0; α community participation \neq 0; α media access \neq 0

Null Hypothesis: Variables that represent proximity to politically relevant resources like political participation, community participation, and media access will not affect response. α political participation=0; α community participation=0; α media access=0

Given the above discussion on the causal theory of non-response, I expect response to increase with education, age, media access, community participation, political participation, and urban location. Gender is expected to be insignificant.

Research Methodology

Constructing a measure of satisfaction with democracy that accounts for selection bias may be conducted using several different models. Since non-response is not expected to occur at random, a multiple imputation method as described by Honaker and King may not be appropriate. Instead, a model that allows for the specification of two separate equations, one for response and one for satisfaction, must be utilized. The Heckman model is the most appropriate model for this analysis due to the hypotheses described above for both satisfaction and non-response, since it creates a model with two separate equations, one for satisfaction and the other for non-response. Both equations must share common variables and feature one or more variables which are not present in the other equation. Both equations will feature probit regressions using maximum likelihood estimation techniques. Maximum likelihood estimation must be employed in this case due to the discrete nature of both response and satisfaction. Berinsky's *Silent Voices* similarly uses a Heckman model to analyze non-response in survey data.

For this model, the unit of analysis will be the individual (respondent). All observations are taken from a single point in time (2005) across eighteen countries in Sub-Saharan Africa. Although randomization is not employed in the selection of the countries, respondents within each country are randomly selected. Given that respondents come from eighteen separate countries, which are not randomly chosen, the model must account for the possible country specific effects. Since a Heckman probit model does not allow for fixed or random effects, a Heckman model designed for survey data was used. The Survey Heckman Model stratifies

the data set by country and lists the primary sampling unit as the region of the respondent.

The first part of this methodology requires precise estimation of the determinants of satisfaction with democracy for respondents who identified their level of satisfaction. This estimation constitutes the truncated measurement of satisfaction, since it excludes respondents who chose "Don't Know." The dependent variable, satisfaction, is measured through response to Question 47 of the Afrobarometer, which asks individuals to choose one of the following levels of satisfaction with democracy: "This country is not a democracy," "Not at all satisfied," "Not very satisfied," "Fairly satisfied," or "Very satisfied."

In order to fit this data to a Heckman model, the dependent variable must be either a continuous random variable or a Bernoulli random variable. Therefore, individuals have been grouped into two categories: "Satisfied" or "Not Satisfied." The "Satisfied" group includes individuals who chose "Very satisfied" or "Fairly satisfied", while the unsatisfied group contains those who chose "This country is not a democracy," "Not at all satisfied," or "Not very satisfied."

The independent variables for the satisfaction include (1) gender, (2) age, (3) education, (4) evaluation of government performance, (5) economic well being, (6) urban rural location, and (7) political orientation. Gender will be coded as 0 if male and 1 if female. Age will be coded as the actual age of the respondent. Education will take values between 0 and 4: 0 for "No formal schooling;" 1 for "Some primary schooling;" 2 for "Primary school completed;" 3 for "Some secondary school / high school;" 4 for "High school completed and above." Government performance may be calculated through factor analysis, utilizing ten separate indicators of a respondent's evaluation of how the government has performed on separate issues. These issues include managing the economy, creating jobs, keeping prices stable, narrowing gaps between rich and poor, reducing crime, improving basic health services, addressing educational needs, delivering household water, ensuring everyone has enough to eat, fighting corruption in government, and combating HIV/AIDS. Economic well being may be measured through factor analysis using a factor that measures living conditions. This factor includes highly correlated variables that assess a respondent's access to food, water, medicines, fuel, and cash income. Urban versus rural location will be coded as 1 for urban location and 2 for rural location. Political orientation may be measured through the response to the question, "If the election was held tomorrow, who would you vote for?" Political orientation shall be coded as 0 if the respondent does not support the current party in government and 1 if he does. Table 6 describes the coding for this variable with the exception of Mali due to the complex nature of Mali's multiparty system.

Heckman describes the general format of the model as follows.¹² The censored estimation of satisfaction includes only the respondents who answer the survey question and takes the following form: $E(Y_{li} | X_{li}, \text{sample selection rule}) = X_{li}\beta_1 + E(U_{li} | \text{sample selection rule})$. Assuming that error term, U has a bivariate normal, the sample selection may be corrected using the following two equation method:

$$Y_{li} = X_{li} B_1 + C \lambda_i + C(\lambda - \hat{\lambda}_i) + V_{li}$$

Where λ = Inverse Mill's ratio; $\lambda = \text{pdf}(Z_i) / (1 - \text{cdf}(Z_i))$
 X_1 is a vector that contains the variables predicted to affect satisfaction: x_1 =economic well being, x_2 =government performance x_3 =support for the government's leading political party x_4 =gender, x_5 =age, x_6 =education, and x_7 =urban location.

The Inverse Mill's ratio contains information from the selection equation, given that $\lambda = \text{pdf}(Z_i) / (1 - \text{cdf}(Z_i))$, $Z_i = X_{2i} B_2 / \sigma_{22}^{1/2}$. Here, X_2 is a vector of the independent variables that predict response.

The selection equation for the Heckman model uses "response" as the dependent variable and the following independent variables: (1) gender, (2) age, (3) rural versus urban location, (4) level of education, (5) economic well being, (6) media access (7) political participation, and (8) community participation. Gender, age, rural versus urban location, level of education, and economic well being shall be coded as described above for Equation I. Berinsky includes several of the variables listed above, although he does not include media access as a variable of interest.

Political participation may be estimated through factor analysis using a factor that includes three highly correlated variables (attending a community meeting, getting together with others to discuss an issue, and attending a demonstration or protest march). Community participation will be similarly measured using a factor that measures participation in religious and community organizations. Media access may also be measured as a factor using three variables which measure exposure to three types of media: radio, newspaper, and television.

Response to the satisfaction question will be coded as 0 for no response and 1 for a response. Given the binary response, a probit model with country level dummy variables (D_c) shall estimate response. This model assumes bivariate normal distribution of the error term, u_i .

$$z_i = w_i \alpha + u_i; P(Z=1) = \Phi(w_i \alpha)$$

$$\text{Equation II: } P(Z=1) = F[\alpha_0 + \alpha_1(\text{gender}) + \alpha_2(\text{age}) + \alpha_3(\text{education}) + \alpha_4(\text{economic well being}) + \alpha_5(\text{media}) + \alpha_6(\text{political participation})$$

$$+ \alpha_7(\text{community participation}) + \alpha_8(\text{urban}) + D_c]$$

The Heckman Model requires that both equations share a set of variables. The shared set of variables includes gender, age, education, economic well being, and urban versus rural location. The model also stipulates that each equation include one or more variables that the other does not. Only the satisfaction estimation includes political orientation and government performance, while only the response equation includes community participation, political participation, and media access.

Given that the above conditions are met, the Heckman model generates satisfaction estimates for those respondents who chose "Don't Know" in the original survey data. In order to generate these estimates, the model assumes that values of satisfaction (Y) are not observed unless Z exceeds a threshold. The truncated estimation of satisfaction in equation I violates the Gauss-Markov assumption that the independent variables (x_1, \dots, x_8) are not correlated with the error term, ε . Correction for this error requires estimation of the Inverse Mill's ratio, λ , where $\lambda = \text{pdf}(w_i \alpha) / \text{cdf}(w_i \alpha)$. The final equation of the Heckman model includes the estimates of the β parameters from Equation I as well as the inverse Mill's ratio, λ .

$$\text{Equation III: } E[Y_i | Z > 0] = E[\beta' x_i + \varepsilon_i | \alpha' w_i + u_i > 0] = \beta' x_i + \rho \sigma \lambda(Z \alpha)$$

Parameter values from Equation II replace α with $\alpha_1, \dots, \alpha_7$.

Upon estimation of Equations I and II it is possible to identify the significant determinants of both satisfaction and non-response. Equation III enables the construction of a non truncated estimation of satisfaction, which includes satisfaction levels for respondents who chose "don't know." The significance of the inverse Mill's ratio indicates the presence of selection bias. In addition to the value of this ratio, comparison of Heckman coefficients for the satisfaction equation and the coefficients from the truncated satisfaction equation also serves to indicate the severity of the selection bias. For example, in cases of severe selection bias, one or more variables that appear insignificant in the censored measure may become significant in the Heckman estimates. The level of significance for other variables may also differ between the two estimates. The following section describes the full results of the two equation Heckman model and compares the Heckman coefficients with the censored model.

Results

The two step Heckman model verifies several predictions

¹² James Heckman, "Selection Bias as a Specification Error," *Econometrica* Vol. 47, No. 1 (1979): 153-161.

discussed earlier. In order to analyze the results of the Heckman model, it is useful to explore the implications of the censored estimation of satisfaction with democracy. Table 3 presents the results from the censored probit regression for satisfaction. The results from the probit regression appear to validate several predictions from the previous sections. Individuals who support the leading political party in the current government are significantly more likely to report satisfaction with democracy. Similarly, the probability that an individual is satisfied increases significantly as one's ranking of the government's performance increases. As predicted, the likelihood of satisfaction significantly increases as economic well being increases. Additionally, age has a significant and positive relationship with the likelihood of satisfaction. Support for the government's party, ranking of government performance, and age are all significant at the 1% level. While the theoretical model predicted that education and urban location are positively related with the likelihood of satisfaction, the censored model contradicts these predictions. In fact, education was found to be significant, but negatively related with satisfaction. As a respondent's level of education increases, he is less likely to be satisfied with democracy. Thus, education is significant at the 5% level. Urban versus rural location appears insignificant in the censored model, but the direction of the relationship runs counter to the theoretical prediction. The theory predicts that urban residents are more likely to be satisfied, but this model of satisfaction finds that rural residents are more likely to be satisfied, albeit at an insignificant level. Additionally, while the theoretical model predicts that gender will not significantly affect satisfaction, the censored model indicates that women are significantly more likely to be satisfied with democracy than men. This result is significant at the 10% level.

Table 4 describes the results from the Heckman model. The results confirm the presence of a strong selection bias. The censored model described above underestimates satisfaction with democracy in the Afrobarometer. The selection bias is significant enough that the coefficients of several independent variables in the response equations change substantially. While the censored model suggests that urban versus rural location is not significant, the Heckman model confirms that rural location does indeed significantly increase the likelihood of satisfaction. Additionally, while the censored model indicates that education has significance at the 5% level, the Heckman results raise the level of significance to 1%. Gender remains significant at the 10% level, although the Heckman model reports a higher probability that this relationship may be due to random chance. The p-value increases from .053 in the censored model to .066 in the Heckman model. The coefficients for support for the government party, evaluation of government performance, and age remain positive and significant at the 1% level, which is consistent with the estimates from the truncated regression.

The Heckman model allows for the analysis of the determinants of satisfaction as well as response to the satisfaction question. Table 5 presents these results. As discussed above, the several variables including urban location, economic well being, media access, community participation, political participation, and level of education are predicted to significantly affect the likelihood of response. Gender is expected to be insignificant. The results from the Heckman model verify several of the predictions explained in the previous sections.

Rural residents are significantly less likely to respond than urban residents. Individuals with higher levels of community and political participation, as well as those with more media access and years of education, are more likely to respond than those without. Additionally, the likelihood of response increases significantly with age. These results are all significant at the 1% level of significance, and all lend support to the theoretical predictions that respondents with more access to politically relevant resources will respond with a higher frequency. While economic well being was also expected to be significantly related to response, the Heckman model contradicts this prediction. Economic well being shows to be insignificant. Gender also has no explanatory power for response, as predicted.

The rho value of -.41 is significantly different than zero, which verifies the presence of a selection bias. The negative value of the rho indicates that as the probability of response increases, satisfaction decreases. The profile of an individual who is likely to respond may be described as a highly educated, urban dweller who reports high levels of community and political involvement as well as access to media outlets. As an individual becomes more likely to respond, or to fit this profile, he or she becomes less likely to be satisfied with democracy. Further research may indicate the precise mechanism through which education, participation, and media increases the probability of response.

Analysis

A few results from the Heckman model stand out in their possible contributions to the literature. The insignificance of economic well being in the response equation and the negative relationship between urban location and satisfaction runs contrary to the theoretical predictions presented above.

While the theory predicts that economic well being will have a positive and significant relationship with response, the Heckman model lends no support to this proposition. Economic well being is insignificant with a negative coefficient for the response equation. Several lines of reasoning may explain this result. Economic well being was thought to increase response through its mechanism of increasing access to politically relevant resources, which help individuals form responses to survey questions. While

this may be the case in well developed countries like the United States, this explanation may have less credence in Sub-Saharan Africa for several reasons. Sub-Saharan Africa has less intra country variation in economic well being than the U.S. In the U.S. the poor constitutes a minority, while in Sub-Saharan Africa, the poor makes up the majority. While the poor minority in the U.S. may be excluded from the world of politics, this may not be the case for the poor majority in Sub-Saharan Africa. Given their strength in numbers, Africa's poor majority may be more capable of organizing itself into a politically relevant body than the poor minority of the U.S. This "strength in numbers" reasoning offers one explanation of why economic well being does not significantly increase response in the Afrobarometer results. Further research may explore the relationship between non-response and economic well being across countries at different levels of development.

The positive, significant relationship between *rural* location and satisfaction with democracy contradicts the intrinsic theory of democracy and raises several questions for future research. According to the intrinsic theory of democracy, as described by Bratton and Mattes respondents with better living standards will be more satisfied with democracy. Since respondents in urban locations have higher living standards than those in rural locations, the theory predicts that they will be more satisfied with democracy. The Heckman model finds that rural, rather than urban locations, increase the probability of satisfaction with democracy. Although this result contradicts the theory of intrinsic democracy, it may support emerging theories on pro-rural development policies enacted by new democracies in Sub-Saharan Africa. The insignificance of urban/rural location in the censored model constitutes a type II (false negative) error, which the Heckman model corrects, highlights the importance of accounting for non-response bias in survey questions that evaluate satisfaction with democracy.

Extensions

Alemika explores the relationship between electoral quality and satisfaction with democracy.¹³ She concludes that respondents who report high levels of election fairness also report high levels of satisfaction with democracy. The following section reconsiders her results using a three step process: (1) replication of her original model (2) evaluation of the relationship with satisfaction as a Bernoulli random variable and (3) evaluation of the relationship using the estimates of satisfaction from the Heckman model.

Alemika's original model uses listwise deletion of all respondents who choose "don't know" for either the

satisfaction with democracy question or the election fairness question. She also deletes respondents who claim, "My country is not a democracy" in response to the satisfaction with democracy question. Table 9 displays the results from her analysis, while Table 10 exhibits an identical reproduction of these results. Reproducing these results requires listwise deletion of respondents who chose "do not understand the question" or "don't know" for either question. Respondents with a missing answer for either question were also excluded, as well as those who chose "my country is not a democracy" for the satisfaction question. Altogether, this results in the deletion of 24% of the survey respondents (5,818 individuals). Alemika uses a Chi Squared Test to measure the relationship between satisfaction with democracy and electoral fairness and finds the relationship to be significant at the 1% level. The results for this test using her data and methodology are reported in Table 10.

The second step of the analysis requires using Alemika's measurement of electoral fairness with the measurement of satisfaction as a Bernoulli random variable. As described in previous sections, the satisfaction with democracy question takes five possible values in the original data set, but has been grouped into two categories (satisfied and not satisfied) for the purpose of conducting the Heckman model. The "Satisfied" group includes respondents who claim to be "very satisfied" or "fairly satisfied" with democracy, while "Not Satisfied" group includes individuals who are "Not at all satisfied," "Not very satisfied," or who state "My country is not a democracy." Table 11 presents the results from the Chi squared test for electoral fairness and satisfaction with democracy as a binomial random variable. Additionally, Table 11 includes the respondents who answered "don't know" for the electoral fairness question. Despite the modifications of the satisfaction variable and inclusion of the "don't knows" for the electoral fairness question, the results remain consistent with Alemika's original findings.

The final step involves the use of the Heckman estimates of satisfaction, which will reverse Alemika's technique of listwise deletion for the respondents who answered "don't know" for the satisfaction question. Since the Heckman estimates of satisfaction for these "don't know" respondents appears as a continuous random variable between zero and one, they have been recoded to fit the probit format for an analysis of a discrete random variable. Specifically, values greater than .5 have been recoded to one, while those less than .5 have been recoded to zero.

Table 12 presents the results from the Chi Squared

¹³ Alemika, 2007.

test using Heckman corrected measure of satisfaction. In an effort to isolate the specific affect of the non-response bias from the satisfaction question, tables 11 and 12 differ only in their treatment of “don’t knows” for the satisfaction question. Table 11 includes “don’t know” for the electoral question, and excludes “don’t know” for the satisfaction question. Table 12 includes “don’t know” for both.

As can be seen from Table 12, using the Heckman corrected estimates for satisfaction yields different results from Alemika’s original findings, particularly for those individuals who rank election fairness poorly. Alemika maintains that the respondents who rank electoral quality poorly will have low levels of satisfaction with democracy. Alemika reports that 81.3% of the respondents who consider the past national election as “Not free and fair” are not satisfied with democracy. Using the Heckman estimates of satisfaction, this value drops to 78%. A similar trend is seen with respondents who rank electoral quality in the second to lowest category, “Free and Fair, but with major problems.” For this category, Alemika claims that 64% of these respondents are not satisfied with democracy. This value drops to 61% when using the Heckman estimates as shown in Table 12. Therefore, for the two lowest ratings of electoral quality, Alemika overestimates the percentage of respondents who are not satisfied with democracy. The Heckman results verify that 22% of individuals who rank electoral quality the poorest are nevertheless satisfied with democracy. This value jumps to 39% for those who qualify the past election as “Free and Fair, but with Major Problems.” In both cases, Alemika underestimates the number of respondents who rank electoral quality poorly, but are nevertheless satisfied with democracy by 3%. Table 13 presents the percentage change for the number of individuals in the “Satisfied” group after the Heckman estimate of satisfaction has been employed. For each level of electoral quality, Alemika underestimates the number of satisfied individuals. Despite these differences, the overall significance of her Chi Squared test still holds even at the 1% level.

In her analysis of election fairness and satisfaction with democracy, Alemika employs an implicit assumption, which allows her to delete the 24% of respondents who chose “Don’t know” for either question. She assumes that the missing values for these questions are missing at random. This assumption has been negated by the Heckman model described above, which verifies that non-response to the satisfaction question occurs systematically, rather than randomly in the survey data. Given this information, an analysis of satisfaction with democracy with respect to another variable in the data set must use the Heckman corrected estimates of satisfaction or risk the possibility of non-response bias. While Alemika’s results still hold when she excludes nearly one fourth of the survey respondents, inclusion of these individuals in her analysis lends more credibility and confidence to her results.

Conclusions

The goal of this paper was to evaluate the presence of a non-response bias in a satisfaction with democracy question. The Heckman corrected model for satisfaction identified a non-response bias and comparison with pre-existing studies indicated the importance of correcting for non-response in survey data. While some authors have criticized measures of satisfaction with democracy, they have not proposed solutions to improve the measure. This study scrutinizes the raw measure of satisfaction with democracy and improves upon it via an analysis of the non-response bias inherent in a particular survey question. While other authors identify a non-response bias in questions regarding economic policy, this paper successfully identifies a non-response bias for a politically oriented survey question. Using data from Sub-Saharan Africa marks an important step in expanding the evaluation of non-response to surveys in less developed and recently transitioned countries.

Future research may improve the study of non-response and satisfaction with democracy by developing a Heckman model for an ordered probit survey question. Such a development would mark a monumental achievement for the study of non-response for survey questions, which often appear in an ordered probit format. This development will also allow for better comparison with pre-existing studies on satisfaction with democracy. Additionally, further research may integrate satisfaction with democracy questions from other surveys such as the Latinobarometer and the Eurobarometer. Inclusion of other regions in the analysis of non-response allows for the identification of regional specific effects and offers a larger sample from which to analyze non-response bias.

Appendix

Table 1: Non-response by Country

Country	Percentage "Don't Know"
Benin	15.86
Botswana	8.08
Cape Verde	12.34
Ghana	14.2
Kenya	15.88
Lesotho	14.52
Madagascar	33.78
Malawi	4.25
Mali	3.86
Mozambique	16.11
Namibia	7.42
Nigeria	3.09
Senegal	14.17
South Africa	5.46
Tanzania	58.21
Uganda	26.54
Zambia	20.08
Zimbabwe	26.91

Table 2: Summary Statistics for Independent Variables

Variable	Number Observations	Minimum	Maximum	Mean	Std. Dev.
Gender (Female=2)	21,222	1	2	1.4721	.4992
Urban Rural (Rural=2)	21,222	1	2	1.588	.4922
Age	21,029	18	130	36	14.6
Education	21,222	0	2	1.3253	.7561
Political Orientation (Support for Government=1)	25,397	0	1	.4674	.4989

Table 3: Summary Statistics for Dependent Variable-Satisfaction

Level of Satisfaction	Percent	Count
Not Satisfied	45.61	9,708
Satisfied	54.39	11,579

Table 4: Summary Statistics for Dependent Variable- Response

Response	Percent	Count
Yes	83.8%	21,295
No	16.2%	4,102

Table 5: Factor Analysis Results

Factor Name	Eigenvalue	Difference	Proportion	Cumulative	Number of Observations
Media Access	1.06486	1.14321	1.4054	1.4054	25,044
Community Participation	0.9657	0.9989	1.60	1.60	24,803
Political Participation	1.10218	1.12004	1.3050	1.3050	24,530
Economic Well being	2.13405	2.05051	1.2229	1.2229	24,884
Government Performance	4.32	3.76	0.9886	0.9886	19,909

Table 6: Political Orientation Variable

Country	Party Name	Code	Percentage Support
1-Benin	Kerekou	126	16.44%
2-Botswana	BDP	142	53.00%
3-Cape Verde	PAICV	166	23.81%
4-Ghana	NPP	182	51.55%
5-Kenya	NARC	201	40.06%
6-Lesotho	LCD	222	66.67%
7-Madagascar	TIM	240	36%
8-Malawi	DPP, UDF	261, 270	58.83%
9-Mali	NA	NA	NA
10-Mozambique	Frelimo	300	79.55%
11-Namibia	SWAPO	320	68.50%
12-Nigeria	PDP	340	35.46%
13-Senegal	PDS	360	51.58%
14-South Africa	ANC	102	56.92%
15-Tanzania	CCM	380	82.98%
16-Uganda	NRM	512	59.42%
17-Zambia	MMD	422	26.17%
18-Zimbabwe	ZANU-PF	440	21.47%

Table 7: Satisfaction with Democracy-Truncated Model versus Heckman Model¹⁴

Variable	Satisfaction (Truncated)	Satisfaction (Heckman Model)
Age	.0229*** (.0050)	.004*** (.001)
Gender (Male=1, Female=2)	-.0826* (.0438)	-.0810* (.0436)
Education	-.0626** (.0288)	-.1321*** (.0310)
Urban/Rural (Urban=1, Rural=2)	.03682 (.0454)	.0800* (.0439)
Government Support (Support=1)	.4579*** (.0503)	.4476*** (.0502)
Government Performance	.5604*** (.0235)	.5491*** (.0261)
Economic Well Being (Poor approaches 1)	-.1083*** (.0224)	-.0942*** (.0229)
Overall Significance	F(7, 178)= 127.9***	F(10, 175)= 64.4***
Number of Observations	14,338	16,641
Number of Strata=18; Number of Primary Sampling Units=202		

¹⁴ Estimation Procedure: Probit Survey function versus Heckman Probit Survey function using STATA 8. Strata set as Country and Primary Sampling Unit (PSU) set as Region. * indicates $p < .1$, ** indicates $p < .05$, and *** indicates $p < .001$.

Table 8: Satisfaction with Democracy and Non-response-Heckman Model¹⁵

Variable	Satisfaction (Heckman Model)	Response
Age	.004*** (.001)	-
Gender (Male=1, Female=2)	-.0810* (.0436)	.0335 (.0444)
Education	-.1321*** (.0310)	.2946*** (.0290)
Urban/Rural (Urban=1, Rural=2)	.0800* (.0439)	-.1452*** (.0462)
Government Support (Support=1)	.4476*** (.0502)	-
Political Participation	-	.0991*** (.0233)
Community Participation	-	.1467*** (.0233)
Media Access	-	.4943*** (.0279)
Government Performance	.5491*** (.0261)	-
Economic Well being	-.0942*** (.0229)	-.0314 (.0232)
Rho Statistic: -.4054268; 95% Confidence interval: (-.5881- -.1835)		
Number of Strata=18; Number of Primary Sampling Units=202		
F(10, 175)=64.41***		

Table 9: Results from Alemika (2007)

Table 6: Quality of Elections and Satisfaction with Democracy

Democratic satisfaction and dissatisfaction	Quality of the last national election			
	Not free and fair	Free and fair with major problems	Free and fair, but with minor problems	Completely free and fair
Not at all satisfied	47.9	24.0	11.1	10.0
Not very satisfied	33.4	40.2	28.0	17.4
Fairly satisfied	12.3	27.4	47.5	35.3
Very satisfied	6.4	8.3	13.4	37.3
No. of respondents	2838	2875	5527	8339
$\chi^2 = 4826.1$, $df = 9$, $Sig. < .001$. Kendall's tau-b = .369; $Sig. = .001$				

Table 10: Results using Alemika's Data and Method

Democratic Satisfaction and Dissatisfaction	QUALITY OF LAST NATIONAL ELECTION			
	Not Free and Fair	Free and fair with major problems	Free and Fair, but with minor problems	Completely Free and Fair
Not at all satisfied	47.92	24.03	11.05	10.04
Not very satisfied	33.37	40.24	27.99	17.35
Fairly Satisfied	12.33	27.41	47.51	35.28
Very Satisfied	6.38	8.31	13.44	37.33
Number of Respondents	2838	2875	5527	8339
Pearson Chi Squared=4.8e+03 df=9 Significance<.001				

¹⁵ Estimation Procedure: Heckman Probit Survey function using STATA 8. Strata set as Country and Primary Sampling Unit (PSU) set as Region. * indicates $p < .1$, ** indicates $p < .05$, and *** indicates $p < .001$.

Table 11: Electoral Quality and the Censored Measure of Satisfaction

Satisfaction	Quality of Last National Elections				
	Not free and fair	Free and fair with major problems	Free and fair, but with minor problems	Completely free and fair	Don't Know/ Missing/Don't Understand the question
Not Satisfied	82.2%	64.9%	39.7%	28.2%	56.0%
Satisfied	17.8%	35.1%	60.3%	71.8%	44.0%
Totals	100.0%	100.0%	100.0%	100.0%	100.0%
No. Respondents	2986	2928	5584	8431	1358
Pearson Chi2=3.2e+03					

Table 12: Electoral Quality and the Heckman Corrected Measure of Satisfaction

Satisfaction	Quality of Last National Elections				
	Not free and fair	Free and fair with major problems	Free and fair, but with minor problems	Completely free and fair	Don't Know/ Missing/Don't Understand the question
Not Satisfied	78.0%	61.3%	37.1%	25.0%	37.0%
Satisfied	22.0%	38.7%	62.9%	75.0%	63.0%
Totals	100.0%	100.0%	100.0%	100.0%	100.0%
No. Respondents	3326	3280	6271	10140	2380
Pearson Chi2=3.6e-3					

Table 13: Change in Satisfaction after Heckman Correction

	Electoral Quality			
	Not free and fair	Free and fair with major problems	Free and fair, but with minor problems	Completely free and fair
Satisfied (% Change)	+3.4%	+3.0%	+2.0%	+2.4%

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The “Tamachek Vibration”: How Musicians Rework Identity through Fluid Cultural Traditions

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The Tamachek of Mali are a unique people among the larger Tuareg subgroup of Berber people who live in Northern Africa. As part of a study abroad program based in Mali’s capital city Bamako, I was able to conduct a two-month research study among a small Tamachek community located there. These connections enabled me to perform with my Tamachek informants at two concerts and learn much about their traditional, yet fluid forms of music, dance, and dress and about the social cause they support through their art. Through the transformation of these traditions, my Tamachek informants renegotiate their own social and cultural identities. Not only does this research add valuable information about Tamachek musical traditions and fluid identities to the small body of research about them, it also provides an important look at the wider issue of praise singing in Mali and calls into question its validity in connection with the support of a social cause through musical traditions.

Introduction

The following paper discusses the ways in which certain members of the Tamachek¹ community have used music in order to invoke identity, social solidarity, and support a specific social cause. At first, the continuing conflict between the Malian government and the Tuareg nationalist movement, which came to a head in the early 1990s, inspired this research project; I wanted to bring Malian culture into the national spotlight, and gain access to the separatist’s circle in order to learn about the Tuareg nationalist movement from the inside. Once in Bamako, I realized that this goal was not possible due to the relatively menial social and political presence of the Tuareg who reside there. Instead, I focused on extensive ethnographic interviews with my musical instructors, used their personal social networks to get a larger snow-ball sample of the Tamachek community, and used participant observation at my private lessons, social functions, and performances to better understand the role of music in the Tamachek community. Fortunately, the interviews I had planned concerning nationalism opened the doors to more compelling questions about the ways in which tradition is used and reinvented for specific purposes. My choice to study music as my main topic was not random. Music has proven to be a very important means of protest

and a way of creating and maintaining social solidarity.² Not only has this been the case in the United States, but many forms of African music, especially Malian *griot* music, have been used for political purposes.³ Indeed, certain types of Tuareg music were used in the recent movement for independence from Mali and are still used to promote other social causes.⁴

Though the original hope of this research was to discover a thriving and growing Tuareg nationalist movement, it evolved into something quite different. This is not because the nationalist movement does not exist, but because the group of musicians who became my chief informants have a different mission. This mission is closely tied to the goal of a non-governmental organization called *Ama* to which my primary informant belongs.⁵ The goal of *Ama* is to bring the issue of ongoing slavery among certain ethnic groups in Mali to public attention and to fight for slavery’s eradication. The group of musicians with whom I studied receives backing from this organization because they have chosen to support its humanitarian cause through their music.

Methods

As part of a semester-long study abroad program through

¹ The Tamachek are a subgroup of the Berber people known in academic literature as Tuareg. Most subgroups of Tuareg refer to themselves by their dialect of the language they all share which is called Tamasheq. Some variations of these names are Kel Tamasheq, Kel Tagelmust, Tamajaja, and Tamachek.

² Charles H. Cutter, “The Politics of Music in Mali,” *African Arts* 3 (1968): 39.

³ *Ibid.*, 38.

⁴ Susan J. Rasmussen, *Those Who Touch: Tuareg Medicine Women in Anthropological Perspective*. (DeKalb, IL: Northern Illinois University Press, 2006), 633.

⁵ *Ama* is a pseudonym given to protect the identity of my informants.

Antioch University in Mali, I lived with a Malian family in the capital city of Bamako for about two months. This family was well-to-do and lived just off of one of the major paved roads in an upscale part of the city. The father owned a few farms as well as a taxi company. He also had two wives who lived in two small houses within his courtyard. There were a total of twelve people living there (including myself), eight of whom were under 25 years old. All of the children except for the oldest attended private schools and had had tutors at one time or another during their educations. The oldest child was about my age and I learned many things from her about Malian customs and traditions. For example, at first I thought my host family was Tamachek due to the mother's heritage. Yet, during my first week in their house, my host sister informed me that she was not Tamachek, but Malinke because their descent system is patrilineal. Though I had learned about this type of descent system before, I had no idea how exclusive it could be. The Tamachek, much like neighboring Malinke ethnic groups, still hold to a patrilineal descent system in which it is only required of the men (not the women) to marry within their ethnic group in order to preserve it.⁶ Rasmussen's work among the Tuareg in Niger echoed this reality when she said that "if the father is a sultan or prominent marabout and the mother is an ex-slave, the child is considered noble; [...] if the father is an ex-slave and the mother a noble, the child is considered a slave."⁷

While I lived with my host family I was treated as one of the family. I would wake up about nine in the morning, have breakfast that they bought for me from a street vendor, and walk about fifteen minutes to *Ama* where I had music lessons for about two hours a day. My two teachers, the male band leader/flute player and one of his female singers/*tende* drummers would meet me there and often brought other band members and friends along with them. At my lessons I learned to drum, sing, play the flute, make artisan/leather goods, and dance as the Tamachek do. I also had the opportunity to do informal interviews with four of the six band members (two males, two females) on topics ranging from traditional clothing and music to their life histories and personal experiences with the Tamachek nationalist rebellion. After my lessons I would often walk back to my home with one or both of my teachers for lunch (they were related to my home-stay family). In the afternoons and evenings I practiced whichever instrument or vocal technique I was learning at the time, interacted with my family, or went on interviews or performed with the band.

I was lucky enough to play with them at two public performances and observe them perform at another. The first performance I observed was one which took place at

the home of the band leader in celebration of his child's birth. I was also present and performed with the band on two other occasions. One of these performances was at the national museum of Mali and was put on for a group of foreigners. The second was the final performance and visual arts show for Antioch Study Abroad which had a mixed, but predominantly Malian, audience. The second two shows were different from the first in that they were on a stage facing an audience and, because of this, the dance styles and band-audience interactions were different than those between friends at an informal party.

In addition to these opportunities for observation and participation, the band also connected me to members of two important organizations that work with the Tamachek community where I conducted additional interviews. The first of these two more formal interviews was with about fourteen members of a Tamachek women's cooperative that sells various food items and provides beauty services to the public in order to help support their own families and eventually open a school for adult literacy. I interviewed these women for about an hour, asking them about their organization's purpose and history, why they chose to sell or make what they did, why they were living in Bamako, their lack of formal schooling and their reduced job opportunities as a result. During the second formal interview I was able to speak with the president of *Ama*. At that interview, we discussed the *Ama's* history and goals, the work it does with those it calls 'black Tamachek' and other marginalized communities, the modern-day existence of slavery and the Malian government's refusal to acknowledge it, as well as the contribution of musicians, like those with whom I studied, in raising awareness for this social cause.

In addition to the informal interviews with members of the band, participant observations, and two interviews with organizations impacting the Tamachek community, I also talked with five other Malians about how the Tamachek are regarded in order to better understand how they are perceived by other ethnic groups. I found it hard to get a feel for the situation because the Tamachek community seemed small and largely ignored.⁸ For example, many times when I would introduce myself by my Tamachek name I would be asked for my Malian name, given a new one, or receive a blank uncomprehending stare. Still, these reactions were better than the anger I had anticipated I would receive for associating myself with a people whom some Malians assume are purely "Tuareg separatists."⁹ There were, indeed, a few times where my interest in the Tamachek community was questioned. For example, more than once, Malians

⁶ Sekpu Camara, conversation with author, September-October 2008.

⁷ Susan J. Rasmussen, "The Slave Narrative in Life History and Myth, and Problems of Ethnographic Representation of the Tuareg Cultural Predicament," *Ethnohistory* 46 (1999): 91.

⁸ Clair Oxbly, "Tuareg Identity Crisis," *Anthropology Today* 12 (1996): 21.

⁹ Jennifer C. Seely, "A Political Analysis of Decentralisation: Coopting the Tuareg Threat in Mali" *The Journal of Modern African Studies* 39 (2001): 503.

asked me why I wanted to learn about a “minority culture at the expense of learning about the majority.” Other times, my choice was not just questioned, it was condemned. Why would I want to associate myself with a people that some Malians consider “lazy good-for-nothings that rely on their slaves to do all their work” and who “kill Malian soldiers”? Although my history professor in Mali, Sekpu Camara, informed me of Tamachek tribes who are more rebellious and nationalistic than others, he also told me that most Malians cannot discern one from the other¹⁰. Due to this fact, I imagine that there must be some confusion for outsiders who don’t understand which individual tribes are to blame for continuing violence.

Unfortunately, my experience with large Tamachek groups was also limited due to their underrepresentation in Bamako. Still, I did have extensive experience with a group of Tamachek musicians and their friends and families. Yet, certain areas of my lessons and research were problematic due to my own inadequacies in addition to my small sample. For example, not only was there a vast language barrier that interfered with my plans for interviews, I also had problems overcoming my own cultural conceptions about music and beauty. I was able to do more formal interviews with the help of translators and less formal ones on my own due to my developing French language skills. I also forced myself to overcome what I consider the most difficult part of learning the music of another culture -- the “ethnocentric ear.” Though I have almost always appreciated music played throughout the world, I have never really tried to learn another culture’s music, especially one so different from western musical traditions.

I encountered my first musical problem after I started learning my second Tamachek song. This song is called *Ehema* and features a very different way of using the voice than any I have ever encountered. It is hard to describe the tone quality that is produced. In order to create it, the diaphragm must be fully engaged and issue short powerful bursts of air which come up through the throat, therein taking on a very guttural growling sound which is the basis for the hard ‘e’ sound in the ever-repeating title *Ehema*. My primary problem with performing this song was that it was so difficult to learn how to produce such a new and foreign sound. In addition I could not help thinking that what I

was doing was not beautiful or particularly musical. I have since been able to change my internal definition of what music is in order to include this sound as not only musical, but beautiful.

The Republic of Mali

The Republic of Mali, where I conducted my ethnographic research, is one of the world’s poorest countries.¹¹ Under French rule, Mali was part of French Sudan. Informants tell me that only after years of unjust treatment of the Tamachek and other ethnic groups did Mali peacefully gain its independence from France in 1960.¹² Still, this young country did not begin its life as the democracy it is today, but existed as a dictatorship until 1991.¹³ Informants tell me that many of the older people who grew up in that era of Mali’s history wish for the return of that system of governance because jobs were guaranteed to every Malian after they finished school and the country did better economically. Yet, many Malians seem to enjoy the fact that their new government is democratic, but this does not blind them to the bitter reality that Mali’s economic situation.

Mali’s landscape is as rich and diverse as its political past. Though Mali is landlocked, it houses a very large river and part of a vast ocean of desert. Mali has many distinct ethnic groups packed into a region which is almost twice the size of Texas.¹⁴ Much of Mali’s population and economic activity centers around the lush Niger River while some ethnic groups including the Tamachek live and work in the 65% of Mali’s land that is boiling hot, yet mesmerizingly beautiful desert or semi-desert.¹⁵ Nomadic groups like the Tamachek, who engage in animal herding, trade, and skilled craft production are about 10% of Mali’s population.¹⁶ According to Camara, other ethnic groups in Mali, such as the Bozo, are primarily engaged in fishing, which takes place on the Niger and especially in the city of Mopti.¹⁷ Along with livestock and fishing, Mali also grows and exports rice, but most farming is subsistence.¹⁸ These three activities provide the 12.7 million people living in Mali with 70-80% of their income.¹⁹ Mining of gold, petrol, and diamonds also contributes to Mali’s economy, the remaining 20% of which is split equally between the industrial and service sectors.²⁰ While the service sectors are disappearing fast due to money shortages, the farm product industry is surviving.²¹

¹⁰ Sekpu Camara, conversation with author, September-October 2008.

¹¹ David Levinson, *Mali. Ethnic Groups Worldwide: A Ready Reference Handbook* (Santa Barbara, CA: Oryx Press, 1998), 149.

¹² *Ibid.*

¹³ Central Intelligence Agency, “The World Factbook: Mali,” Accessed March 19, 2009: <https://www.cia.gov/library/publications/the-world-factbook/geos/ml.html>.

¹⁴ *Ibid.*

¹⁵ Levinson, 1998: 149.

¹⁶ *Ibid.*

¹⁷ Sekpu Camara, conversation with author, September-October 2008.

¹⁸ *Ibid.*

¹⁹ Central Intelligence Agency, “The World Factbook: Mali,” Retrieved March 19, 2009: <https://www.cia.gov/library/publications/the-world-factbook/geos/ml.html>.

²⁰ *Ibid.*

²¹ *Ibid.*

Though Mali is a very poor country, it has a rich history of religious amalgamation. Islam came to Mali in the seventh century and its adherents are now officially 90% of Mali's population while 9% are Christian and 1% follows traditional religions.²² According to Sekpu Camara,²³ Malians are, in general, religiously tolerant and freely mix traditional beliefs and practices, such as fortune telling and magic, with Islam and Christianity. In fact, informants told me that many Malians only claim to be Muslims in order to receive help from others when death or unfortunate circumstances befall their families. They say that otherwise their "real" Muslim friends would not help them. Camara informed me that much of Mali's Muslim population practices traditional religion privately while maintaining "a good Muslim front in public."²⁴

Tuareg Groups in Africa

The various peoples known as Tuareg are one of a few subgroups of Berber people who are thought to have moved into Northern Africa from the Near East.²⁵ Berbers number over 11 million and live in Algeria, Niger, Mali, Libya, Tunisia and Morocco where they are most highly concentrated and make up 34% of the population.²⁶ Some Berber subgroups include the Rifians, Berraber, and Shluh of Morocco, the Kabyles, the Shawia, the Mzab of Algeria, and the Tuareg, primarily of Niger.²⁷ The Tuareg, of whom the Tamachek are a distinct group, are a politically and demographically underrepresented community²⁸ within a relatively small number of countries -- Algeria, Libya, Mali, Niger, and Burkina Faso.²⁹ Tuareg population figures range from 300,000 to 3 million, a direct result of whether or not their dependent populations and tributary groups are also counted and because some countries do not have official statistics on their numbers.³⁰ The Tuareg are most concentrated in Niger "where they constitute 11 percent of the population."³¹

The few print sources about the Tamachek of Mali and its neighboring countries almost always refer to them as

"Tuareg." I have heard two different origins of this name from my primary informant and the president of *Ama* respectively. The first is that this is the term the French gave to white- or red-skinned Tamachek people. The other is that this is a term referring to both the Tamachek and Arabs who "cut the path" or traded across the desert. I found one literary source which states that "the people known in Western literature as Tuareg, [...] call themselves Kal-tamashaq" meaning people of the Tamachek language³² or "Kel Tagelmust" meaning people of the veil.³³ Due to dialect differences of Tuareg in other countries, there are various other names which they use to refer to themselves. For example, the community in Niger call themselves Tamajaq after their dialect.³⁴ Regardless of the origins of the term "Tuareg," my informants did not use the words to refer to themselves. In fact, the world-famous traditional Tamachek music ensemble Tartit points out in its own publicity literature that terms like Berber and Tuareg are not their first choice because they have been attributed to this group by outsiders.³⁵ Indeed the term "Tuareg" was:

imposed as a gloss, or cover-term, to designate the ethnicity and culture of a people who, although unified by their common language and culture, belong to diverse social strata based on descent, have different geographical origins, and practice varied subsistence patterns of stockbreeding, oasis gardening, caravanning, professional Quranic scholarship, and smithing.³⁶

Therefore, I have opted not to refer to the Tamachek of Mali by the term "Tuareg" despite the many resources about them that do. This article will only use the single word "Tamachek" with which my informants normally referred to themselves and will employ the spelling they provided me.

Because the presence of the Tamachek predated that of the Arabs, (who arrived in the seventh century) the cultural and political traditions of the Tamachek have caused clashes

²² Ibid.

²³ Sekpu Camara, conversation with author, September-October 2008.

²⁴ Ibid.

²⁵ Cynthia Becker, "Tuareg," *In The Greenwood Encyclopedia of World Folklore and Folklife*, Edited by Walter Clements (Westport, CT: Greenwood Press, 2006), 112.

²⁶ Walter Spencer, *Muslim Peoples: A world Ethnographic Survey* (Westport, CT: Greenwood Press, 1978), 99-100.

²⁷ Ibid.

²⁸ I. Ag Youssouf, A. Grimshaw, and C. Bird, "Greeting in the Desert," *American Ethnologist* 3 (1976): 800.

²⁹ J. Straker, "Performing the Predicaments of National Belonging: The Art and Politics of the Tuareg Ensemble Tartit at the 2003 Folk Festival," *The Journal of American Folklore* 121 (2008): 83.

³⁰ Jeremy Keenan, *The Lesser Gods of the Sahara*, (Chippenham, Wiltshire: Frank Cass Publishers, 2004), 1.

³¹ Straker, 2008.

³² Youssouf, Grimshaw, and Bird, 1976: 800.

³³ Susan J. Rasmussen, "Veiled Self, Transparent Meanings: Tuareg Headdress as Social Expression," *Ethnology* 30 (1991b): 366.

³⁴ Susan J. Rasmussen, *Healing in Community: Medicine, Contested Terrains, and Cultural Encounters Among the Tuareg* (New York: Bergin & Garvey, 2001), 277.

³⁵ Susan J. Rasmussen, "A Temporary Diaspora: Contested Cultural Representations in Tuareg International Musical Performance" *Anthropology Quarterly* 78 (2005): 805.

³⁶ Rasmussen, (1991b): 366.

with Arabs throughout history.³⁷ Even though they are now predominantly Muslim, some still hold traditional beliefs.³⁸ Indeed, “[t]he local belief system, with its own cosmology and ritual, interweaves and overlaps with Islam rather than standing in opposition to it.”³⁹ The majority of Berber groups practice “subsistence agriculture and animal husbandry” and still holds to political systems which distinguish them from their fellow countrymen and crosscut the nations in which they live.⁴⁰

Though the Tuareg traditionally held to a matrilineal descent system, they have compromised with Islamic tradition (which practices patrilineal descent) and now have a more or less bilateral system in which women are highly regarded and enjoy a secure position in the social hierarchy.⁴¹ In fact, important group alliances are inherited from the mother while place in the social hierarchy of the group is passed on by the father.⁴² Still, there is not much upward mobility for women or men in traditional Tamachek society because individuals are expected to practice endogamy by marrying their close cousins and therefore, into their own social stratum.⁴³ Tuareg women are well respected and free within their society,⁴⁴ which is not true for all Berber women, and hold “one of the most valued roles [...] according to both men and women, [which] is motherhood.”⁴⁵ Women are free to divorce their husbands, own specific necessities (their own tents and animals), and play music publicly.⁴⁶ Though my informants told me that the Tamachek are often stigmatized as more radical in their adherence to Islamic tradition, I was also informed that unlike more strict Muslims, Tamachek women are not veiled. In fact, traditionally it is men who veil for modesty.⁴⁷ The Tuareg (the Tamachek included) value music and visual arts highly.⁴⁸ Music is a central part of almost every important ritual in Tamachek culture, including baby name days, weddings, funerals, and holidays. In addition, as described later in this paper, certain musical instruments are reported

by my informants to have healing qualities and/or medicinal abilities which can be used in cases of spirit possession.⁴⁹ Susan Rasmussen,⁵⁰ who has written a great deal on the latter, has also done much to bring the group she usually refers to as the Tuareg to the attention of the scholarly community. In fact, of the group of Berber people known as Tuareg, it seems none has been more closely studied than the group which lives in the Air Mountains of Niger and speaks a dialect of Berber called Tamajaq.⁵¹ Unfortunately, though the Tamajaq are closely related to the Tamachek of Mali (as confirmed by the correlation between my research and Rasmussen’s), there are few resources in scholarly literature that are based directly on the Malian Tamachek community. This is why research on this particular subgroup of Berbers is so desperately needed.

The Tamachek of Mali

The Tamachek are predominantly located in the Northern Sahara desert regions and are centered around the cities of Kidal, Gao, and Tombouctou.⁵² In Mali there are “six hundred thousand Tuaregs [who] represent 5 percent of the national citizenry.”⁵³ Though the Tamachek’s traditional homeland is in the north, rural to urban migration is increasing due to many famine causing droughts, slavery, and political unrest -- which push some southwards into Bamako, Mali’s capital city. There, the Tamachek are an even smaller minority and are almost lost among the majority Mande (50%) (Bambara, Malinke, Soninke) [and smaller ethnic groups like the] Peul (17%), Voltaic (12%), Songhai (6%), Moor (10%) [calculated with the Tuareg], [and] other (5%).⁵⁴ Each of these ethnic groups to greater or lesser extents also makes their homes in Bamako. In addition to their small numbers, the Tamachek are also verbally isolated from many of Mali’s other ethnic groups because their language is derived from the Afro-Asiatic language family while Bamanankan (Mali’s most widely

³⁷ Susan J. Rasmussen, “Tuareg.” In *The Encyclopedia of World Culture*, 9 (1991a): 367.

³⁸ Becker, 2006: 114.

³⁹ Rasmussen, 1991a: 369.

⁴⁰ Ibid.

⁴¹ Rasmussen, 1991b: 367.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Spencer, 1978: 105.

⁴⁵ Barbara Worley, “Where all the Women are Strong,” *Natural History* 11 (1992): 56.

⁴⁶ Becker, 2006: 114.

⁴⁷ M. Brett and E. Fentress, *The Berbers* (Cambridge, UK: Blackwell Publishers Inc., 1996), 212.

⁴⁸ Rasmussen, 1991b: 369.

⁴⁹ Ibid.

⁵⁰ Susan Rasmussen has written numerous articles (2007, 2008) and some books on the Tuareg in Niger. The topics of these works range from music and the nationalist movement, aging, spirit possession, traditional clothing, and tradition vs. modernity among the Tuareg. Her books include: *The Poetics and Politics of Tuareg Aging: Life Course and Personal Destiny in Niger*, *Those Who Touch: Tuareg Medicine Women in Anthropological Perspective*, *Spirit Possession and Personhood among the Kel Ewey Tuareg*, and *Healing in Community: Medicine, Contested Terrains, and Cultural Encounters among the Tuareg*.

⁵¹ Rasmussen, 2001: 277.

⁵² Rasmussen, 1991b: 366.

⁵³ Straker, 2008: 83.

⁵⁴ Central Intelligence Agency, “The World Factbook: Mali,” Retrieved March 19, 2009. <https://www.cia.gov/library/publications/the-world-factbook/geos/ml.html>.

spoken language) is of the Niger-Congo family.⁵⁵ Also, Tamachek is “distinctly different from the Berber languages [...] with a more elaborate grammar and fewer loan-words from Arabic.”⁵⁶

Scholarly research is clarifying an academic understanding of Tamachek society by showing that the Tamachek have a high degree of social stratification much like Mali’s other ethnic groups.⁵⁷ My informants describe the Tamachek social structure as having feudal elements.⁵⁸ The Tamachek community is comprised of different tribes, each of which is headed by a family and has an internal as well as an intertribal hierarchy.⁵⁹ These tribal hierarchies no longer have great political significance, but their “social distinctions are carefully maintained.”⁶⁰ “Tuareg society was constructed like a pyramid, with nobles on top and various levels of dependents and servile groups below, dominated by a few aristocratic leaders like managers of large farms.”⁶¹ At the bottom rung of Tamachek internal hierarchy are the slaves known as *Bellah* who are not a discrete ethnic group, but a mix of individuals from groups who lived near the Tamachek and were raided and taken as prisoners.⁶² These slaves lived in close relations with their Tamachek masters who were supposed to treat them as they would their own children⁶³ and even called them by kinship terms.⁶⁴ It is because of this closeness that informants tell me that the slaves of one tribe may even outrank the nobles of another. This fact is due to more noble origins of one tribe as compared to others.⁶⁵ *Imajaghen*, the noble segment of society, has now come to represent the entire Tamachek group in pop culture.⁶⁶ Informants state that there are various other segments of society that include the “clergy [*ineslemen*], vassals [*imghad*], blacksmiths [*inaden*], and slaves [*eklan*].”⁶⁷ Each of these groups has a distinct position in Tamachek society and a specific job or duty that is associated with them. For example, the nobles are associated with restraint and dignity and were traditionally responsible for camel breeding and

trade.⁶⁸ The blacksmiths were “both respected and feared, due to their ability to smelt iron and work with fire”; they were also known for their position in Tamachek society as musicians.⁶⁹ The blacksmiths were and in some cases still are dependent on noble families on whom they used their music in order to gain material support. “[T]hey call out in praise songs to elicit presents from nobles: ‘to grease the throat.’ This is a request for millet, sugar, tea, and cash in order to release positive praise from the mouth of the smith.”⁷⁰ Though smiths are considered as one of the lowest status segments of Tamachek society, they are thought to have internal powers which allow them to “convert the natural into the cultural and protect cultural autonomy.”⁷¹

Due to traditional roles of smiths within Tamachek society, in modern times they face challenges because they often lack formal education and the wealth of nobles is diminishing. Members of the Tamachek women’s cooperative whose name means “let’s stand up, wake up, and work” told me that many women from the association are illiterate because their parents literally hid them from the enculturation they felt was happening in schools during colonization. According to Lecocq:

It was generally believed that French education would turn children away from Islam [...] Many reacted by sending their slave’s children instead [...] This has resulted in the overrepresentation of Tuareg from slave origins in administrative and educational posts.⁷²

Because of situations like this and the lack of resources for schools in areas close to the desert, many of the Tamachek I have come to know are uneducated in the Western sense. Still, a very small group can read *Tifnagh*,⁷³ their traditional written script which is “pictographic in nature but us[es] lines, circles, and dots.”⁷⁴ It is an interesting dilemma that

⁵⁵ R.G. Gordon Jr. ed., “Ethnologue: Languages of the World,” *SIL International*, 2005. <http://www.ethnologue.com/>.

⁵⁶ Brett and Fentress, 1996: 209.

⁵⁷ Rasmussen, 1991a: 366.

⁵⁸ Keenan, 2004: 50.

⁵⁹ Becker, 2006: 113.

⁶⁰ Robert F. Murphy, “Tuareg Kinship,” *American Anthropologist* 69 (1964): 164.

⁶¹ Rasmussen, 1999: 70.

⁶² Rasmussen, 1991b: 366.

⁶³ Rasmussen, 1991b.

⁶⁴ Baz Lecocq, “The Bellah Question: Slave Emancipation, Race, and Social Categories in Late Twentieth Century Northern Mali,” *Canadian Journal of African Studies/Revue Canadienne des Etudes Africaines* 39 (2005): 51.

⁶⁵ Murphy, 1964: 1261.

⁶⁶ Becker, 2006:101.

⁶⁷ *Ibid.*, 102.

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

⁷⁰ Susan J. Rasmussen, “Ritual Powers and Social Tensions as Moral Discourse Among the Tuareg,” *American Anthropologist* 100, (1998): 459.

⁷¹ *Ibid.*, 464.

⁷² Lecocq, 2005: 55.

⁷³ Rasmussen, 1991a: 366.

⁷⁴ Spencer, 1978: 105.

the very characteristics that the nobles treasured, such as adherence to Islam, reserve, and honor, would keep them from getting Western-style educations and finding work while those of lower status are more often finding prestigious positions outside of the Tamachek community.

Many of the now disadvantaged nobles have found a means of survival by revisiting the skills that they learned as children. For example, the women's organization I visited makes various food items, dyes indigo, creates jewelry, and braids hair in order to help support their families and to finance their goal of creating a school where they can learn to read and write in French. I was impressed by these women's courage, but surprised that they were not (like the other Tamachek I know) making more traditional items like leather goods and jewelry to sell to tourists. Unfortunately, the goods of the women's organization I interviewed are not selling well and they are looking for a way to export their wares abroad. Even though traditional Tamachek artisans seemed to be doing slightly better than their food-producing sisters (perhaps because their customers are primarily foreign tourists), many also longed for the opportunity to export their goods.

The current economic situation in which many Tamachek find themselves is much improved when compared to their marginalized state at the beginning of French colonialism. Though the Tuareg are said to have held back French colonial progress,⁷⁵ the six Tuareg groups in Niger and Mali and other two located in Algeria were significantly different from each other and did not form a united social or political confederation.⁷⁶ Due to long standing inequalities between the Tuareg and other ethnic groups reaching back as far as the beginning of colonialism, there have been numerous Tuareg uprisings and rebellions which turned into a nationalist movement in the early 1990s. French colonial policies which favored southern farming regions were reflected in post-independence policies and distribution of foreign aid.⁷⁷ The marginalized situation in which many Tuareg live, both in the past and the present, is expressed well by the words of the Tamachek resistance leader Hama ag Sid Ahmed, who said,

In Mali, we are considered second-rate citizens, only good for paying heavy taxes and managing to survive on our own. [...] Our role is to attract

curiosity tourists and international aid that constitute the bulk of Mali's revenue. Time has now proven that this country has no interest in integrating us. [...] We become, day by day, a little more like strangers in our own land, subjugated to all kinds of abuses, a people dying... Our traditions are ridiculed and our children are encouraged to despise them.⁷⁸

These words not only reflect the cause of the 1962 tax revolt in Mali, but the reasons for the Tuareg nationalist/separatist rebellion which took place from 1990-1996.⁷⁹ During this rebellion, many "white Tuareg" were forced to leave their homes, animals, and livelihoods as they fled to refugee camps in Mauritania and elsewhere to avoid the armies of local governments enraged by the rebels expanding territory, attacks, and robberies.⁸⁰ According to both Keenan⁸¹ and Rasmussen,⁸² important bonds between these refugees and their host Tuareg populations in Algeria, Mauritania, and Burkina Faso were formed. After the 1995 and 1996 peace accords were signed, many Tuareg began to return to their home countries where NGOs are still working to re-integrate them. I encountered one such project funded by *Ama*. This project was based on agriculture and its main goal was to buy land, plants, and animals for newly repatriated Tamachek refugees who fled Mali in 1993. While projects like this one are needed, they have historically had trouble succeeding because of problems due to political bureaucracy, local redirection of aid, and unavailability of matching funds from locals.⁸³ Even though many such efforts have not been successful, music, especially that of the Tamachek, has been used to promote and emphasize goals of "peace, repatriation, and reconciliation."⁸⁴

Music in Mali

Mali's rich ethnic and cultural diversity has given rise to wonderful aesthetic and oratorical traditions. Not only does Mali have a long history of visual art forms (pottery, textile weaving, dyeing, and decoration, as well as wood carving), it also has a long history of distinct musical forms. Malian music is characterized by a very conversational style of phrasing in vocal music due to the subject matter of songs (genealogies and historical accounts). It also relies

⁷⁵ Jeremy Keenan, *Sahara Man*, (Bury St. Edmunds, Suffolk: St. Edmundsbury Press Ltd., 2001), 3.

⁷⁶ Jeremy Keenan, *The Lesser Gods of the Sahara*, (Chippenham, Wiltshire: Frank Cass Publishers, 2004), 33-34.

⁷⁷ Rasmussen, 2005: 799.

⁷⁸ A. Gaudio, *Le Mali* (Paris: Karthala, 1992), 190.

⁷⁹ Rasmussen, 2005: 799.

⁸⁰ Susan Randell, "Demographic Consequences of Being Refugees: Malian Kel Tamasheq" (presentation, IUSSP General Conference Salvador, Brazil, 2001).

⁸¹ Keenan, 2004: 89.

⁸² Rasmussen, 2005: 806.

⁸³ Rasmussen, 2005.

⁸⁴ Ibid.

on a great deal of vocal and instrumental improvisation on the part of singer-historians who sing to praise many different patrons. Malian instruments have diverse tuning systems.⁸⁵ In addition to diversity in tuning systems, Malian music often has two independent melodic parts that create a polyrhythmic (more than one rhythm playing at the same time) or an offbeat texture.⁸⁶ The spread of Islam has also introduced monophony (or one melody) and much melodic ornamentation into Malian music through liturgical chants.⁸⁷

Of Mali's three main musical genres, the music of traditional hunter's societies, which is said to predate even the Malian empire, is the oldest.⁸⁸ Another genre of Malian music is drumming, which is used to mark important stages of the life cycle and celebrate agricultural and recreational events.⁸⁹ Though certain rhythmic patterns were traditionally associated with particular events, today they are most often used indiscriminately.⁹⁰ While it is a fact that drumming is a distinct genre of Malian music, it can also be mixed with other genres. For example, drummers and *Jelies* (which form the final and most distinctive Malian genre) often perform together at weddings and concerts.⁹¹ *Jelies/griots* are professional musicians who began a new genre of music in the thirteenth century, around the rise of the Malian empire.⁹² The musicians who perform this genre are part of the blacksmith caste in Mande society and it is their special rite and responsibility to fulfill the role of musician/oral historian for their patrons.⁹³ Although music is protected through endogamy and the rite of *griots* through birth and training, others outside the caste can become musicians as well, though they might be met with social resistance and usually do not attain the social status of *griot*.⁹⁴

Mainstream Malian music has often been used for political purposes. In fact, *jelie* or *griot* music is often listened to by outsiders in Mali in order to understand popular political opinion of the time.⁹⁵ Indeed,

Music has served Mali as an instrument of political communication, transmitting political information and values, mobilizing the population, evoking and sustaining its pride and identity, and legitimizing both patterns of authority and

incumbents of authority roles.⁹⁶

As alluded to above, the vocal genre of Malian music began at the rise of the Malian empire and may have been instrumental in its success because of the popular praise songs which are still sung today about the founder of the Malian empire. In this way *griots* "make the past immediate. 'Other people use writing, but this invention killed memory among them; they no longer feel the past because writing does not have the warmth of the human voice.'" ⁹⁷ Therefore, by singing about past Malian heroes, the *griot* is perpetuating a common memory and national pride. This serves to unite his or her people politically and socially as well as to mobilize them.⁹⁸

Tamachek Instrumental and Vocal Music

Though my informants are a self-proclaimed traditional Tamachek ensemble, they play instruments that are not played in traditional Tamachek music. The ensemble came together as a group of family and friends who played for special occasions like baby name days, weddings, and so on in their community. After playing together for four years, the man who is now band leader suggested they play for money. Only one year later, the three women and four men (most of whom are husbands and wives) have played for numerous key Malian dignitaries as well as important visitors like Laura Bush. Though the majority of the band's performances are localized in Bamako, they have been invited to the famous Festival of the Desert twice and opted instead to play at a similar festival of Tuareg music that takes place in Tunisia around the same time each year. The band leader, who is of noble origins, and the six other band members, who are of the blacksmith caste, prefer the Tunisian festival because they are treated to free airfare, hotel rooms, food, and private transportation as well as a better pay check than the Festival of the Desert would provide. Treatment like this is not only scarce in Mali, but for band members who come from the north and have survived many hardships, it is enough to lure them away from Mali for about a week.

When this traditional Tamachek ensemble performs in Mali or abroad, they play various traditional and less

⁸⁵ Eric Cherry, *Mande Music* (Chicago: University of Chicago Press, 2000), 13.

⁸⁶ Cherry, 2000.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Ibid.

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ Charles H. Cutter, "The Politics of Music in Mali," *African Arts* 3 (1968): 74.

⁹⁶ Cutter, 1968: 38.

⁹⁷ Cutter, 1968: 74.

⁹⁸ Ibid.

traditional instruments. For example, my primary informant told me that the first and most traditional Tamachek instrument is the flute or *agneb* and the three elements which traditionally accompany music are the *tende* drum, dance, and clapping. More modern instruments which are played in my informant's musical group include the Tamachek guitar (or *tabardent*) and the calabash drums. Even though the ensemble incorporates these newer instruments, they still identify themselves as a traditional group. Interestingly, the Tamachek musical group Tartit also identifies their music as traditional, but does not employ a full-time flutist; instead they occasionally hire one to record with them on certain projects.

Tamachek music groups are apparently free to choose what instruments they use to play traditional music. Yet they seem to find the music of the *agneb* or "oblique end-blown flute with four finger-holes" indispensable for important occasions.⁹⁹ This type of flute was first "made from a sorghum stem with four equidistant holes [...] and ha[d] leather thongs tied round its body for protection and ornamentation."¹⁰⁰ The *agneb* played by my primary informant was metal and wrapped tightly in a single piece of leather with decorative leather tassels. According to my informants, in addition to the flute being the primary instrument of traditional music, it also has healing qualities. Listening to the music of the *agneb* is said to be not only calming and sleep inducing, but it also has the ability to relieve stress. Still, the real magic happens when the individual plays this instrument for themselves. Not only does the music distract a person from his/her problems (which reduces stress), but the flute is said to grant the person more intelligence if they play it for two to three months. In addition, the action of playing the flute is said to give one a better appetite and is therefore good for the body.

The Tamachek *agneb* is not only played for its healing qualities, it is also an important mood-setter for musical performances. According to my informants it is the first instrument to be played at performances because it has a calming, natural sound which sets a mood of contentment and tranquility. It also sets the stage for romantic tales as well as more serious ones. For example, the flute is the only instrument played with the song *Itononing*, which is a romantic tale about a beautiful girl with many suitors. It can also be played as background music for oral historians' emotional retellings of the history of Mali. Because of the deep emotional and physical impact of this instrument and its history as one played for personal enjoyment alone

in the fields, I suggest its music is of a very personal and introspective nature.

Even though the *agneb* is said to be the most historic and powerful instrument in traditional Tamachek music, it is not the most frequently played in modern performances. In my observations, the *tende* drum is played much more often and according to my informants, exclusively by women. Indeed, Rasmussen also notes that, "where smith populations are absent, ex-slaves or noblewomen tend to fulfill the role, but never [...] did any noblemen play the *tende*."¹⁰¹ The *tende* drum is made by "stretching a goatskin over a wooden mortar used to grind grain."¹⁰² Though informants tell me this instrument also creates an atmosphere, it does so in a very different way than the *agneb*. For example, this type of drum is most often played with fast songs, which are accompanied by dancing and are typically played at parties and marriages. During my first few music lessons with my informants, I was taught to play the *tende* with force because without it, my attempts would create sound, but not music. Unlike the music of the flute, the drum is obviously meant to draw an audience. For these reasons, *tende* drum music plays a much more social function than that of the flute. This type of drum is also a very interesting instrument because it involves a long process of reattaching the drum head each time it needs to be retuned (which usually happens just before important performances). During my participant observations, I noticed that each time this instrument is retuned, its head, made from goat hide or elum, is taken off the mortar body and soaked in water. It is then stretched very tightly by at least two people and tied with a cotton cord called *argon*. The hide is stretched again (forcefully with the person's entire body weight) and re-wet; usually after this, a thin piece of cloth called *acarshe* is placed over the top of the hide. Then, the *tende* is normally put out in the sun to dry. The retuning process can take anywhere from a half an hour to an hour. Though *tende* is not always placed in the sun to dry afterwards, this action can add another half an hour of prep time. When the drum is finally ready, it is placed on top of a plastic sack or piece of cloth with a buffer (usually plastic flip-flops) for stabilization. My informants tell me that this augments the resonance of any size of *tende*.

In juxtaposition to the *tende*, which requires much on-site preparation time, the Tamachek guitar or *tabardent* as well as the calabash drums need relatively little or no prep time. Informants say the *tabardent* is a three-stringed *ngoni* type instrument which is distinctive of the Peul, Tamachek, and Moorish groups of northern Mali. This

⁹⁹ T. Nikiprowetzky, "Tuareg Music," *The New Grove Dictionary of Music and Musicians* 25, (2002): 856.

¹⁰⁰ Ibid.

¹⁰¹ Susan J. Rasmussen, "Art as Process and Product: Patronage and the Problem of Change in Tuareg Blacksmith/Artisan Roles," *Africa: Journal of the International African Institute* 65 (1995a): 600.

¹⁰² Becker, 2006: 108.

instrument is a “plucked lute [...] which has a canoe-shaped wooden resonance chamber covered with goat hide. The neck supports three strings once horsehair but now synthetic.”¹⁰³ For me, the musical style characteristic of the solo (acoustic) *tabardent* is much more in tune with the music of the flute than with that of the *tende* because it is typically slow, flowing, and soft. Yet, the *tabardent* is more often used in faster songs which feature drums and is usually distorted so excessively that it sounds like an electric guitar. Because of this popular way of playing it, *tabardent* music sounds good with the calabash drums which are by far the loudest acoustic instrument in modern Tamachek music. This is due to the fact that they are made from half of a dried and hollowed-out calabash (indigenous gourd) and are placed face down on a blanket or mat. These drums are played with the hands which usually bear at least one large metal ring to augment the natural volume and sound of the drum beats. According to my informants, the playing of the *tende* drum differs from that of *tabardent* and the calabash drums because the latter are played exclusively by men.

In much the same way as mainstream Malian musicians, Tamachek musicians create music which is most often characterized by vocalization and improvisation on “traditional melodic forms.”¹⁰⁴ Tamachek music’s

scales are often pentatonic [five notes, instead of the seven or twelve note scale normally used in western tradition], though other more complex ones are also to be found [...] [s]ometimes, especially at the ends of certain songs, the singer introduces notes that appear unrelated to the scale on which the piece as a whole is based. On the other hand notes with specific structural functions are deliberately altered. Such practices are evidence of the outstanding virtuosity of skilled Tuareg singers, and it is by such means that they constantly renew the interest in their songs.¹⁰⁵

The music of the Tamachek is a complex form and it seems to be well-suited to those with a creative nature and artistic skills. It is for this reason that the most important segment of Tamachek society for my musical research are the “blacksmiths [who], in rural [as well as urban] areas

manufacture jewelry, household tools and weapons for nobles, and also provide musical entertainment at ritual services.”¹⁰⁶ In this way, the smiths of the Tamachek serve much the same role as the *griots* in Mande society who are also craftsmen, errand runners, and the public voice for their patrons. Yet, in juxtaposition to the very thriving role of *jeliya*, female Tamachek smiths are more often involved in crafts which require them to “tan, dye and embroider leather, and dress noblewomen’s hair. [Still,] smiths of either sex sing praise songs for nobles.”¹⁰⁷ While smiths traditionally put on musical performances for their noble patrons, due to the decline of the Tamachek social hierarchy and rural to urban migration, many have turned to creating praise songs for others or making and selling jewelry and leather goods to tourists.¹⁰⁸ In addition, nobles have also begun to perform less noble forms of music as well as their more traditional forms of sung poetry.¹⁰⁹ Also in keeping with the culture of the majority of urban Malians is the fact that there is a joking relationship between Tamachek nobles and smiths (through actual dialogue and song lyrics).¹¹⁰ According to Camara, joking relationships like these allow an outlet for anger which might otherwise be expressed through violence.¹¹¹

There are genres of Tamachek music which go beyond popular praise songs and sung poetry. Firstly, traditional male vocal music was accompanied by few musical instruments and “multiple instruments were not usually played at the same time.”¹¹² This genre of music has gone through many transformations. Though more traditional forms called *tichiwe* (men’s songs) mainly praised female beauty or recounted happy moments in life, the most recent transformation of this genre has introduced a form of song which has been used as a means of protest and way of creating social solidarity.¹¹³ Yet, this new form is still marked by the heavy ornamentation and extensive vocal ranges of more traditional men’s music.¹¹⁴ During the “Tuareg rebellion” of the early 1990s, this new style of music, termed *Ichumar*, emerged to fulfill the need to unify the various Tuareg groups spread over multiple countries towards the common goal of nationality.¹¹⁵ This music is characterized by the use of Western-style guitars, multiple instruments playing simultaneously, and lyrics which at once praise rebel leaders while appropriating cultural traditions and familiar

¹⁰³ Ibid., 116.

¹⁰⁴ Nikiprowetzky, 2002: 856.

¹⁰⁵ Ibid.

¹⁰⁶ Rasmussen, 1991a: 592.

¹⁰⁷ Rasmussen, 1995a: 595.

¹⁰⁸ Rasmussen, 1991b: 369.

¹⁰⁹ Becker, 2006: 108.

¹¹⁰ Rasmussen, 1999: 74.

¹¹¹ Sekpu Camara, conversation with author, September-October 2008.

¹¹² Becker, 2006: 116.

¹¹³ Nikiprowetzky, 2002: 856.

¹¹⁴ Ibid.

¹¹⁵ Rasmussen, 2006: 637.

stories and memories in order to unify this very diverse group. After the peace accords were signed, this style of music began to be adapted to the current situation and broadened in order to include more than just protest songs or music of the rebellion.¹¹⁶ The songs of the Tamachek group Tinariwen are a prime example of the guitar-centered style of this new musical form. They also demonstrate how this music, which was at first meant to spur people to separatist political action, can be used for a broader cause.¹¹⁷ For example, the lyrics of one of Tinariwen's songs tells their audience to

Abandon this incessant laziness
that kills the body and the living soul.
Men, extend the sleeping hand to me.
Work is at your door; what prevents this?¹¹⁸

Though this song was originally meant to mobilize Tamachek to work toward a nationalist cause, its message is still valid and necessary today with regard to the joint goal of my informants and *Ama*--to reduce modern-day slavery by encouraging the Tamachek and other ethnic groups to work to provide for their own needs instead of employing slave labor.

In contrast to this more political form of men's music, there is a lighter dance form as well. This form was traditionally played by the less-reserved slaves of the Tamachek, but now crosses into all ranks of male society.¹¹⁹ The male dance form encompasses three major dance styles, *tebigelttehemmet*, *tazengherit*, and *arokas*.¹²⁰ These dances are usually performed by one to two males and differ from other dances in that the movements are very quick and are concentrated in the lower body (crouching and leg kicks) while most Tamachek dances revolve around fluid and graceful hand and upper body movements. In addition, whereas most dances are performed with very loud rhythmic accompaniment, men's dances are characterized by the short, rhythmic vocalizations (encouragements) of only one male which occur simultaneously with the dancer's quick change of position.

In addition to traditional male vocal music and dance forms, the Tamachek also have a traditional genre of female vocal music which encompasses three major styles. The first style called *ezele* (dance songs) is characterized by a rhythmic accompaniment of predominately hand clapping, while *tende nomnas* (praise-songs) and *tende N'guma* (songs

of exorcism) are accompanied by the *tende* drum as well as other musical instruments.¹²¹ Most women's music is performed in a call and response style and is characterized by women providing their own accompaniment on medium-sized drums they make themselves.¹²² Though this genre of music was traditionally considered too passionate for nobles to perform, some noble women have taken up the *tende* drum that characterizes it. Due to this fact, today it is not just the "Bellah former slaves [many of whom still live in slave like conditions today] and *griot* (oral historians-bards) [that] perform these songs"¹²³ Therefore, Tamachek music is not limited to a single genre, but involves sung-poetry, male and female traditional vocal music which have been transformed through social movements and/or the advent of new performers.

In much the same way that the calabash drums and the *tahardent* seem to be dominantly played by males, females in my observation are more likely than men to do the singing and accompany themselves on the *tende* drum. Though males often let out encouraging cries to their fellow performers (especially during high energy songs), it is the women's vocalizations which typified the music played by my informants. "Interestingly, when the Tuareg woman sings [...] she will often interject into her song a characteristic feature of Arab female singing, the *zaghruta* [italics added] or yodeling cry."¹²⁴ The quick grace notes which accompany most sung passages are also a reminder to me of music from the Middle East. Yet, the rhythmic patterns of some songs are for me more reminiscent of Native American music.

One song which employs a rhythmic pattern reminiscent of some Native American music is called *Eba Ehenia* and is accompanied by the *tende*, enthusiastic clapping, the calabash drum, the *tahardent*, and features a traditional call and response style as well as the rhythmic pattern mentioned above. Though most passages are repeated by the singer at least once, the most repeated section or call is the song title which is followed by the response *ahanna*. There seem to be innumerable passages that can be interjected between the call and response (which occurs on every third repetition); I learned a few. These were the words for "what are you telling me?" "We call Azahara (my Tamachek name)" and the name for loved ones or supporters which is *ed marhonis*. It was my impression from these words that the song must be about a woman (whose name is interchangeable) who has friends. Yet, the Tamachek group *Tartit* ("unity") plays a

¹¹⁶ Ibid.

¹¹⁷ Susan J. Rasmussen, "Between Several Worlds: Images of Youth and Age in Tuareg Popular Performances," *Anthropological Quarterly* 73 (2000): 139.

¹¹⁸ Nadia Belalimat, "Le rapport à l'histoire dans les chants de lutte de la résistance touarègue contemporaine," (Aix-en-Provence:Edisud, 1996), 158.

¹¹⁹ Nikiprowezky, 2002: 856.

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² Becker, 2006: 116.

¹²³ Ibid.

¹²⁴ James A. Standifer, "The Tuareg: Their Music and Dances," *The Black Perspective in Music* 16 (1988), 48.

version of this song that is described as being about a good for nothing young wife who does not contribute to her household. This song, like many in Mali, serves an obvious social function in that it defines the behavior expected from a certain type of individual and reprimands anyone who does not fit into that model. Therefore, it creates social solidarity by reconciling the behavior of an individual with the expected behavior of the group.

In addition to the music of those with whom I studied, I was able to meet and learn from three members Malian group called Tartit who's music is also highly respect within the Tamachek community. Tartit began to play informally in 1994 while they lived in a refugee camp in Burkina Faso.¹²⁵ After peace accords were signed in wake of the Tuareg rebellion, Tartit returned to Mali.¹²⁶ Since then, the group has gained a diverse international audience in Europe, Canada, and the United States and their modern take on women's *tende* music has captured much global media attention.¹²⁷ It seems to be this band's goal to act as "the unofficial cultural ambassadors [...] for Tuareg communities back in Mali" and to "attract American [and other] tourists to the Timbuktu region."¹²⁸

Tartit transforms women's *tende* music by adding male performers who play instruments not typically associated with this type of music.¹²⁹ For example, both the *tabardent* and the Western-style guitar are played alongside the *tende* and call and response singing. Not only has Tartit brought traditional Tamachek music to the world stage, it has also succeeded in presenting the softer side of an ethnic group who have often been considered by fellow Malians and the outside world as problematic and dangerous. For example, the image put forth by Tartit is very contrary to media depictions. While the media and films tend to represent the Tamachek as the victimizer (because of violent Tuareg separatist movements), the musical group Tartit illuminates the fact that many of these people have had to live in hard situations because they are victims of increasing desertification, discrimination, and injustice.

In order to suit the modern and diverse tastes of their international audiences, Tartit has gone a step above incorporating less traditional instruments like the *tabardent* and Western-style guitar by presenting themselves as enigmatic. For example, in order to attract the attention

and tourist interest from foreign audiences at the 2003 Smithsonian Folklife Festival,

Tartit members deliberately sought to fashion themselves as both extremely exotic and essential figures of a nomadic lifestyle that flourished in a spellbinding desert realm a world away from the mundane constraints structuring quotidian experience in the West and even in most of Mali.¹³⁰

Band members successfully enacted this identity by dressing in their traditional flowing garb and performing their music and dance in a subdued, slow, and fluid way which contrasted to their musical style with the more "raucous moods and movements inspired by most other Malian bands."¹³¹ Because of their distinctive style of dress and music, Tartit was able to distinguish itself from even their fellow countrymen which "fostered and protected a romantic fantasy enshrining the band as living representatives of a nomadic way of life that transcended the mundane territorial limits and administrative constraints imposed by the laws of modern bureaucratized societies."¹³² Therefore, Tartit has adapted their social identities and musical styles in a way that they hope will not only please their audience, but cause them to visit Mali and support the Tamachek community there.

Creating Social Identities through Fluid Traditional Forms of Music and Dress

Almost all of my research was conducted with a traditional Tamachek music ensemble, which performed a mix of both the male and female genres of traditional vocal music. The authentic tradition behind the music was very central for them personally and for the success of their careers. Yet Rasmussen's work with the Tuareg of Niger suggested that "the boundaries between so-called 'traditional' and 'modern' are fluid [and] flowing."¹³³ Keenan's work also echoed this notion when he wrote that Tuareg "language, dress (in the form of the veil), religion, nomenclature, abode, were all [...] taking on new meanings."¹³⁴ Indeed, in my lessons and through observation I noticed an interesting mix between tradition and modernity for the Tamachek. My informants put a lot of emphasis on the tradition behind their group, but I noticed mixing with more modern practices. For example, they freely mixed male and female musical genres

¹²⁵ Straker, 2008: 80.

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Ibid., 2008: 82-86.

¹²⁹ Rasmussen, 2005: 802.

¹³⁰ Straker, 2008: 82.

¹³¹ Ibid., 84.

¹³² Ibid., 86.

¹³³ Rasmussen, 1995a: 595.

¹³⁴ Jeremy Keenan, "The Father's Friend," *Anthropology Today* 16 (2000): 10.

at their performances and in public by playing different forms of political music accompanied by the *tende* drum and characterized by a call and response structure.

Music is not the only fluid tradition the Tamachek use to create social identity. Customary clothing can also be recreated in order to fit into a more modern concept of traditional. Informants told me of the prized *allacho* which is the most traditional of Tamachek garments. They also said that is a heavyweight, handmade, black turban which they claimed made these lighter skinned people blend in with the black African majority. Yet, the *allacho* was made from a heavier fabric while the turbans my informants and the wider Tamachek community wear today are created using “transparent netting [which] runs counter to traditional modesty norms.”¹³⁵ Also intriguing is the fact that my informants tell me there is a specific type of very long, very large traditional clothing made from a cloth called *bazin*. Yet, this is not fabric used to make the traditional Tamachek clothing I saw on display at the museum of Bamako. It is the cloth used to make the traditional clothing my informants wear at performances. Perhaps the clothing at the museum dated back to before *bazin* imports became popular. In much the same way, the clothing that my primary informant wears in daily life is more often made from the popular wax fabric than *bazin*. However, it usually retains the ankle length cut of more traditional Tamachek clothing. This informant’s personal history of leaving his tribe behind because he rejected the pleasantries of noble social position and wanted to make their own way in the world suggests that they much like other

Tuareg consider dress and ornaments central to self-definition. As nobles disdain manual labor, dress and ornaments act as emblems of freedom from manual labor (e.g., voluminous clothing, elaborate hairstyles requiring smith stylists, fatness, and heavy rings and bracelets).¹³⁶

Perhaps the rejection of strict traditional clothing represents this informant’s resolve to be “self-made” through work which might be inhibited by large, flowing clothes or a distracting turban. This choice might also be a confirmation of Keenan’s research that found the veil has become a dominant symbol of Tuareg identity in Mali and may be associated with the cultural revival which occurred concurrently with the Nigerian and Malian nationalist uprisings.¹³⁷

Yet, traditional clothing like traditional music seems to be a stand-in for tradition itself and, in my observations, it is a tool people use in chosen occasions to further a cause. For example, some of my informants do not normally wear

traditional Tamachek clothing, but put these on for special occasions like baby name days, weddings and performances. Perhaps this is in order to assert themselves as part of the community of Tamachek at such social gatherings or a means of promoting their music group which performs at these occasions. In my observations, many Tamachek artisans, vendors, and musicians will dress more traditionally when out in public. Perhaps their clothes are meant to function as markers of authenticity for their products and music. For example, most of the female informants I worked with were also artisans who made various leather items by hand which they sold at their performances. Among their families were young men who helped to make and sell the merchandise. These boys, like most Malian males their age, were normally dressed in Western-style clothing, but when they sold their wares, they transformed themselves by donning the traditional garb more typical of their elders. It seems that the Tamachek freely use and transform traditional forms of music and clothing to suit current trends or lifestyles while retaining just enough to assert their identity at the most opportune moments.

Consider how tradition and modernity were reflected in the two performances I witnessed. The first performance was at a Tamachek baby name day and took place in the courtyard of a rundown looking building on a quiet dirt-paved alley. After the guests had gathered into gender-segregated groups and eaten seasoned rice, vegetables, and some goat meat out of large communal bowls, the performance began. The musicians were sitting along the wall of one of the houses with a row of chairs facing them and a gap in-between for dancing. Though the visitors and men sat on unstable metal chairs, most of the women sat cross-legged on mats and blankets to the left of this area. The first musician in the line was a tall very thin man who sat cross-legged with a Tamachek guitar or *tabardent* on his lap which was connected to a small box whose knobs he constantly readjusted. This box so distorted the *tabardent* that it sounded like an electric guitar. A large speaker completely flooded the courtyard with its raw sound. Two men sat next to the first playing large calabash drums with the aid of thick silver rings.

At the beginning of the performance, another student and I were called to the middle of the performance space to dance. We faced two women with flowing scarves and large bobos (long shirts) who swayed their hands and upper bodies gracefully back and forth to the beat of the music. After a few minutes of this, they approached us slowly and we crossed paths and took the places that they had been occupying. After the first dance, two or three mats were placed on the ground and two men and two women were

¹³⁵ Rasmussen, 1991a: 108.

¹³⁶ Ibid., 111.

¹³⁷ Keenan, 2004: 116.

selected from the sidelines and they performed a seated dance in which they sat side by side facing people of the opposite gender and gracefully moved their upper bodies and arms side to side. I did not observe any direct eye contact between women and men during any of the dances. The majority of the dances were performed sitting down to loud and very rhythmic music with a specific pattern of hand clapping on beats 1, 1, 2, then waiting three beats and beginning again. After many dances, one or two men came to the middle (the mats were removed) and did a much different style of dance. They hopped and squatted, kicking their feet forwards and to the right and left. The two men danced like this facing each other and carefully positioned themselves in front of young women. During this time one of the men called out encouragement in time with the dancer's quick movements. Towards the end of the performance, groups of two male and two female dancers began to dance standing again. At this time the women sitting on the sidelines (playing *tende* throughout the performance) sang. As the music was coming to an end our host (the new baby's father) took the opportunity to pass out his business card, as he was the leader of the band performing.

The second performance was a private party for a group of foreigners at the national museum of Mali. Three bands performed, taking turns on an open air stage. After we arrived, the first order of business was to get a bucket of water and wet the hides of the *tende* drums and stretch them over the tops of the drums for five to ten minutes. After the drums were retuned, the women put dark make-up on their eyes, eyebrows, and mouths, the men set up various leather and silver goods to sell, and all changed from their street cloths into long flowing robes. Each band member either accessorized with face-covering turbans for men or shorter, dark headscarves, silver-studded headdresses, and large amounts of bold silver and gold jewelry for women. After the first act and an intermission, our group relocated the colorful mats we normally sat on to the stage and formed a long row across it. First in line, there was a standing microphone for the band leader/flutist, then a mat with two men playing guitars and after that four women sitting cross-legged with short microphones and two *tende* drums in front of them. Seated next to me at the end of the line was the group's *griot*. The leader then stood in front of the band and reviewed who would lead what songs and the order they would be played in. One song was practiced for the sound check and the band used the rest of the thirty to forty-five minutes to sit and joke amongst themselves.

When the MC came and announced the audience's return, he encouraged the band to play background music to welcome them. With the loud drums pounding, the

band waited as dark shadows walked into the courtyard and took their seats; the mood was very festive and expectant. When the audience was seated, the MC announced our group as a Tamachek orchestra whose goal was to create social solidarity, peace, and love. He then announced the title and meaning of the first slow, melodic, song which was sung in a lilting melodic solo by a small woman with soft light skin and a weathered face and accompanied by the tall, thin, band director on flute. After this, the MC interjected that music is universal and that Azahara was a student who loved Tamachek culture and wanted to share a song. Afterwards, a lively guttural song was sung accompanied by loud drum beats from the *tendes* as well as the calabash drums. During this song, a few of the musicians left their places to dance in front of the audience. The first was a small woman with a plump body and very light skin. She brought a small rug to sit on and danced with her upper body and arms as she sat cross-legged with her back to the band. A man joined her sitting next to her and facing the audience. Their positions and movements were modified from their normal dance style. (Normally two men and two women sit facing each other and move their upper bodies slowly and gracefully.) The movements here were much quicker and more jerky than normal. The audience was then informed that this was the final track and that they were welcome to move to the "Tamachek vibration." The band leader, the *griot*, and a few of the women singer/drummers got up and danced standing up between the audience and the band. The remaining band members played fast, cyclical drum rhythms and shouted encouragements or ululated.

The mixing of tradition and modernity in these performances echoes that witnessed by Rasmussen, which caused her to write that "[a]mong the Tuareg [tradition and modernity are] salient categories [which are] reflected upon and played out largely through how music is performed and enjoyed."¹³⁸ While the songs played at both performances described here were the same (except for the men's dance songs played at the first), they were performed in different ways depending on the performance's proximity to traditional life in Tamachek society. For example, the band put greater emphasis on tradition at their public performance (described second) by opening with a slow song accompanied by the flute. Yet, they transformed traditional dance styles at that same performance by adapting their dance positions, movements, and the number of dancers in order to better accommodate the more modern needs of stage performance. Finally, the band put greater emphasis on traditional clothing at the second performance where the women as well as the men put on dark veils and also wore traditional silver studded headdresses. Therefore, we can note that the Tamachek use and transform fluid traditional music, dance, and clothing styles to suit modern needs.

¹³⁸ Susan J. Rasmussen, "Between Several Worlds: Images of Youth and Age in Tuareg Popular Performances," *Anthropological Quarterly* 73 (2000): 142.

The transformation of traditional musical forms is exactly what modern songwriters like my informants are doing in order to use music as a means of creating social awareness and challenge long-held Tamachek traditions like slavery. This is exactly the case with music written for the non-governmental organization described below. Though the songs written for *Ama* run counter to traditional Tamachek culture, they are in keeping with the music of the “*tende* which [is] potentially subversive [and often references] conduct, moral standards, and ideology.”¹³⁹ *Tende* music also characterized traditional Tamachek music festival events which, like the one described later, challenged traditions surrounding the freedom of association between individuals of disparate social positions.¹⁴⁰

To understand this music, it is necessary first to grasp the historical and present-day relationship between the Tamachek and those they enslaved, who are referred to as the *Bellah*. The place of the slave in Tamachek society is an important one because nobles are expected to show a great deal of reserve and dignity. Because of this, they need not only music as a means of expressing themselves; they also must have go-betweens to arrange their personal affairs.¹⁴¹ The job of go-between is usually delegated to those of smith birth, but often those of slave status take on this responsibility as well. This is in addition to the other duties of slaves in Tamachek society. For example, there are slaves who are responsible for “domestic labor and herd[ing of] smaller livestock” called *iklan*, others called *ighawalen* “who garden for nobles” as well as “tributary groups who raided for nobles.”¹⁴² Though many of these slaves were “officially” freed at the beginning of French colonization, at independence, and during the displacement of the Tamachek after the uprisings of the mid-1990s, many stayed with their masters in slavery conditions because it was all they knew.¹⁴³ Even those scholars who do not directly speak of current slavery among the Tuareg acknowledge that “former slaves’ lives are shaped through and evolve within contexts of relationships with non-slaves; for example, there is reliance on the resources of networks of former noble owners who act as fictive kin.”¹⁴⁴ Therefore, even for those who do not recognize current slavery among the Tamachek, social distinctions that separate them from

former masters are alive.¹⁴⁵

In addition to the complex issue of slavery in Tamachek society, the very name given to those who serve the nobles is misleading because it seeks to simplify and lump together a diverse group of people. Originally the word *Bellah* was a derogatory Songhay term “for all Tuareg of lower social status.”¹⁴⁶ This term was later embraced by the French and used to describe the slaves of the Tamachek.¹⁴⁷ Yet, these slaves were not a single ethnic group as the term leads one to believe. Instead, they were individuals from various sedentary groups living near the Tamachek who were assimilated into the servile strata.¹⁴⁸ While the French were willing to concede that slavery was still a very real problem in Mali, informants tell me that when Mali gained independence, the issue of slavery was pushed under the rug of democracy. “Slavery did not so much exist legally, as it did psychologically and socially.”¹⁴⁹

I was fortunate enough to have my music lessons at a Malian human rights organization “[...] whose name means solidarity in Tamasheq,”¹⁵⁰ and whose goal is to force the Malian government to admit that slavery still continues today. According to its president, this organization has only been running since 2006, but already has 47 branches and 21,000 individual members which contribute annually to its cause. *Ama* has been praised for its “innovation [which] is in its boldness: it is the first initiative to openly address the long-standing issue of trans-generational slavery in Mali” and fight for its eradication.¹⁵¹ This organization works with the *Bellah* or *Iklan* (slaves of the Tamachek), Haratines (slaves of the Moors/Arabs), Komés (slaves of Soninké), Rimaibé (slaves of the Fulani), and the Barga (slaves of the Songoi).¹⁵² Many of the individuals within these groups are located where “slavery continues in the north in the region of Gao” (Africa Research Bulletin). Indeed, Lecocq¹⁵³ attests to the fact that there were *Bellah* living in conditions of slavery as recently as 1999. But, when they are lucky enough to escape slavery and move southwards, “they do not easily integrate into the ethnic groups in the south, [because] they are usually illiterate and are thus limited to the most difficult and detested manual labor to be found in the cities.”¹⁵⁴

¹³⁹ Ibid., 137.

¹⁴⁰ Rasmussen, 2000: 138.

¹⁴¹ Rasmussen, 1998: 459.

¹⁴² Ibid., 458.

¹⁴³ Rasmussen, 1999: 74.

¹⁴⁴ Ibid.

¹⁴⁵ Jeremy Keenan, *Sahara Man*, (Burry St. Edmunds, Suffolk: St. Edmundsbury Press Ltd., 2001), 96.

¹⁴⁶ Lecocq, 2005: 48.

¹⁴⁷ Ibid.

¹⁴⁸ Rasmussen, 1991a: 368.

¹⁴⁹ Lecocq, 2005: 53.

¹⁵⁰ African Research Bulletin, Social & Cultural Series, “Mali:Slavery in the North,” 45 (2008).

¹⁵¹ Ibrahim Ag Idbaltanat, “Discovering Dignity: People and Communities at the Heart of Ending Trans-generational Slavery in Northern Mali,” 2006, Change Makers Website: <http://www.changemakers.net/node/8681>

¹⁵² Ibid.

¹⁵³ Lecocq, 2005: 43.

¹⁵⁴ Idbaltanat, 2006.

According to informants, many black Tamachek and/or *Bellah* people still living in traditional communities find themselves in difficult situations that would not occur if slavery was not an ongoing issue blatantly ignored by the government. It is for this reason that *Ama* has started initiatives to educate the public about slavery in their country, and to boost the confidence of underrepresented groups like the black Tamachek. One such initiative is a music festival/conference which *Ama* hosts each year.

To begin organizing ourselves we hosted the first-ever Black Touareg cultural festival [...] Four thousand people, representing more than 60 Touareg sub-groups from the four northern regions spontaneously came together to celebrate their culture and discuss how to organize themselves to fully assume their role and responsibilities as citizens and to liberate themselves from all their insecurities rooted in their status in society.¹⁵⁵

Ama's fight against slavery started from the 1994 *Mouvement pour l'Eveil du Monde Bellah* through which a group of intellectuals sought to improve the social status and living conditions of the Bellah.¹⁵⁶ Another similar movement was started in Niger headed by the *Association Timidria* which calls for the "emancipation and 'liberation of slaves.'"¹⁵⁷ Unfortunately, it seems the government of Niger has reacted in much the same way as that of Mali, in that, it ignores, interferes with, or tries to down play or end the actions of the *Association Timidria*.¹⁵⁸

Despite uncooperative governments and "freeborn Tuareg who [may] perceive the organization[s] as [...] an attempt to tarnish their reputation," both organizations are still fighting for their shared goal.¹⁵⁹ The group of informants I worked with performs at the music festival for *Ama*. Their director is in charge of locating other bands from each ethnic group still practicing slavery (mainly those of the north) to play at the festival. My informants tell me each group is commissioned to write anti-slavery songs in their own languages in order to reach the people most affected by slavery. The song that my informants wrote for the festival admonished its listeners that slavery "isn't normal and justice for all people (who are equal) is important" and further stated that *Ama* has "brought justice to the world and reduced slavery" through its efforts. Though the president of the organization made it clear that they support musicians with a message, not praise singers, I found evidence to the contrary. In questioning my informants more deeply about the song they wrote for this festival, I found that they have

never performed it since its debut. In fact, they seemed genuinely shocked when I suggested playing this song about the good things *Ama* is doing at places like art schools or the national museum when songs played there should be about how wonderful those places are. Still, I know this cause is important to my primary informant as evidenced by their departure from the noble tribe of their birth because they disagreed with slavery. Yet, according to this informant, they were musicians before working with *Ama* and for them, the festival and the song written for it were finished when the contract expired. So it seems influences from the Mande majority have so infiltrated Tamachek music that even when it is transformed in order to promote anti-slavery movements, traditional praise singing remains at its core.

Because of the popularity and banality of praise singing, it seems inevitable that bands, even those from such distinct cultural traditions would find it normal and necessary to create their music in this way. Still, praise singing raises very important questions about the genuineness, commitment to, and believability of a band's cause. I am comforted by the fact that even though my informants do not play their song praising *Ama* at other performances, its message was heard and understood by the Tamachek and other ethnic groups present at the festival.

Conclusion

I have always felt that music was a common language for people from very different cultures. I found this to be true in Mali. Indeed, the fluid tradition of Tamachek music has been used in numerous ways to invoke social identity, create social solidarity, and further various causes by communicating hopes and goals to those on the inside and the outside. The Tamachek, like many of Mali's other ethnic groups have lived through hard economic and social situations. Among all the Tuareg groups in Northern Africa, the Tamachek of Mali are one of the least studied and there remains much to understand about their culture, music, and identities. Their marginalized status has impacted the life chances of people from every position in the Tamachek social hierarchy. Yet, the band I worked with courageously communicates its own unique cultural identities both explicitly and implicitly through its fluid music, dress, and dance traditions. More importantly, informants adapt and reinvent these traditions to fit their performance settings and modern tastes. Changes notwithstanding, Tamachek music retains its overall distinctiveness and remains a powerful cultural export of this very unique ethnic group.

¹⁵⁵ Ibid.

¹⁵⁶ Lecocq, 2005: 61.

¹⁵⁷ Ibid., 62.

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

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Russia's Resource Curse: The Effects of Oil on Democracy 1998-2008

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Russia's intense increase in oil production between 1998 and 2008 has occurred simultaneously with decreases in Russia's overall developmental measures dealing with corruption, liberty, and economic development. However, as Russia proceeds to generate more revenue from its natural endowment, classical economic theory suggests Russian economic and political indicators should be improving with each new barrel of oil produced, not weakening as has been the case. This paper examines how aspects of the resource curse logic may be used to establish a sufficient link between oil and democracy in Russia. Through an analysis of Russia's oil economy, key government players, civil society, and the Russian media, this paper illustrates the negative societal effects of increased oil production in Russia and hence the existence of a resource curse.

Introduction

It is said that 21st century Russians do not care whether they are ruled by dictators, communists, or even puppets as long as they can buy six different kinds of sausage in the store, drive a nice car to one of their summer homes, and most importantly, have an ample supply of vodka in their fridge. Two decades ago, Russian priorities were much less materialistic; however, today's Russia exists within a whole new environment. Its capital, Moscow, has earned the title of "World's Most Expensive City"¹ for the third year in a row (42% more expensive than New York), housing 74 billionaires in 2008 – the most of any city in the world – a step up from having only 5 billionaires in 2002. Simultaneously, while a majority of these billionaires were busy attaining their wealth from the growing production of oil and other natural resources, Russia managed to quickly climb to the top of the oil-producing sphere by increasing its production by more than 60% between 1998 and 2008. Currently, Russia is the second largest oil producer in the world, just after Saudi Arabia. (Russia even managed to surpass Saudi Arabia's daily production levels at certain periods of time since 2002.)

While this intense increase in oil production has come hand in hand with an increase in the number of Russian billionaires, it has also occurred simultaneously with decreases in Russia's overall developmental measures dealing with corruption, liberty, and economic development. However, as Russia proceeds to generate more revenue from its natural endowment, classical economic theory suggests Russian economic and political indicators should be improving with each new barrel of oil produced, not weakening as has been the case. Over the past decade, primarily during former-

President-turned-Prime-Minister Vladimir Putin's two consecutive presidential terms, the Russian state has cracked down on citizens' political freedoms, become more corrupt, and stagnated human development within its borders. This brings to question why a natural resource-rich country with growing access to oil revenue has not been growing in a positive direction by using those funds to improve on its post-communist society. As such, what kind of power does this oil bring to Russia? This question is posed over the backdrop of studies on modern economic growth which circle around the concept of the "paradox of the plenty," also known as the "resource curse," which points to the possibility that an abundance of natural resources can lead to poor economic growth.

Consequently, this paper uses a compilation of Russian democratic and economic measurements available from 1998 to 2008 that show a diminishing trend alongside the data demonstrating the growth in oil production over this same time period as a suggestion for an elaborate discussion of certain existing aspects of the resource curse within Russia.

Over this short yet important time period consisting of Russia's jump in oil production, the small amount of available and measurable observations of Russian society cannot provide sufficient empirical proof linking oil production to poor effects on the economy. Additionally, since this is not a comparative study, but rather a look at a single country during a limited time period, there simply is a certain lack of viable observations measuring human development within Russia during this time. Thus, the correlation between rising oil production and diminishing measurements of a healthy society in this case can only function to be incredibly suggestive of the negative effects of increased oil production. However, motivated by

¹ Mercer's 2008 Cost of Living survey highlights, <http://www.mercer.com/costofliving>.

Russia's increasing production of oil and intensely correlated decreasing measurements of freedom since 1998, this paper will engage in an analytical narrative discussing how aspects of the resource curse logic may be used to establish a sufficient link between oil and democracy in Russia. Through an analysis of Russia's oil economy, key government players, civil society, and the Russian media, this paper plans to show the negative societal effects of increased oil production in Russia and hence the existence of a resource curse.

What is The Resource Curse?

The resource curse is the concept that an abundance of natural resources hampers a country's developmental growth. A push for research on the effects of natural resource booms came along after the 1970s brought a sudden increase in the processing of new commodities around the globe. Consequently, the resource curse was discussed to have affected a number of resource dependant countries such as Nigeria, Venezuela, the Netherlands, Iraq, Sierra Leone, former Zaire, Zambia, and many others.² The enormous wealth attained from natural resources in these countries was not translated into economic and social well-being for the majority of the population; on the contrary, instead of improving their host countries, the resources were the cause of depressed economic growth.

While prior conventional economics established the concept that natural resource abundance was advantageous to development, the late 1980s brought about new scholarly bodies of literature that challenged this positive relationship. Jeffrey D. Sachs and Andrew M. Warner established that there was an inverse association between natural resource intensity and country growth between 1970 and 1990.³ These new beliefs became highly influential and have since been adopted by institutions such as the World Bank and the International Monetary Fund (IMF).⁴

Although the original resource curse described the relationship between abundant natural resources and economic performance, other relationships stemming from this connection have since been established. The relationship

between natural resources and regime types has been a debated resource curse link.⁵ Using pooled time-series cross-national data from 113 countries between 1971 and 1997, Ross discovered that a 1 percent increase in resource abundance as measured by the ratio of primary exports to GDP leads to a nearly 8 percent increase in the probability of authoritarianism. However, transitions to democracy have been successful in resource-poor countries such as Benin, Senegal, and Madagascar, according to Wantchekon. Additionally, a great deal of literature has been published assessing the relationship between natural resource abundance and armed conflict.⁶ As such, while the main focus of this paper will be on the relationship between Russian natural resources, particularly oil, and freedom measures, the connection will be discussed through the causal mechanisms of these other links. Consequently, these other studied negative effects of resource abundance should be discussed.

By looking at the ruling state's point of view, Moore suggests that natural resource abundance leads to a government with less accountability towards its citizens.⁷ He states that contemporary states that live mainly on mineral revenues (or developmental aid), face a limited level of incentives when it comes to respecting democratic processes around public expenditure of that revenue. Moreover, political actors have been argued to be rational utility-maximizing individuals. Thus, according to Rosser, an abundance of natural resources provides these political actors with the opportunity to fill their own pockets by engaging in rent-seeking behavior.⁸ Ross further calls this kind of rent-seeking behavior "rent seizing" behavior, which he defines as the "efforts by state actors to gain the right to allocate rents."⁹ Furthermore, Papyrakis and Gerlagh find that rent-seeking accounts for about 40% of the indirect effect of natural resources on growth through institutional quality, much larger than the positive direct effect of natural resources on growth.¹⁰

Additionally, Carlos Leite and Jens Weidmann theoretically and empirically prove that an increase in rent-seeking activities through corruption channels stemming from natural resources affect a country's economic growth.¹¹

² "Natural Resources: When Blessings Become Curses," World Bank, Country Note H, http://www1.worldbank.org/prem/lessons1990s/chaps/Ctrynote7_AreNaturalResources.pdf.

³ Jeffrey D. Sachs and Andrew M. Warner, "Natural Resource Abundance and Economic Growth." NBER Working Paper. 1995, 1997, 2001.

⁴ Andrew Rosser, *The Political Economy of the Resource Curse: A Literature Survey*, Centre for the Future State/Institute of Development Studies (2006).

⁵ See, for example, Michael L. Ross, "Does Oil Hinder Democracy?" *World Politics*, Vol. 53, No. 3 (2001): 325-361; Michael L. Ross, "Does Resource Wealth Lead to Authoritarian Rule?: Explaining the "Midas Touch," paper presented at the World Bank Research Group workshop on the "Economics of Political Violence," Princeton University, March 18-19, 2000; and Leonard Wantchekon, "Why Do Resource Dependent Countries Have Authoritarian Governments?" (Mimeo, Yale University, 1999).

⁶ See, for example, Collier and Hoeffler, 1998, 2002; Fearon, 2004, and Ross 2004a, 2004b.

⁷ M. Moore, "Political Underdevelopment: What Causes Bad Governance?" *Public Management Review* 3 (2001):385-418.

⁸ Rosser, 2006.

⁹ Michael Ross, *Timber Booms and Institutional Breakdown in Southeast Asia* (Cambridge University Press, 2001).

¹⁰ Elissaios Papyrakis and Reyer Gerlagh, "The resource curse hypothesis and its transmission channels," *Journal of Comparative Economics* 32 (2004): 181-193.

¹¹ Carlos Leite and Jens Weidmann, "Does Mother Nature Corrupt? Natural Resources, Corruption, and Economic Growth," IMF Working Papers 99/85 (1999).

The wealth or economic rent that oil creates (potentially even the portion of this rent that the host country can capture in taxes and in other ways) can encourage perverse behavior. This rent can accentuate severe income disparities when it is usurped by the ruling elite. Economic growth suffers because individuals are encouraged to devote their efforts and resources to capturing a larger share of the rent rather than pursuing wealth-creating activities like improvements in education and country infrastructure.

First coined in 1977 by *The Economist*, the “Dutch Disease” is another concept that has been used in describing the negative effects of natural resource abundance.¹² It was used to describe the decline of the manufacturing sector in the Netherlands after the discovery of the Groningen natural gas fields in the south of the North Sea in the 1960s. It is an economic concept that tries to explain the apparent relationship between the exploitation of natural resources and a decline in the manufacturing sector. It showed that an increase in revenues from natural resources will de-industrialize a nation’s economy by raising the exchange rate,¹³ which makes the manufacturing sector less competitive while entangling public services with business interests.

In addition to the concepts of corruption and the Dutch Disease, there exists a variety of literature discussing the negative effect of a new resource on liberty and democracy. Thomas L. Friedman states in “The First Law of Petropolitics” that the price of oil and the pace of freedom always move in opposite directions in oil-rich states.¹⁴ Moreover, internal conflict arises as individuals fight for control of these rich resources.¹⁵

More of these incentive-driven theories will be discussed further in this paper as they help to develop the connection between resource abundance and freedom deficiency in Russia. While the effects of resource abundance have been studied in a variety of countries, few have gone as far as to identify the existence of such specific effects in Russia. While some scholars like Friedman have pointed to the potential existence of resource curse effects in Russia, Russia’s intense recent (post-1998) resource production increase has gone hand-in-hand with a limited amount of trending democratic data, explaining an understandable

lack of empirical study done on Russia’s relationship to the resource curse. However, this lack of data within the past decade should not prevent a theoretical analysis of the incredibly suggestive set of available information which points to possible negative resource effects on Russia. Consequently, inspired by the correlation of decreasing freedom measures to increasing oil production in Russia, this paper will narrate a detailed causation between the two measurable occurrences.

However, at this point, it is important to mention that the resource curse is not a perfectly defined concept. For example, Ross himself identifies problems in the cognitive explanation of the resource curse.¹⁶ He states that its theory is usually deployed in an ad hoc manner, rather than as part of an explicit and testable theory that may, for example, link variation in state revenues to variations in the cognitive skills of policymakers. Furthermore, Rosser even presents evidence that disputes the resource curse by mentioning studies by Stijns (2001), who argues that natural resources generate easily taxable rents that more often than not result in increased spending on education, a positive factor of development.¹⁷ Additionally, Stephen Haber and Victor Menaldo (2007) identify countries to which resources were a blessing rather than a curse in the sense that resource reliance seemed to have helped consolidate democracy.¹⁸ C.N. Brunnschweiler and E.H. Bulte (2008) further state that the resource curse actually has a reverse causality with conflicts and bad policies creating the heavy dependence on exports of natural resources.¹⁹ Consequently, this paper will keep these disputed arguments of the resource curse in mind as it further works to disprove the potential existence of such mitigating effects in Russia specifically in the past decade.

Through a mix of political explanations using cognitive, societal, and institutional arguments to explain how resource rent damages Russia’s ability to promote societal growth, the concept of the ‘rentier state’ will be used. Countries that receive substantial amounts of external economic rent on a regular basis, such as pre-revolutionary Iran in the 1970s, are defined as rentier states. The expected income from this rent discourages countries from promoting their own economic competitiveness. With a block on socio-economic development, the existence of rent provides a

¹² “The Dutch Disease,” *The Economist*, November 26, 1977, 82-83.

¹³ W.M. Corden, “Boom Sector and Dutch Disease Economics: Survey and Consolidation,” *Oxford Economic Papers* 36 (1984): 362.

¹⁴ Thomas L. Friedman, “The First Law of Petropolitics,” *Foreign Policy* (May/June 2006). http://www.foreignpolicy.com/story/cms.php?story_id=3426&page=0.

¹⁵ Thomas I. Palley, “Lifting the Natural Resource Curse,” *Foreign Service Journal* 80 (December 2003): 54 – 61.

¹⁶ Michael Ross, “The Political Economy of the Resource Curse,” *World Politics* Vol. 51, No. 2 (1999): 297–322.

¹⁷ Rosser, 2006.

¹⁸ Stephen Haber and Victor Menaldo, “Do Natural Resources Fuel Authoritarianism?” Working Paper 351, Stanford Center for International Development (2007). <http://www.stanford.edu/~vmenaldo/Papers/DoNaturalResourcesFuelAuthoritarianism>.

¹⁹ C. N. Brunnschweiler and E. H. Bulte. “Linking Natural Resources to Slow Growth and More Conflict,” *Science* Vol. 320, No. 5876 (May 2, 2008): 616 – 617. Comment in *New York Times*. <http://tierneylab.blogs.nytimes.com/2008/05/05/rethinking-the-oil-curse/?hp>.

false sense of security and enables governments to delay making decisions regarding the implementation of reforms. With an abundance of oil, a rentier state is less pressured to promote various country improvements.

Why Russia and Its Oil?

As the world's second largest producer of oil – with a production of almost 10 million barrels per day (bbl/d) in 2008 – it is safe to say that Russia is a resource-rich country. Moreover, with a consumption of roughly 2.8 million bbl/d, Russia is the second largest exporter of oil (shortly after Saudi Arabia once again), exporting (in net) around 7 million bbl/d.²⁰ With the world consuming more and more oil every year – with an average 12% increase since 2000²¹– Russia's intense production of an increasingly desirable societal good, makes it pertinent to look at what happens behind Russia's bustling scenes while the rest of the world takes its oil. After all, control over such a necessary commodity can yield great power. Additionally, Russia's resource power is established magnanimously through its proven future oil reserves of 79.4 billion barrels (greater than US, Canada, and Mexico reserves combined), according to the 2008 BP Statistical Review of World Energy.

Initially, the former Soviet Union was a major oil producer in the 1980s – producing at peaks of 12.5 million barrels per day. However, following the Soviet Union's collapse in 1991, Russia's oil production fell sharply. By 1998, production and exports had gone down by almost 50 percent with crude oil prices suspended at a low of \$10 to \$12 a barrel. At this point, having trouble paying its bills, Russia suffered an intense financial collapse with the government subsequently defaulting on its debt and most of the country's private banks closing their doors on August 17, 1998. A year later on August 9, 1999, the former KGB spy, Vladimir Putin, became prime minister under ailing President Boris Yeltsin. On December 31, 1999, Yeltsin resigned and Putin took over as President, solidifying his Presidency with a formal election occurring later that March.

From that point forward, under Putin's leadership, Russia began to capitalize on the rising global demand for oil. By 2006, Russia was becoming one of the world's largest producers of oil, even out-pumping Saudi Arabia at certain times. Consequently, by the middle of 2007, Russia had the world's third-largest holdings of foreign currency reserves and gold, with \$420 billion in the state treasury, behind China with more than \$1.4 trillion, and Japan with \$900 billion. With the onset of Russia's intense oil production growth at the start of the century, a logical suspicion of the Russians withholding oil supplies to further political

aims started to emerge. Putin would frequently discount this notion in the political arena; however, Lithuania had its Russian petroleum deliveries cut off in 1999 as well as 2006, in addition to Estonia having its supply cut off in 2007.

While becoming more and more intertwined with European energy necessities, Russia's domestic arena was transforming as well. As a growing commodity-rich nation, Russia became prone to symptoms of the Dutch Disease, particularly because it lacked a system of commercial laws and moral codes to sustain its growth, which, according to economist Karl Case, is taken for granted in longstanding market economies. With its growing stockpile of dollars and euros, Russia was expanding its overseas assets with its large, privately owned Lukoil firm buying out almost 3,000 gas stations in the United States in 2000 from Mobil and Getty Oil. This was just the start to Russia's extraordinarily quick onset of liquidity which gave it an empowering global energy status. Consequently, with Russia's powerful oil sector moving up to the frontline of Russia's commodity-driven development since 1999, it becomes an increasingly interesting power to assess. The state of Russia shares a striking resemblance to previous developing capital-deficient countries that have fallen victim to the resource curse after engaging in a rapid commodities production boom. As such, with a better understanding of the onset of Russian oil and given the recent high degree of its resource flux, there is compelling and systematic evidence under concepts of the previously discussed resource curse, to expect that Russia's resource of oil might stymie or delay its democratic pressures.

The Suggestive Russian Data: Oil Production vs. Democratic Measures

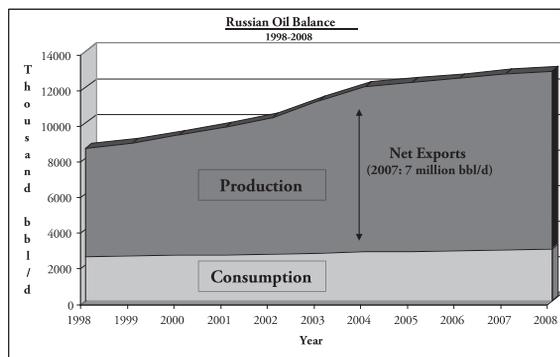
While studies have categorized the existence of the negative influences of resource abundance, with occasional hints to the possibility of harmful effects in certain aspects of the Russian case over the past decade, there is a lack of specific Russian case studies for this time period. This deficiency exists primarily because Russia's maturity into intense oil production is relatively recent and an empirically insufficient number of observations currently exist in regard to Russia's measures of democracy within the past decade, making empirical analysis futile. However, a correlation of oil production to democratic measures can nevertheless be suggestive of the existence of a theoretical resource curse. Consequently, since this paper engages in an analytical narrative of this theory, the correlation should be established before the theory is further discussed.

In order to discuss evidence of a resource curse, this paper

²⁰ Energy Information Administration- Official Energy Statistics from the US government.

²¹ Short Term Energy Outlook, November 2008.

first seeks to establish an abundance of the resource. The abundance of oil will be defined as the difference between production and consumption of oil with the idea that this difference represents the net exports of oil. According to the Energy Information Association (EIA) of the U.S. Government, Russia's economic growth over the past years has been driven primarily by energy exports, given the increase in Russian oil production and relatively high world oil prices during the period. The trend of increasing oil production growth can be seen here:



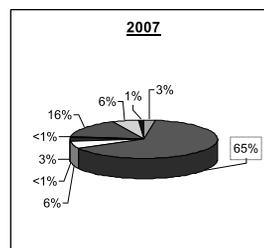
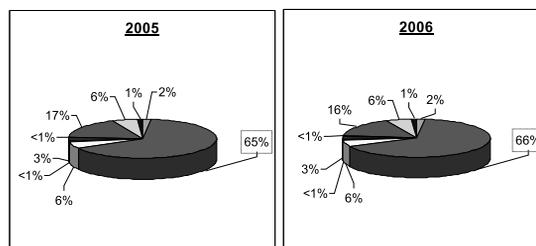
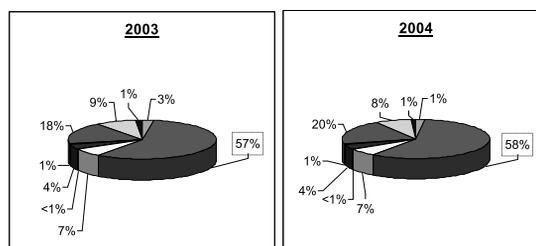
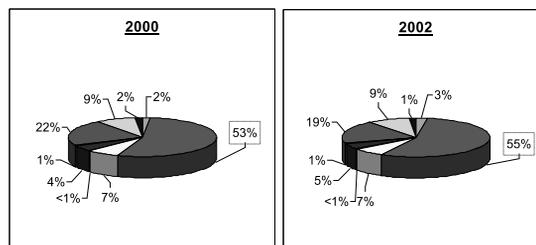
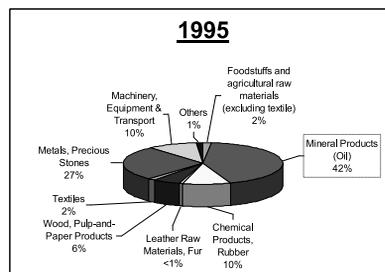
Additionally, according to the Russian Federation Federal State Statistics Service, oil has been making up an increasing percentage of total exports that come out of Russia. According to its statistics, the commodity structure of Russia labels oil as a “mineral product” making up more than 53% of total exports since 2000, an increase from 42.5% in 1995. These statistics further prove an increase in abundance by showing a constantly increasing trend in this percentage of exports since the start of the 21st century.

The following is an illustration of the growing percentage of abundance of this export over time:

*Russia's Commodity Structure of Exports:*²²

Key:

■	Foodstuffs and agricultural raw materials (excluding textile)
■	Mineral Products (Oil)
□	Chemical Products, Rubber
□	Leather Raw Materials, Fur
■	Wood, Pulp-and-Paper Products
■	Textiles
■	Metals, Precious Stones
□	Machinery, Equipment & Transport
■	Others



Russia's mineral exports, which include oil, grew more than 50% from an initial 42% of total exports in 1995 to making up 65% of total exports in 2007. Oil more specifically increased in its exports from Russia by more than 60% according to the US EIA. Thus in the 21st century, oil can be seen as a major abundant mineral resource in Russia, considering its increase in exports over the decade.

However, prior to this intense jump in oil abundance, Russia was unexpectedly hit by a series of large external

²² Information gathered from Russian Federal State Statistics Service : http://www.gks.ru/wps/portal/!ut/p.cmd/cs.ce/7_0_A/.s/7_0_3R2/_th/J_0_9D/_s.7_0_A/7_0_2BD/_me/7_0_2BC-7_0_A/_s.7_0_A/7_0_3R2.

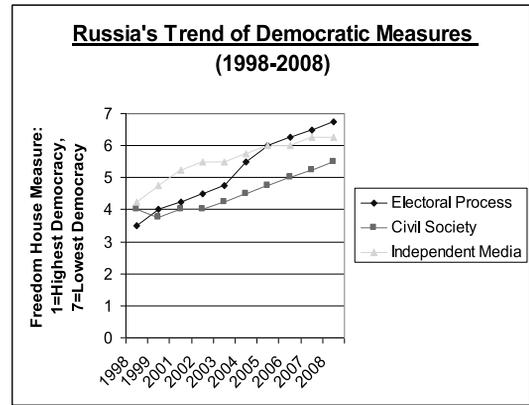
shocks of falling oil prices in 1998, where the price of oil in international markets fell by nearly 40%. Between the fourth quarter of 1997 and the fourth quarter of 1998, the decline in the terms of trade was estimated to have amounted to 14%. GDP growth, which had resumed in late 1996, therefore came to an abrupt end in the third quarter of 1998. The fall in output continued into the first quarter of 1999. However, soon after, global oil prices began to rise (with a 350% rise in global oil prices in 1999-2000), and Russia's economy began to recover. After the crisis of 1998, Russia jumped back onto the oil-producing wagon, increasing its production and taking advantage of the rising oil prices.

Along with Russia's sudden increase in resource wealth following its crisis in 1998, came a simultaneous decrease in Russia's measures of democracy. Using the available measures of Russia's freedom established by Freedom House's "Nations in Transit" report – a comprehensive multidimensional study of reform and democratic tendencies – measurements can be gathered in the areas of electoral process, civil society, independent media, national democratic governance, local democratic governance, judicial framework and independence, and corruption. The ratings over the years are based on a scale of 1 to 7, with 1 representing the highest level and 7 the lowest level of democratic progress. Reflecting transatlantic standards of democratic governance with a methodology rooted in the Universal Declaration of Human Rights, the ratings for all categories reflect the consensus of Freedom House, the *Nations in Transit* advisers, and the report authors. Consequently, the following measurements have been applied for Russia under these categories during the 1998-2008 time period:

Russia's Freedom Measures*	1998	1999	2001	2002	2003	2004	2005	2006	2007	2008
Overall Democracy Score	N/A	5.96								
National Democratic Governance	N/A	6.25								
Electoral Process	3.50	4.00	4.25	4.50	4.75	5.50	6.00	6.25	6.50	6.75
Civil Society	4.00	3.75	4.00	4.00	4.25	4.50	4.75	5.00	5.25	5.50
Independent Media	4.25	4.75	5.25	5.50	5.50	5.75	6.00	6.00	6.25	6.25
Local Democratic Governance	N/A	5.75								
Judicial Framework and Independence	N/A	N/A	N/A	N/A	N/A	N/A	5.25	5.25	5.25	5.25
Corruption	N/A	6.25	6.25	6.00	5.75	5.75	5.75	6.00	6.00	6.00

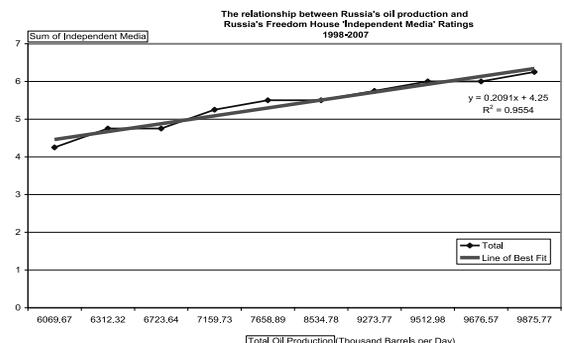
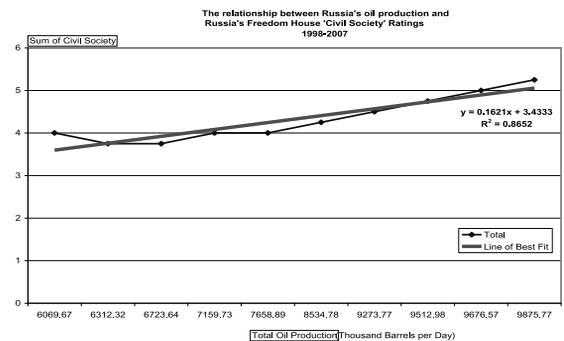
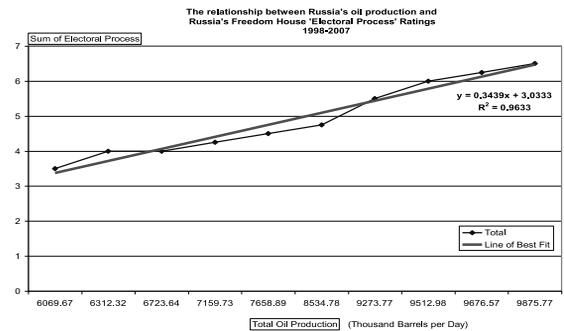
* Freedom House does not provide any freedom measurements for the year 2000 in Russia.

As can be seen above, during the years 1998 to 2008, a constant set of data is available only for measurements of Electoral Process, Civil Society, and Independent Media, three strong measures of democratic tendencies. Thus, this paper advances to evaluate the trend of each one of these available democratic measurements over the past decade:



According to these measurements, the democratic tendencies of the Electoral Process have been decreasing at the fastest rate of these three measures, with the decrease of Independent Media coming in second place, and measurements of Civil Society coming in third place to portray, when combined, an overall decreasing trend in democratic tendencies in Russia over the past decade.

Moreover, after aligning the increases in oil production with the decreases in the measurements of democracy, the following clear correlation is created:



The graphs above show a correlation between an increase in oil production and the increasing reductions in Russian measures of democracy. As is, this data creates an incredibly indicative impression that the two go hand in hand; however, while a correlation is established, the limited data makes causation difficult to prove empirically. Nevertheless, a theoretical analysis can be attempted using these aforementioned correlations as a foundation to establishing a connection between Russia's recent oil boom and its decrease in democratic measures.

The Theory Connecting Oil & Democracy in Russia

Growing Control

The fall of the Soviet Union brought about a flourishing of crony capitalism, with powerful businessmen and politicians acquiring lucrative state properties and resources at cheap prices.²³ The former communist *nomenklatura* (the Communist party's ruling elite who had been appointed to key positions throughout the governmental system and the party's own hierarchy) was given the reigns to manage state property and as such, the Russian state was captured by a few people who played the role of oligarchs.²⁴ These oligarchs split their time between government and the business sphere, subsequently forming financial groups which consisted of several industrial companies which could profit from their governmental influence. After oligarchs like Boris Berezovsky, Vladimir Potanin, Yury Shafrenik, and others served their terms in government, they returned to the business world. During the later Yeltsin years, Berezovsky served as the deputy secretary of the National Security Council and then as secretary of the Commonwealth of Independent States and Vladimir Potanin served as first deputy prime minister. At that time, somewhere between 50 and 60 percent of the Russian economy, and a considerable portion of the Russian media was controlled by these oligarch financial groups that simultaneously spent their time in business and government.²⁵ More specifically, the Russian government ended up relinquishing control of its largest enterprises (most of them oil companies) through a rigged "loans-for-shares" program that has been studied extensively.²⁶ In exchange for these loans, the state handed over assets worth much more than the loans themselves and under the terms of the deals, if the Yeltsin government did not repay the loans by September 1996, the lender acquired title to the stock and could then resell it or take an equity position in the enterprise. This is exactly what ended up happening under the Yeltsin rigged system where governmental control over certain assets was relinquished to a certain select few. This was how a

majority of Russia's oil companies came to sit in the middle of the government/business seesaw.

Politicians and bureaucrats quickly realized that they could expand their own domains and their budgets by favoring one group over another. This fact instituted a permanent tendency toward rent seeking by state officials, to the point where socioeconomic developmental goals were pushed to the side in exchange for these personal profit-driven tendencies. The state subsequently failed to establish institutions to tax, monitor, regulate, or promote other sectors of the economy because they simply lacked the incentives to do so. The government was freed from the need to levy domestic taxes and became less accountable to the society it governed. Domestic appropriation became a negligible part of government revenues, with the availability of revenues generated from outside the domestic economy substantially lessening the reliance of the government on its own population.²⁷ Additionally, right before Putin took over as president, there was anecdotal evidence that under an assumption of a high discount rate,²⁸ the Russian government held back on politically difficult decisions because the politicians and bureaucrats expected an oil boom to solve their fiscal problems.²⁹ The players in the rentier state of the time disregarded the concept that oil revenues might eventually decline, and focused on achieving temporary prosperity instead of long term economic growth.

When Vladimir Putin officially took over in March 2000, he instituted certain reforms to relinquish some of these oligarchs of their power, giving more control back to government. He managed to establish a more cohesive bureaucracy, which led to more sizable tax revenues than under Yeltsin. However, while being funded by taxable revenues, bureaucrats and politicians still managed to feed into selfish incentives due to inadequate public sector accountability. There was no evidence that under the new tax system, the government was channeling the revenue to the provision of public goods. Additionally, the rising oil prices led to a stagnation of economic reforms in Russia by creating incentives to produce and pump oil rather than invest in other aspects of the economy.

Furthermore, Clifford G. Gaddy and Barry W. Ickes suggest that property rights to resource lands were insecure, and as a result, time horizons were short because Russian owners were unsure if they could guarantee their own rights to the oil or its respective profits. As a result, they had an incentive to get

²³ P.J. O'Rourke, "The Godfather Decade: An Encounter with Post-Soviet Corruption," *Foreign Policy* (Nov-Dec 2000).

²⁴ Louise Shelly, "Corruption in the Post-Yeltsin Era," *East European Constitutional Review* Vol. 9, No. 1-2 (Winter-Spring 2000).

²⁵ This business/government oligarchy stake was split up as follows: LogoVaz by Berezovsky, ONEXIMbank by Potanin, MENATEP by Khodorkovsky, the Most-Bank group by Gusinsky, the Alfa group by the Cherny brothers. See also, Paul Klebnikov, *Godfather of the Kremlin: Boris Berezovsky and the Looting of Russia* (New York: Harvest Books, 2001).

²⁶ Christia Freeland, *Sale of the Century: Russia's Wild Ride from Communism to Capitalism* (New York: Times Books, 2000).

²⁷ Lisa Anderson, "The State in the Middle East and North Africa," *Comparative Politics* Vol. 20, No. 1 (1987):9.

²⁸ Discount rate = how much present value future returns have for the governments. Governments with a high discount rate care little for the future and are less concerned with promoting the conditions of economic growth and increased revenue over time than with extracting available revenue even at the risk of discouraging output.

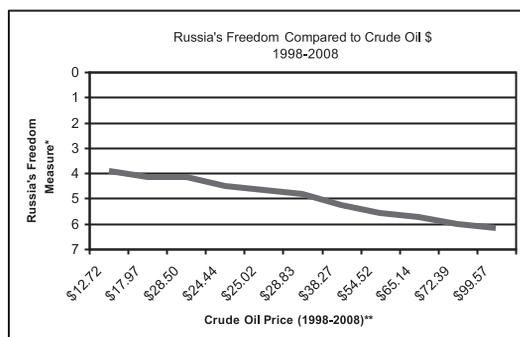
²⁹ Margaret Levi, *Of Rule and Revenue*, (Berkeley: University of California Press, 1988).

as much of the oil out of the ground as soon as possible.³⁰ Even though prices continued to rise, time became more important than cost. These incentives allowed for a small early profit to become more valuable than a shaky prospect of a larger profit down the road. This concept goes to prove that if property rights became more secure, the optimal choice for oil field owners would shift to a slower oil production and a slower depletion of available reserves. Consequently, with a lack of property rights leading to more production, it is safe to say that a government establishing proper property rights would halt the “make-the-most-out-of-it-ASAP” incentives faced by oil producers. They would subsequently want to conserve the depleting good to establish more of a long-term returning asset by waiting for higher/ideal market prices before producing. Thus, a higher oil production required a lack of governmental property rights in order to facilitate the proper incentives for immediate utilization of the oil reserves. With property rights being a cornerstone of democracy, their absence and subsequent simulation of heavy oil production stagnated Russia’s move towards freedom.

The Effect of Prices

Rising oil prices further became an important reason for the increase in production since 2000, and further moved to negatively affect the democratic tendencies of Russia. With Ross concluding that excessive oil wealth impedes democracy based on a statistical analysis of 113 countries³¹ and Friedman defining his “first law of petropolitics” as the negative correlation between the “price of oil and pace of freedom” which “move in opposite directions in oil-rich petrolist states,”³² this paper continues by engaging in a specific analysis of the effect of rising oil prices on democracy in Russia.

A comparison of rising oil prices from 1998 to 2008 can be seen below:



* “Russia’s Freedom Measure” is a calculated average of the available Freedom House *Nations in Transit* independent measurements of Civil Society, Electoral Process, and Independent Media.

** The crude price of oil comes from the BP Statistical Review of World Energy June 2008 and states the average price of oil per year.

Consequently, as can be seen above, as the price of crude oil constantly increased from 1998 to 2008, Russia’s freedom decreased, moving ever closer to the measure of 7, or “not free.” Moreover, after calculating the average change of crude oil prices and the average measure of freedom change, it was found that an average 25% increase in oil price lead to an average 5% decrease in freedom in Russia during the 1998-2008 oil production boom.

With the trend of oil price to freedoms mathematically assessed, the existing resource curse concepts of oil-abundant states likely experiencing an erosion of freedoms and antidemocratic behavior further push for a theoretical analysis connecting Russia’s increasing oil revenues to Russia’s decreasing democracy.

Taxation

Consequently, the specific effects of oil within the Russian case will be discussed in order to sufficiently connect oil to democracy. One of these effects stems from the incentives faced by rentier states: a taxation effect. The taxation effect of oil revenues has to do with the concept that when an oil-wealthy government is flushed with oil wealth, it does not need to levy high taxes against its citizens. While the people feel like they are keeping most of their earnings, they simultaneously feel as if they have less of a stake in government. This also, more importantly, means that the government has less of a stake in its people. Consequently, the government is not obligated to the wishes of its people because it essentially becomes self-sustaining, thanks to the increasing oil revenue. Friedman states that, “oil-rich governments tend to use their revenues to ‘relieve social pressures that might otherwise lead to demands for greater accountability’ from, or representation in, the governing authority.” Consequently, the oil-backed Russian government does not need to listen to its people or represent their wishes because it can simply drill an oil well and continue to survive. That is exactly what it did in 2001 when the tax system in Russia underwent a comprehensive reform, easing the tax burden on individuals and companies by instituting a simple 13% flat tax rate.³³ This actually ended up allowing Russia to have the second most attractive personal tax system for single managers in the world, only after the United Arab Emirates, according to a 2007 survey by investment services firm Mercer Human Resource Consulting.³⁴

Patronage Spending

In addition to a taxation effect stemming from oil revenues, an effect on spending can also be seen with oil wealth leading to greater patronage spending, which in turn dampens pressures for democratization. During

³⁰ Clifford G. Gaddy and Barry W. Ickes, “Resource Rents and the Russian Economy,” *Eurasian Geography and Economics* Vol. 46, No. 8 (2005): 559-583.

³¹ Michael L. Ross, “Does Oil Hinder Democracy?” *World Politics* Vol. 53, No. 3 (2001): 325-361.

³² Friedman, 2006.

³³ Michael S. Bernstam and Alvin Rabushka, “Russia Adopts 13% Flat Tax,” Stanford University Hoover Institution, *Comments, Essays, and Speeches*, July 26, 2000. <http://www.hoover.org/research/russianecon/essays/5098871.html>.

³⁴ “Global personal taxation comparison survey – market rankings,” Mercer. <http://www.mercer.com.au/pressrelease/details.htm?idContent=1287670>.

Putin's presidency, Russia created a system of patronage and coercion which was used to ensure the dominant party's control of elective offices.³⁵ Putin's political party, United Russia, plays this dominant role as the largest political party in Russia, having majority stakes in both houses of parliament: the Federation Council (upper house with the greatest party majority stake of 88 out of 176 members) and the State Duma (lower house with 305 out of 450 members). Its commanding majority in parliament ensures that the president and government can enact their legislative agenda without opposition. This arrangement gives parliamentarians the opportunity to enjoy substantial material benefits and patronage opportunities as these parliamentarians proceed to support powerful commercial interests in oil production. When, at the beginning of 2005, several activists of United Russia presented projects to create two 'wings' and a 'centre' inside the party representing different political directions inside the party to facilitate a more democratic-style political system, the discussions were quickly terminated after negative reactions from Putin's administration. This, of course, makes sense under the incentives created by majority rulers because if there was more diversification in the electoral system, the ruling members of the majority party would lose their control over being able to guarantee legislation to facilitate their own commercial revenues. Consequently, Putin and members of the United Russia majority of the legislative branch have been given the reins to all aspects of Russian society through their solid stakehold in government. Additionally, under Article 98 of the Russian Constitution, members of the Federation Council and deputies of the State Duma possess immunity during the whole term of their mandate.³⁶ They may not be arrested, detained, or searched. With such immunity under their belt, Russian politicians face intense incentives to manipulate the government for their own monetary benefit, particularly by committing crimes within the sphere of the government's direct revenue from resources.

Nationalization of Oil

Consequently, with limited oversight, the government proceeded to follow its incentives by re-nationalizing oil as much as it could over the past 10 years. Currently, the biggest Russian oil company is Rosneft, followed by Lukoil, TNK-BP, Surgutneftegaz, Gazprom Neft and Tatneft. The Russian government owns 2 of the 6 of those companies, Rosneft and Gazprom Neft, and additionally has a monopoly over Transneft, the company that transports the oil from those companies through its pipeline system, the largest in the world.

With the Russian Government holding 100% of Transneft common shares, it controls the majority of oil flow from

the aforementioned companies, public and private. More specifically, Transneft carries an estimated 93% of Russian oil transport traffic.³⁷ Transneft has been performing incredibly well over the past decade, with the majority of its profit being routed to the Russian government. It has managed to maintain a solid profit because the Russian state has adjusted its tariffs specifically to facilitate Transneft's profitability.³⁸ Since the Russian state, specifically the Federal Energy Commission is in charge of the overall management of the company, it has the sole means of increasing oil transit pricing.³⁹ Consequently, with its ability to set prices and quantity supplied per user, the Russian state has direct monopolistic control over Russia's oil sector through Transneft's extensive pipeline system.

The government has been on a campaign over the past year to attain even more control of the profitable oil industry. For example, in 2004, Russian courts found Yukos, Russia's largest private oil company and at that time a private model company of Russia's capitalistic tendencies, guilty of tax violations which far exceeded the company's profits, under a series of possibly rigged trials. The company was bankrupted, and its most productive unit, Yuganskneftegaz, was sold through an intermediary to the state-owned Rosneft. Yukos founder and principal shareholder, Mikhail Khodorkovsky, known to have transformed Yukos into the most transparent company in Russia, was widely believed to have been targeted because of his resistance to Kremlin control and possible presidential ambitions; he is now serving a sentence of nine years hard labor at a prison camp in eastern Siberia. Moreover, after the Russian government sacked Yukos, the state-owned natural gas monopoly Gazprom purchased Sibneft, another leading private oil company. From 2004 to 2005 alone, the state's share of oil production increased from 10 percent to 30 percent.

Electoral Process

Consequently, with incentives to retain this tight control over oil revenue, the electoral process also suffered. Since Putin's ascent to power, elections at the regional and national levels became more managed by the presidential administration. As oil prices started to rise back up again following the crisis in 1998, the Kremlin first began dominating the electoral process at the national level in 1999 with the parliamentary victory of the United Russia party. It continued to dominate parliamentary elections in 2003 even though it won 37% of the popular vote. A federal *Law on Political Parties* came into effect in 2001; however, since its inception, it has been revised making it more and more difficult for political organizations to register as parties.⁴⁰ By 2007,

³⁵ Thomas F. Remington, "Patronage and Power: Russia's Dominant Party Regime," *Politische Vierteljahresschrift*. Vol. 49, No. 2 (June, 2008).

³⁶ The Constitution of the Russian Federation: Chapter 5: The Federal Assembly. <http://www.constitution.ru/en/10003000-06.htm>.

³⁷ Transneft, *About the Company*, <http://www.transneft.ru/About/Default.asp?LANG=EN>.

³⁸ Transneft, *Tariffs*, http://www.transneft.ru/Tariffs/Tariffs_en.asp.

³⁹ Stephen O'Sullivan, Pavel Kushir, and Olga Danielko, *Transneft Eastern Approaches*, Deutsche Bank United Financial Group, 2005.

⁴⁰ Federal Law No. 175-FZ, "On the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation," December 11, 2002.

a minimum threshold for parties to gain representation had been increased from 5% of the vote to 7%. This step eliminated small, liberal, opposition parties who had managed to draw close to 5% in prior Duma elections in 2003. While this was not necessarily a less democratic method of electing representatives, in the context of the Russian system, it worked to further embed the status quo and augment the standing of Putin's party, United Russia. Putin continued to enhance United Russia's power and control over oil and resource revenues by signing a law amending electoral rights in December of 2006. This new law included ineligibility of certain broadly defined 'extremists' to vote, and posed restrictions on political parties' use of television to campaign against their opponents.

Civil Society

Accordingly, following the incentives available under such tight governmental oil control, the government, which is directly infused with oil wealth, can actively engage in repressing its civil society in order to facilitate a constant uninterrupted revenue stream. This increasing oil revenue gave Russia the ability to spend excessively on police and internal security thus facilitating an intimidation towards the number of independent social groups that were forming. Not including the North Caucasus and the detention facilities near Chechnya (where brutal beatings with batons, electric shocks, and the rape of female and male prisoners have been reported),⁴¹ Russian NGOs recorded 114 cases of torture by police in 11 regions of Russia between 2001 and 2005.⁴² Additionally, a remarkable study published on March 28, 2007, by the Russian Academy of Sciences and the Committee Against Torture, a Russian human rights organization, states that every 25th person in Russia is tortured, beaten, or harassed by law enforcement officials each year.⁴³ The report was based on opinion polls carried out in five Russian regions over the three years prior to publication. Moreover, Russia's imprisonment rate is among the highest in the world, with 670 prisoners per 100,000 residents.⁴⁴ Overcrowding and drug addiction among inmates has soared since 2000, exactly around the time Russia started intensely increasing

its oil production. Additionally, it is estimated that of the 1,000 leading political figures in Russia, 78% have worked with the KGB or FSB, resulting in a law enforcement that has become more centralized under the control of authorities in Moscow.⁴⁵

With an increasingly repressed civil society, incidents classified as "terrorism" have increased since 2000 as well, posing a serious question to individual security.⁴⁶ Likewise the freedoms of residence and movement have decreased since the start of the century with some regional authorities implementing registration rules that limit the rights of citizens to choose their place of residence.⁴⁷ The government also places restrictions on freedom of movement within Russia, with all adults being legally required to carry internal passports while traveling.

Additionally, with the government losing its incentives to provide public goods because of an increasing revenue stream from oil, a new law was instituted in January 2005 that stripped disabled citizens, pensioners, and war veterans of benefits such as free public transportation and necessary medications. Instead, ironically, the government replaced those public goods with cash sums, most likely attained from the increasing production of oil. Their idea was to quiet the people by throwing money at them, with hopes of forcing them into a relatively comfortable submission, while simultaneously grabbing the reins to repress necessary aspects of civil societies. However, these pensioners, wanting their public goods, came together in a mass of 10,000 people to protest in St. Petersburg.⁴⁸ While this was one of the few protests that managed to make a statement (a few local politicians repealed the law in smaller regions throughout Russia), growing infringements on independent social groups were becoming more evident through the fact that licenses and permits for rallies were becoming more and more difficult to obtain in major cities; consequently, handicapping the freedom of assembly in Russia.

Moreover, Putin signed a controversial law in January of 2006, designed to bring foreign and domestic NGOs under tighter state control. While critics say the law was

⁴¹ Further details provided by Human Rights Watch at <http://www.hrw.org>.

⁴² *Russian NGO Shadow Report on the Observance of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by the Russian Federation for the Period from 2001 to 2005* (Moscow: UN, Office of the High Commissioner for Human Rights, May 2006). <http://www.ohchr.org/english/bodies/cat/docs/ngos/joint-russian-report-new.pdf>.

⁴³ Claire Bigg, "Russia: Law Enforcement Organs Accused of Widespread Torture," RFE/RL, March 29, 2007, <http://www.rferl.org/featuresarticle/2007/03/ae51d94d-72f4-46e5-a5c6-6c8de6afd851.html>.

⁴⁴ Alexey Bobrik, Kirill Danishevski, Ksenia Eroshina, and Martin McKee, "Prison Health in Russia: The Larger Picture," *Journal of Public Health Policy* Vol. 26, No.1 (2005): 33.

⁴⁵ Brian D. Taylor, *Power Surge? Russia's Power Ministries from Yeltsin to Putin and Beyond*. CSIS PONARS, Policy Memo No. 414, December 2006. http://www.csis.org/media/csis/pubs/pm_0414.pdf; and "Federal Security Service (FSB) History" <http://www.globalsecurity.org/intell/world/russia/fsb.htm>.

⁴⁶ Russian Federal Statistics Service, "ЧИСЛО ЗАРЕГИСТРИРОВАННЫХ ПРЕСТУПЛЕНИЙ ПО ВИДАМ." (The Registered Number of Crimes by Type). http://www.gks.ru/free_doc/2006/b06_13/10-01.htm.

⁴⁷ Damian S. Schaible, "Life in Russia's 'Closed City': Moscow's Movement Restriction and the Rule of Law," *New York University Law Review* Vol. 76 (April 2001):344.

⁴⁸ Valentinas Mite, "Russia: Pensioners' Protests Mount Growing Challenge to Putin," RFE/RL, January 17, 2005. http://www.rferl.org/features/features_Article.aspx?m=01&y=2005&id=CFDD7D73-5BFF-48D9-AAE6-81CD8096A951.

designed to limit the previously vibrant civil society that rose after the fall of the Soviet Union, Putin defended the law as a necessary tool to preventing foreign interference in Russia. This law required all NGOs to re-register with the Justice ministry by the middle of October 2006 and file an additional “work plan” beginning in 2007. Many of the groups ended up missing the deadline because of the lengthy required registration process and had to close their doors until they could provide the necessary information. Some of these organizations closed their doors for good, while a number of notable organizations (roughly about 90 international organizations) like Human Rights Watch and Amnesty International were forced to close their doors temporarily. This law gave the Russian government an unprecedented authority to regulate NGO operations and to decide which of their projects were acceptable.

Media

Under Article 29 of Chapter 2 of the Constitution of the Russian Federation, Rights and Freedoms of Man and Citizen, “everyone shall be guaranteed the freedom of ideas and speech.”⁴⁹ This is a basic statement guaranteeing the freedom of speech within Russia; however, while the constitution allows for this freedom, the government has continued to put pressure on media outlets critical of the Kremlin. With incentives to reduce the spotlight and criticisms of its resource-driven wealth, the government has engaged in a re-nationalization of independent media. By 2008, Russia had become one of the three most dangerous places in the world to be a journalist, behind Iraq and Algeria, according to the New York-based Committee to Protect Journalists (CPJ).

NTV, a model of post-soviet independent media, critical of Putin’s regime, was taken over by government-owned Gazprom in 2001.⁵⁰ Gazprom ended up forcibly attaining a 46% controlling stake in NTV, Russia’s biggest non-governmental TV station at the time (with the other shares frozen by the Russian courts).⁵¹ Two independent TV channels which absorbed the former NTV journalists, TV-6 and TVS, were also shut down over the course of the next couple of years, with TVS becoming a state run sports channel instead.⁵² Consequently, the International Research and Exchanges Board (IREX) Media Sustainability Index for 2005 noted a steady decrease in freedom of the press since 2001.⁵³

Since the start of the century, Kremlin-allied businessmen with oil revenue streams and the Russian government have steadily continued to consolidate their control of Russian print and television outlets. In 2006, businessman Alisher Usmanov – sole owner of Gallagher Holdings, a global conglomerate with main investments in oil, gas, mining and steel – purchased the newspaper *Kommersant*,⁵⁴ apparently being encouraged to do so by the Russian government after its former owner, oligarch Boris Berezovsky, had begun aggressively opposing Putin’s regime.⁵⁵ This acquisition was generally seen as part of an effort to silence possible opposition and criticisms in the run-up to the 2007 Duma elections and the 2008 presidential election.

With regard to the issue of broadcast licenses, a process overseen by the government’s culture ministry, there is also a lack of fairness. Competitive licensing bids depend on loyalty to particular officials or groups and there is little transparency in broadcasting regulations, as can be seen through prohibitions of local broadcasting of Radio Free Europe/Radio Liberty Russia.⁵⁶

Independent journalism has become more and more fragile with shifts from blatant pressures to more subtle tactics, such as hostile corporate takeovers by businessman with close ties to Putin. The Kremlin’s majority holding of news sources allows the government to suppress criticism of the President and reports of government corruption and various human rights abuses. After all, the government does not want the people to know how deep its pockets flow with revenue from oil and as such, it faces extraordinary incentives to censor any such criticisms that could halt its tight control over revenue stream.

More examples of Russia’s lack of independent media can be seen in the run-up to the December 2003 parliamentary elections and March 2004 presidential elections, during which state-run national television channels were solely promoting Putin and pro-Kremlin parties. Russia’s Central Election Commission was criticized intensely for failing to sanction such biased actions; however, nothing was done to prevent such actions from occurring again prior to the 2008 elections.

The most frightful aspect of Russia’s intense lack of freedom of speech is the constantly growing number of murdered journalists since 2000. In 2003, an independent newspaper in the Volga River city of Togliatti engaged in intensive coverage

⁴⁹ The Constitution of the Russian Federation, Chapter 2: Rights and Freedoms of Man and Citizen. <http://www.constitution.ru/en/10003000-03.htm>.

⁵⁰ Alexei Bessudnov, “Media Map,” *Index on Censorship*, Vol.37, No.1 (2008): 184.

⁵¹ “Gazprom Takes Control of NTV,” Kagan World Media, Ltd, January 26, 2001. Archived on the Internet Archive, March 28, 2006. <http://web.archive.org/web/20060328205115/http://www.kagan.com/archive/kagan/2001/01/26/gazprom.shtml>.

⁵² Viktor Shenderovich, “Tales From Hoffman,” (sic) *Index on Censorship*, Vol.37, No.1 (2008): 55. (Discusses TV-6); and “Russia’s Largest Private TV Station Shuts Down,” PBS Media Watch: June 23, 2003. http://www.pbs.org/newshour/media/media_watch/jan-june03/russiatsvs_06-23.html.

⁵³ *Russian Media Sustainability Index* (Washington, D.C.: International Research and Exchanges Board [IREX], 2005).

⁵⁴ The Foreign Press Association, Sponsors of Media Awards, 2008. <http://www.foreign-press.org.uk/showarticle.pl?id=24;n=141>.

⁵⁵ “The World’s Billionaires, #142: Alisher Usmanov,” *Forbes*, August 3, 2007. http://www.forbes.com/lists/2007/10/07billionaires_Alisher-Usmanov_GIPI.html.

⁵⁶ Alvin Snyder, “Putin Tries to Block VOA and Other Foreign Broadcasts from Russian Audiences,” USC Center on Public Diplomacy, Aug 12 2005. http://uscpublicdiplomacy.com/index.php/newsroom/worldcast_detail/putin_tries_to_block_voa/.

of organized crime and government corruption. In October of 2003, its editor-in-chief was found stabbed to death.⁵⁷ He was the second editor-in-chief of the paper “Tolyatinskoye Obozreniye” to be killed in 18 months. “To be a journalist in Russia is suicide. It’s suicide if you talk about truth,” says Vladimir Yurov, a colleague and friend of Mikhail Beketov,⁵⁸ a Russian journalist who in 2008 published numerous articles on government corruption and subsequently received numerous threats, had his car set on fire, his dog killed in an intimidating fashion, and his fingers and skull broken by a savage gang attack with clubs, leaving him in a coma with an amputated leg.

The director of Moscow’s Centre for Journalism in Extreme Situations, Oleg Panfilov, says that there has never been any real freedom of expression in Russia. In 2006, prior to the G-8 summit in St. Petersburg, the Duma passed a bill, later signed by Putin, broadening the definition of extremism to include criticism of public officials in the media. Particularly with this newly expanded “extremist” definition, the media trend has gotten worse, with journalists critical of authorities being prosecuted for extremism under Russia’s criminal code. In addition to an increase in the legal prosecution of journalists, Panfilov states that there are around 80 attacks on journalists in Russia every year.⁵⁹ Furthermore, according to data compiled from the Russian-based Glasnost Defense Foundation and the Committee to Protect Journalists from 1998 to 2008, 80 journalists have been killed, with at least 16 of them being contract-style murders.

One of these contract-style killings was that of Anna Politkovskaya from *Novaya Gazeta* on October 7, 2006, in Moscow. Politkovskaya was well-known for her investigative reports on human rights abuses by the Russian military. Once captured by Russian Special Forces, she was able to talk her way out of death. She was also poisoned and yet recovered enough to continue writing about Russian infringements on freedoms and natural rights. Her work obviously struck a chord with someone in power, for she was found shot, contract killing style, in her apartment building elevator in Moscow.

Unfortunately, a number of similar awful stories exist in Russia’s past decade. Alexander Lebedev, part-owner of *Novaya Gazeta*, one of Russia’s rare last-standing independent newspapers, is demanding that authorities let reporters carry guns, after the newspaper lost its most recent journalist, Anastasia Baburova, along with a human rights lawyer, Stanislav Markelov, with whom she was

walking in January of 2009. The two of them were shot execution-style by a masked man with a silenced pistol as they walked together a few blocks from the Kremlin. After these most recent killings, *Novaya Gazeta* published a photo of Markelov with a pool of blood by his head, lying on the sidewalk with the following words printed underneath: “The killers have no fear because they know they will not be punished. But neither are their victims afraid, because when you defend others you cease to fear.”⁶⁰

While the government controls all of the national television networks directly or through state-owned companies, even an independent radio station like Ekho Moskvy is vulnerable because it is owned by the state-controlled natural gas conglomerate Gazprom, who owns Gazprom Neft, a major oil producer. Consequently, the natural resource government-controlled monopolies are the ones that have the extensive media empire that include the newspapers *Kommersant* and *Izvestiya*, and the gazeta.ru website. However, while discussion on the internet is free (and this maintains to be Russia’s primary source of unbiased and uncensored information), there have been frequent requests for the government to rein it in. Critics have accused the government of funding online attacks against opponents using the internet, and the government has actually managed to control internet discussion indirectly through their broad definition of “extremism”. For example, Dmitry Tashlykov of the paper *Vladimirsky Krai* has been charged under this law for allegedly defaming the governor of the Vladimirov region in an internet chat room.⁶¹

In 2007, a resolution proposed by U.S. Rep. Chris Smith (R-NJ) was overwhelmingly passed calling on Russia to accept outside aid to investigate the murder of its journalists. He called on Putin to step-up his efforts of investigating a decade’s worth of mysterious journalist murders in Russia and continued by saying that, “most observers think that some Russian officials have ordered or at least connived at these murders, since most of the murdered journalists were investigating government corruption or involvement in human rights abuses. There is good reason to think that people in high places are still protecting the murderers.”⁶²

Conclusion

Over the past decade, from 1998 to 2008, Russia has come to look much like an authoritarian state, decreasing its democratic tendencies year after year. While the electorate maintains to be the eligible voters of the 142-million-person Russian population, the winning coalition, as defined by Bruce Bueno

⁵⁷ “The World’s Worst Places to be a Journalist,” The Committee to Protect Journalists (CPJ), 2004. http://www.cpj.org/enemies/worst_places_04/worst_places_04.html.

⁵⁸ Luke Harding, “To Be a Journalist in Russia is Suicide,” The Guardian, November 24, 2008. <http://www.guardian.co.uk/media/2008/nov/24/anna-politkovskaya-russia-press-freedom>.

⁵⁹ Ibid.

⁶⁰ Elena Milashina, “We are Not Afraid,” *Novaya Gazeta*, January 21, 2009. <http://en.novayagazeta.ru/>.

⁶¹ Committee to Protect Journalists, “Russian Journalist on Trial for Defaming Local Governor in Internet Chat Room,” February 23, 2007. <http://www.cpj.org/news/2007/europe/russia23feb07na.html>.

⁶² “Smith Presses Russia to Accept Outside Aid to Investigate Murders of Journalists,” The U.S. – Russia Business Council, *PR Newswire US*, May 24, 2007. <https://www.usrbc.org/resources/russiannews/event/352>.

De Mesquita in his *Logic of Political Survival*, continues to be a small one.⁶³ With the winning coalition more specifically identified as being Putin's close business advisors, resource controllers, and members of the United Russia political party who have a majority share in all the divisions of government, Putin's attainment of their support was essential to his rule. Between this time period, the winning coalition (the United Russia politicians of the Kremlin), ran the rest of the electorate (the rest of the voting citizens of the country) by infringing on natural rights through legislation that led to greater corruption opportunities, rent-seeking, bribes, etc. which were allowed for by Putin in return for sustaining him in control. Once he faced threats to his rule, it actually became easier for Putin to tighten his control over government by reducing the size of his winning coalition (i.e. when the Russian government consolidated its control over resources and media, by putting the reins in the hands of a few) and reducing the amount of distributed public goods (i.e. the instance when Russian pensioners had their public transportation and medicines taken away). Consequently, by taking advantage of the rising oil price, Putin proceeded to provide greater private goods to his winning coalition through a greater production of oil, rather than providing for a greater distribution of public goods, with public goods being defined as democratic tendencies. Thus, Putin used the growing potential of the oil economy to sustain himself in power.

While Russia may be freer now than it was back in the days of the Soviet Union, it still has a long way to go before it can be considered a democracy. Russia's seemingly impressive GDP growth over the past decade, primarily due to specific resource endowments and increased production of those resources, has actually managed to hang a curtain over the cost of attaining this growth – an expensive price valued through democratic freedoms.

It is important to note that an image of elections and existence of the press does not necessarily mean the existence of freedom because, as established through the Russian case, the government controls both elections and the media, in addition to the freedom of assembly, and other aspects of civil society. With the Russian government controlling both access to resources and access to the media, Putin and his cronies face intense incentives to coordinate the two in such a way as to produce the highest valued outcome that they can. Unfortunately, this highest valued outcome occurs most efficiently at a high production of oil and high control of society.

Russian journalists who work for independent publications are increasingly vulnerable and exposed amid the Kremlin's control of all television networks and most newspapers. Government rulers know that if they let people come together and if they let people be truly informed of the way the government operates, the probability of them being deposed from office will rise extensively. With the idea that overall growth that spans into all

aspects of society is not as profitable as rent-seeking opportunities, Putin and his United Russia affiliates have managed to sustain themselves without moving in a freedom-orientated direction.

The Russian controllers of oil could not fix the price of oil, but they could control the production, and as such they used the rising oil price over the past decade to their advantage by squeezing as much oil as they could out of their endowment in order to sustain themselves in power. Oil became a revenue source for the Russian government that did not require taxing labor, and as such the workers became further distanced from the controllers of the country.

Inspired by the strong suggestive correlation of increasing oil production to decreasing democracy measures of the Russian Federation from 1998 to 2008, this paper has discussed various aspects of the resource curse and how it has affected Russia over this time. Even with a lack of an empirically sufficient amount of observations of the Russian state, primarily due to the short time period under observation and Russian laws making it very difficult for foreign NGOs to sustain themselves within the nation, a powerful causation was created between oil and democracy through this paper's analytical narrative. Through an analysis of the key effects of resource abundance, Russia's oil economy and its players, and aspects of Russia's civil society and its media, this paper has shown examples of a paradox behind Russia's sudden increase in oil, the revenue from which could have been used to garner overall political and economic success, but instead garnered decreases in democratic measures within Russia.

Over the past decade, news of Russia's growth and "stabilization" has been advertised by experts, with Putin having been portrayed as overly popular among his country's citizens and with Russia winning all sorts of awards, such as "most billionaires" and etc. However, the people of Russia have never fully recovered from the onset of a failed society after the fall of the Soviet Union. Poverty (averaged to befall roughly 1/3 of the entire Russian population by certain measures⁶⁴), drug addiction, and illnesses are still greatly prevalent because of a lack of public goods distribution. During the winter months, a few people still freeze to death on the streets of Moscow, "the most expensive city in the world." Russia manages to have the highest death rate in Europe primarily due to the spread of AIDS and tuberculosis, two diseases both brought on by poverty and neglect. With the Russian government directly controlling oil companies and with Russia's monopoly over oil pipelines, it has controlled the increase in production, but has not used the plethora of revenues from that production to improve the country. Instead, the fortunes of oil have created a rapidly increasing number of billionaires in Russia at the expense of democracy for the majority of the Russian citizens. Consequently, the fate of democracy in Russia is potentially much more ambiguous now than it was at the time of the Soviet collapse.

⁶³ Bruce Bueno de Mesquita, Alastair Smith, Randolph M. Siverson, James D. Morrow, *The Logic of Political Survival* (Cambridge: MIT Press, 2003).

⁶⁴ Igor Feduykin, "Putin's Eight Years," *Kommersant: Russia's Daily Online*, September 18, 2007, http://kommersant.com/p804651/Putin_Eight_Years/.

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Between Victims and Perpetrators: Analyzing the *New York Times* Coverage of the Genocide in Rwanda

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This article explores, in depth, the New York Times reporting on the Rwandan Genocide in 1994. While the conflict is often considered to be a failure on the part of the international community for their lack of response, what role, if any, did the media play in the representation of genocide? The Times covered the events on the ground every day of the violence, but how did the story unfold to the public and what are the implications of such reporting? This article hopes to analyze the events as they were portrayed by the Times and explain the significance of such reporting.

Introduction

Again and again, we declare “never again” for genocide. “Not on our watch” and other rhetoric is spouted from politicians and activists worldwide in response to the atrocities associated with the crime of genocide. As the stories unfold, as information on the terror is unleashed the world is presented with the opportunity to respond or to do nothing, as history has often sadly indicated. But what happens if the story is not told or if it is told incorrectly? How does the presentation of the “genocide” resonate with the American populace? More importantly, what is the presentation of genocide as it is taking place? An analysis of the scholarship on the Rwandan genocide reveals that we have insufficiently appreciated the evolution of media coverage on genocide. There is much to be gained from studying how the news portrayed the story as the events were taking place. As the fastest genocide in recorded history¹ every article in the 100-day period of the genocide had the potential for great impact and influence on the American public and government.

The term “genocide” was coined by Jewish-Polish scholar Raphael Lemkin in 1944 as a crime against humanity, and the term was primarily developed in response to the Holocaust. While the term can be employed in a variety of ways today, with contention among scholars as to its specific usages, in 1948 the United Nations General Assembly established the Convention on the Prevention and Punishment of the Crime of Genocide to define the crime within a legal context. Article 2 of the genocide convention (as it is commonly known) defines the act of genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious

group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life, calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group.”² While the scope of this paper will not go into the legal implications of the “official” United Nations definition, it is important to acknowledge the disputes and confusion that may lie in affording the term to a specific conflict. Additionally, the potential grey areas (for example the term technically does not apply to victims of political groups and as such the mass killings in Cambodia in the 1970s would not qualify as genocide under this definition) leave room for politicians and foreign policy advisers in the field to evade designating the term in certain circumstances. That being said, in the case of Rwanda today the conflict of 1994 is virtually uncontested as an act of genocide against the Tutsi people of Rwanda.

The *New York Times* plays a huge role in American discourse and is the paper that not only citizens consult to understand which issues are most pressing, but also what politicians consult to gauge what is on the minds of the American populace, thus in some ways helping to set the agenda.³ However, it also receives the reputation of being the newspaper of the elites and “liberal intellectuals.” For the purpose of this study, it will be regarded in the context of its strong influence on the public and its international standing. How did “America’s newspaper” respond to the situation in Rwanda? How did the story unfold and change as more information revealed itself? How has reporting on genocide changed since the days of the Holocaust and how will it look in the future, particularly in reference to

¹ “How to Stop a Genocide,” *The Economist* (2008), http://www.economist.com/world/unitedstates/displayStory.cfm?story_id=12773216.

² GA/RES/260, *Convention on the Prevention and Punishment of the Crime of Genocide*, United Nations General Assembly (1948).

³ Samantha Power, *A Problem from Hell: America and the Age of Genocide* (New York: Harper Perennial, 2002).

events in Darfur today? Because of America's reluctance to intervene and the lack of great grassroots efforts on behalf of American citizens, it could have been naturally perceived that the *New York Times* had perhaps minimized reporting on Rwanda. For lack of information, confusion of the situation on the ground, or more pressing issues at the time in history, it is often generally assumed by advocates that the *Times* may not have devoted much coverage to this grave crisis. Surprisingly, it was discovered that the *Times* covered the story in Rwanda almost every single day of the conflict, often with several articles and photos of the situation on the ground. In the approximate 100 days of the genocide (from April 6, 1994 through mid-July), the *New York Times* published approximately 144 articles on the genocide, and an additional 50 more in the immediate two weeks following the formal declaration to the end of the violence. If the survey is expanded to include news highlights, individual captions, letters to the editor, and all types of news analyses, then Rwanda was featured in the *Times* over 250 times during the period of the genocide in 1994. (This paper focuses mainly on instances where Rwanda was mentioned as a focus of the piece in the *Times*). The quantity of coverage was astounding, especially following the end of the genocide; however, the placement in the paper of these stories was rather insignificant. Stories of Rwanda were often a feature of the front page of the international section of the paper, but made the front page of the paper only eleven times during the approximately 100 days of the genocide. Although, in the ten days following the end of the genocide, Rwanda made the front page at least three times.

The important question to consider is not if the *New York Times* was paying attention to Rwanda, but rather *how* did it present this information? How was the story told and how was the situation described? What language characterized the conflict and what was the role of the word "genocide" in particular when discussing the mass atrocities perpetrated against the Tutsi minority? This paper will look into answering these questions directly and present an in-depth analysis of the *New York Times*' coverage of the crisis in Rwanda and the lessons to be learned from America's coverage of genocide. The United States is an interesting case study in itself because of the country's unique "exceptionalism"⁴ in terms of human rights and its strong interventionist attitudes in foreign conflicts. The term exceptionalism refers to a notion, described in detail by scholar Michael Ignatieff,⁵ which explains that America and in the West in general, there is a doctrine of thought, which would suggest they take a unique interest in promoting a Western notion of human rights abroad. This theory is widely contested, yet can still be employed by US advisers when justifying some of their interventionist attitudes

abroad. Whether or not the theory holds true in reality, the notion lends an additional significance to the US decision not to get involved in Rwanda.

Purpose of Study

Scholars have poured over the events of the Rwandan genocide in 1994, analyzing the historical setup, the details of the atrocities, as well as the aftermath. Gerard Prunier in his book *The Rwanda Crisis: History of a Genocide*, presents one of the most well-respected and comprehensive accounts of the situation in Rwanda and the events leading up to it. Although it is one of the earliest records, published in 1995 and then republished in 1997, the book provides clarifying information on the situation on the ground after the conflict had formally ended. Analysts, journalists, and scholars alike have discussed the genocide in great detail and the failures in Rwanda have become a powerful shaming tool for activists to galvanize action in today's great human rights atrocities. Literature such as Samantha Power's book *A Problem From Hell: America and the Age of Genocide* criticizes the United States' lack of involvement in preventing the genocide; speculation indicated that the US could have easily curbed the violence if it had chosen to intervene. Other works, such as Philip Gourevitch's *We Wish to Inform You That Tomorrow We Will Be Killed With Our Families: Stories from Rwanda*, focus their analysis and criticism upon the United Nations and the international community for their inability to mitigate the crisis, allowing it escalate to such heights. Studies have yet to analyze the implications and role of the media in its portrayal of the 1994 Rwandan Genocide. While scholars are quick to extend blame and admonition to governments and international bodies, they forget the critical role of the news in presenting the story as it unfolded.

Examining the media representation of genocide is crucial on a variety of different levels. To begin, it lets us retrospectively examine the situation at the time of the genocide and enables us to comprehend the story as it was taking place. How much information did we have? Were the victims and the perpetrators clearly defined? It is often taken for granted in mainstream academia that the Rwandan genocide is defined as the genocide of the Tutsis by the Hutu ethnic group, but at what point did that become clear in 1994? These questions have an impact on reactions to the genocide and can provide important lessons for prevention in the future.

A study on the media representation of genocide is also a vital component in studying collective action and grassroots responses to crimes against humanity. Scholarship in collective action and social movements is highly dependent

⁴ Michael Ignatieff, *American Exceptionalism and Human Rights* (Princeton, NJ: Princeton University Press, 2005).

⁵ Ibid.

upon newspaper data; research indicates that there is a correlation between the coverage of an issue and citizen responses and mobilization.⁶ Genocide *prevention* tends to be more of a lofty ideal rather than a utilized practice as indicated by recent history, despite the noblest attempts of the international legal regime. Genocide punishment, occurring after the devastation, is often most applicable and implemented in cases of alleged genocide. However, stopping genocide first and foremost requires a recognition and understanding that genocide is actually occurring. Because of lack of access to information and the secrecy of such heinous operations, sometimes it is not possible to understand the situation on the ground until after the fact, rendering genocide impossible to prevent. Analyses of the coverage of Rwanda can lend important insights into the future of genocide prevention in terms of collective action and social movements and the role that the media can play in such events.

The 1994 genocide of the Tutsi minority group in Rwanda was one of the most clear-cut instances of genocide (in terms of circumstances following the development of the legal term genocide as found in the genocide convention) in our current knowledge of world history, according to genocide scholar Samantha Power.⁷ It was regarded as one of the biggest failures of the United Nations, which failed to intervene. The United States in particular expressed remorse in failing to stop the genocide. There was no public outcry, there were no mass demonstrations, no intense pressure on the U.S. government to intervene. It thus proved to be most cost-effective to do nothing.⁸ Often deemed the “voice of America”⁹ and one of the most widely read newspapers in the world today, the *New York Times* also stood as a bystander and witness to the genocide in Rwanda.

Methodology and Research Design

As briefly mentioned earlier, the *New York Times* was selected as the basis for the study on media coverage of the Rwandan genocide for several reasons, but most importantly because of its role in American society and its position among international news sources. Experts have noted that foreign governments looked to the *Times* for insight, and public relations scholar Albert Lasker concluded that governments tend to judge American public opinion based on the editorial comments in the *New York Times* and *New York Herald Tribune*.¹⁰ The Polish exile government during

World War II described the *Times* as a “powerful organ of American opinion” and even Pope John Paul II revealed that he was a careful reader of the *New York Times*.¹¹ Domestically, other newspapers and journalists often look to this paper for cues on the most pressing issues and important events. “It didn’t happen if it wasn’t in the *Times*,” a New York reporter, Arnold Beichman, once confessed. Oswald Garrison Villard, respected editor of *The Nation* magazine, once said, “No important journalist can possibly do without it, and it has literally made itself indispensable to anyone who desires to be thoroughly informed as to what is happening on this globe.”¹² A 1944 Washington survey of the American public also concluded, by more than five to one, that the *Times* was believed to be the nation’s “most reliable and comprehensive newspaper.”¹³

In order to limit this paper to the actual occurrence of the genocide, the timeframe of the study has been limited from April 6 to July 31, 1994: the day on which President Juvénal Habyarimana was assassinated along with the President of Burundi, the initial spark of the mass killings, to a little less than two weeks after the genocide was deemed over (following a cease-fire implemented by the Rwandan Patriotic Front (RPF) rebels on July 18). While I hope to address the circumstances preceding and following the genocide, I chose specifically to limit the main analysis to the period of the actual genocide in order to survey the way the *Times* presented the situation as the story was unfolding.

When selecting articles I chose articles of all lengths and types, but limited my search to only sources in the *Times* where Rwanda was mentioned in the headline or leading paragraphs of the article. This was in order to gauge which sources were most directly associated to this particular crisis. I also consulted microform archives to gain insight on the placement and size of the article, as well as the location and prominence of photos associated with the articles.

Because of the nature of this study in analyzing the story as it came to be known, I tried not to consult too many outside sources or explore the motivations of writers or editors in presenting the stories on Rwanda. The primary goal was to decipher how the situation in Rwanda would have appeared in 1994 if one were to only consult the *Times* for news. As I did not read the *Times* in 1994 or any articles on the genocide in Rwanda during that period, it was a

⁶ Jennifer Earl, Andrew Martin, John McCarthy, and Sarah A. Soule, “The Use of Newspaper Data in the Study of Collective Action,” *Annual Review of Sociology* 30 (2004): 65-80.

⁷ Power, 2002.

⁸ Ibid.

⁹ Laurel Leff, *Buried by the Times* (New York: Cambridge University Press, 2005).

¹⁰ Ibid., 11.

¹¹ Ibid.

¹² Ibid., 12.

¹³ Ibid.

completely blind study. Current literature and scholarship on the genocide were consulted after research only for a familiarization of the accepted current understanding of the situation in 1994. For this research, it was crucial to separate what we know now from what was known at the time.

New York Times Reporting on Genocide

To grapple with the role of the *New York Times* and provide context to the comparative study of genocide coverage, *Buried by the Times: The Holocaust and America's Most Important Newspaper* written by Laurel Leff and *Israel-Palestine on Record: How the New York Times Misreports Conflict in the Middle East* by Richard Falk and Howard Friel proved important tools for comparison and analysis. Both books remark on the *Times'* reporting during conflict and their motivations for representing certain stories as well as story placement. Analyzing the coverage of the Holocaust plays particular importance in the study and will prove to be a worthwhile comparison for reporting on the genocide in Rwanda. We can also consult the *Times* directly for a brief overview of its coverage and analyses of the atrocities in the Darfur region of Sudan.

When analyzing the coverage of the Holocaust, it is important to note that the events of this genocide took place within the context of World War II. While this is no way downplays the significance of the genocide in international history it could have had severe impacts on reporting especially when considering potential pressures on the media to support the war effort in the United States. Regardless, Leff's study reveals that the *New York Times* fell short of its moral imperative to tell the story of the extermination of Europe's Jewish population.

In the initial stages of the Holocaust, minimalist coverage of the genocide could be attributed to concerns of inaccurate information or unconfirmed reports of the killings in Europe, and in several instances, the *Times* explicitly stated that its information could not be verified.¹⁴ The circumstances when such statements about information were made lead us to infer that other reports were based on confirmed sources and accurate information. In December of 1942, eleven Allied governments confirmed the Final Solution, which is acknowledged as the first official confirmation of the genocide.¹⁵ Leff points out that even after this confirmation, there was no "discernable change" in the coverage of the genocide. In 1940, the plight of the Jews made the front page six times, seven times in 1941,

nine in 1942, seven in 1943, and then twelve in 1945. In terms of the overall number of articles, the *Times* published 240 stories about the situation in 1940, 207 in 1941, 139 in 1942, 186 in 1943, and 197 in 1944. Historian Henry L. Feinold attributes this coverage not to a failure of information, but rather, as he calls it, "a failure of mind."¹⁶

When addressing the content and language of the articles on the Holocaust, issues arise in comparison because the word genocide was not coined until 1944 by Lemkin, with the past events of the Holocaust in mind. The *Times* often described the events as a "mass slaughter" or used the words "murder" and "massacres." There was little attention given to ethnic tensions, racial discrimination, or group killings. The first story in the *Times* to be printed on the Nazi extermination campaign described the genocide as "the greatest mass slaughter in history."¹⁷ Despite the strong language, the story managed to only make it to the bottom of a column on page 5 of the paper. The most significant finding of the content analysis on *Times'* articles on the Holocaust found that even when the story was covered (albeit tucked deep inside the paper) the identity of the victims, the Jews, was downplayed. Often it was indicated that mass murders were being carried out, but it failed to explicitly mention that it was a planned campaign targeted at Jews despite the confirmation of many Allied governments. Furthermore, Leff reveals that even when Jews were mentioned as the victim group, the *Times* failed to mention that they were being killed *because they were Jewish*, a vital ingredient in the genocide.¹⁸ The only indicator of the plight of the Jews came from the editorial section of the paper, but even then, only 13 editorials out of over 3000 published in 1944 mentioned the issue.¹⁹ Leff attributes some of the coverage inefficiencies to anti-Semitism, but even this does not fully account for the lack of reporting, especially when considering that the editor of the *New York Times* at the time was a Jew. She concludes that the *Times* intentionally buried the story of the Holocaust because it did not consider it important, especially in its historical context. While there is no assertion that the Jews of Europe would have been saved during World War II if the *Times* had more effectively covered their plight, it is impossible to gauge whether or not the public could have been moved by the genocide if greater attention had been given to the crisis.²⁰ Public attention was not aroused and there was no mass social movement or collective action. Regardless of whether or not the *Times* coverage could have saved lives, Leff strongly argues that the *Times* journalists had a moral responsibility to cover the story. It is not necessarily the

¹⁴ Ibid., 4.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid., 6.

¹⁸ Ibid., 16.

¹⁹ Ibid., 292.

²⁰ Ibid., 15.

responsibility of the press to affect government policy or inspire public action, but its choice in highlighting certain issues has an impact on public discourse. The time period also contributes to another issue for comparison with Rwanda because the United Nations was not yet established during the Holocaust. It is worth noting that after the establishment of the UN, a declaration of the extermination campaign of the Jews appeared on the front page of the *Times*, in addition to a story that recognized the Holocaust, specifically the systematic murder of the Jewish people, as one of “the blackest crimes of all history”²¹ Unfortunately, this recognition and acknowledgement came far too late and had no impact on the understanding of the genocide as it was taking place.

The Rwandan Genocide and When We Knew

While it would not be effective to attempt to reproduce a history of the events of the genocide as a preamble to the analysis of the coverage, it is worth noting that there was not a significant disjuncture between scholarship and reporting, (see appendix for in-depth timeline of the genocide) the actual events were depicted by the *Times*, as they are confirmed by scholars to have occurred on the ground. The discrepancy was found, rather, in the labeling of the conflict and the dates and times in which victim and perpetrator groups were identified. On April 10, 1994, the political opposition in Rwanda reported that the Hutus were trying to “exterminate the Tutsi minority.”²² On April 11, Paris reported that the Hutus were “hunting down the Tutsis.” On April 16th, 1200 Tutsis were massacred in a church, a story that was widely reported internationally, including in the *Times*. On April 17, *Le Monde* reported that 1180 Tutsis were “exterminated” and the RPF radio broadcasted, “the world cannot and should not forget the *genocide* that is being perpetrated in Rwanda today.” This broadcast was translated and published by the CIA on April 19.²³ On April 18, the International Committee of the Red Cross officially called the crisis in Rwanda genocide and the BBC News followed suit. On April 19, Human Rights Watch, officially declared genocide in Rwanda becoming the first American organization to do so. By April 25, the *Times*’ strongest statement was an indication that there was an “extermination” and what “*appear[ed]* to be a methodical killing of Tutsis” in Rwanda. On April 27, the Pope began to use the word genocide, but it was not until May 4 that Boutros Boutros Ghali, the then Secretary-General of the United Nations declared a “real genocide” in Rwanda.²⁴ The United States finally came around by July 17 and officially cut diplomatic ties with Rwanda on the grounds of genocide and by July 18 the RPF had taken over and called for a

cease-fire, officially marking the end of the genocide. Based on this information, it is difficult to argue that there was a lack of complete information on the events taking place or that international journalists were not on the ground in Rwanda and around the region.

Coverage Analysis

As mentioned earlier, there were over 250 occasions throughout the 100 days of the genocide where the crisis in Rwanda was mentioned as the subject of an article or feature in the *Times*. There is somewhat of a general misconception that the events of Rwanda were unclear or that the genocide was unknown until hundreds of thousands had already been killed. In fact, there were many foreign correspondents on the ground and around the region covering the story regularly. Journalists reported that Hutu militias killed civilians in cold blood in front of foreign correspondents without thinking twice.²⁵ Foreigners were also not targets of the violence. Contributions in the *Times* were made by many different reporters as well as inclusions from the Associated Press and Reuters. Among those covering the story there were about eight regular contributors, stationed at different locations. Paul Lewis produced 24 articles within the days of the genocide and was the reporter designated to cover the United Nations and focus specifically on their intelligence, reports, and commentary on the situation. There were several major reporters covering the countries surrounding Rwanda, primarily Zaire, Uganda, Kenya, and Burundi and among the most prolific of them is Donatella Lorch. Lorch published over 25 articles for the *Times* alone and throughout the conflict was stationed in Nairobi, Kenya; Kigali and Nyarubuye, Rwanda; Kayanza and Bujumbura, Burundi; Ngara, Benaco Camp, and Ntobeye, Tanzania; and Kasensero, Uganda. Lorch’s articles focused primarily on the refugee situation as a result of the conflict, and because most of the refugees were of the majority Hutu ethnic group, she frequently covered their plight and perspective on the situation. Her first article published on Rwanda appeared on April 11. Perhaps the most prominent reporter from the *Times* on the situation in Rwanda was Raymond Bonner. Bonner was the main correspondent to cover the story from inside Rwanda. He was stationed all over the country and published stories from the cities of Cyanika, Ruganda, Gishyita, Biseseo, Butare, Gikongoro, Kigali, Murambi, Gisenyi as well as Nairobi, Kenya and Goma, Zaire. AP and Reuters stories were also published from in and around Rwanda and other correspondents covered the situation from Paris, Milan, London and other cities around Europe. The array of locations and potential perspectives of the reporters was vast and comprehensive

²¹ Ibid., 347.

²² J. Alan Kuperman, *The Limits of Humanitarian Intervention: The Rwandan Genocide* (Washington, DC: Brookings Institution Press, 2001).

²³ Ibid., 31.

²⁴ Ibid.

²⁵ Based on various sources, namely the BBC.

and would have enabled the *Times* to produce quite accurate and comprehensive coverage of the situation in Rwanda.

Analysis begins with Lorch's coverage of the conflict because she appears to have been the first regular reporter stationed on the ground. Lorch's first article came from Nairobi, Kenya, less than a week after President Habyarimana's plane had been shot down. Her article was tucked away on the bottom right hand corner of the international section (Section A) of the paper on page one. By this point, the *Times* had reported that an estimated 20,000 people were already killed in what appeared to be "civil-strife."²⁶ She details the "anarchy" and "terror" as described by American evacuees and mentions the Tutsis only twice, noting that the director of the American Center for Disease Control stated that the "Tutsi ethnic group were among the worst hit in the first night of fighting." By this point, there were graphic details available on civilians being armed with machetes and a full-scale "ethnic-war" taking shape. Her next article on April 13 came from Kigali, Rwanda, and again provided comprehensive coverage of the fighting and "ethnic and tribal" violence. Shockingly, this article made almost no mention of the Tutsis being the victim group or any specific targeting of them in the violence. The article portrays the conflict in terms of an all-out war and describes the Tutsis' RPF rebel army as well as the government militia negatively.²⁷ Even more interesting than this article was a front-page story in the *Times* that day entitled *RWANDAN REBELS PUSH INTO CAPITAL*, which focused on the strength and advancements of the Tutsi Rebel army and their historically favored position in Rwanda. That article also describes the situation as an ethnic conflict, despite a Tutsi rebel quote explaining the opposite, and it fails to make any mention of Tutsi victims targeted in the violence. In fact, the article seems to suggest that the Rebel Army was in some way an instigator of the war. Lorch's articles continued to come out of Kigali, Rwanda; and Nairobi, Kenya for several weeks reporting "massacres" and unprecedented civilian deaths, but never with a specific victim group. It was often indicated that *civilians* were dying or that *Rwandans* were dying, but there was no mention of Tutsis specifically. There was mention of ethnic conflict, but no systematic targeting. This is similar to the Holocaust coverage in which the Jews were sometimes specifically left out as the victim group. On April 25, after many international organizations and non-governmental bodies had already labeled the conflict as genocide against the Tutsi people,²⁸ Lorch published an article, again on the front of Section A of the paper with no photo accompaniment, saying that most of the villages and townspeople were Tutsis and that they were being "hunted down like animals" in "what appear[ed] to be a

methodical killing of Tutsis across the countryside."²⁹ These were some of the strongest statements brought forth by the *Times* thus far and a significant instance in which the Tutsi group was distinctly labeled as the victim group. Lorch's coverage continued, but following April 30, she began to focus on the refugee situation. Her articles covered killings of Tutsi civilians, but also made certain to highlight Hutu struggles. The coverage of Hutu and Tutsi strife appeared to be very balanced, in that both groups were given equal weighting in their suffering, which seems concerning considering we know now that it was a very clear case of genocide against the Tutsis. The RPF was singled out for their attacks and there were many photos of Hutu refugees as well as quotations from Hutus who feared reprisals from the rebel army. There was talk of massacres and "wide scale killings" but no mention of the word genocide. On May 4, Lorch mentioned that western diplomats and human rights organizations were calling the situation "a methodical, organized violence carried out by the Rwandan military" (explicitly leaving out the word genocide) but then was quick to title her next section "Hutus Too, Are Targets."³⁰ The article itself was titled *In the Upheaval in Rwanda, Few Answers Yet* indicating to *Times'* readers that the situation in Rwanda was an "upheaval" with confusion as to the actual events, despite much of the international community, including the United Nations, officially recognizing genocide by this point. The majority of Lorch's subsequent articles were insistent on matching all Tutsi suffering with a sort of parallel or equivalent in Hutu suffering, and it could not be clear to any reader that there was a clear genocide of the Tutsis. The reporting became "too balanced" in a sense, but this can be accounted for given that Lorch is covering the situation from the refugee camps where there were mostly Hutus, because most of the Tutsis were killed before being able to flee the country. Chaos and confusion on the ground, in addition to the very large number of Hutu families suffering in camps and terrified by the violence, may have led to a collusion of "victim" groups in the representation of this conflict, therefore perhaps distorting the image of the Tutsis as the primary victims of the genocide. There was extensive vilifying of the Tutsi rebel army and mention of their atrocities committed to the Hutus fleeing into the refugee camps, but it is recognized that most of the dead inside Rwanda were Tutsi. Lorch's focus gave voice to and personified the Hutus as the victim group. Towards the end of May, thousands of bodies began to wash down the river from Rwanda into Uganda. Lorch was the main correspondent on this scene but did not identify the bodies as Tutsis, and simply discussed them as Rwandans or civilians. In her entire coverage of Rwanda from April 10 until well beyond the end of the genocide,

²⁶ Donatella Lorch, "Strife in Rwanda: Evacuation; American Evacuees Describe Horrors Faced by Rwandans," *New York Times*, April 11, 1994.

²⁷ Donatella Lorch, "Anarchy Rules Rwanda's Capital and Drunken Soldiers Roam City," *New York Times*, April 13, 1994.

²⁸ See Appendix, Chart 3.

²⁹ Donatella Lorch, "Rwandan Refugees Describe Horrors after a Bloody Trek," *The New York Times*, April 25, 1994.

³⁰ Donatella Lorch, "In the Upheaval in Rwanda, Few Answers Yet," *The New York Times*, May 5, 1994.

Lorch used the word genocide twice, both times within quotations, first on June 9 and then on July 17. Neither case though, despite the quotations, directly called the situation genocide. The phrase “ethnic cleansing” was used once and also within quotations in mid-June.

As listed earlier another major correspondent to the conflict in Rwanda was Raymond Bonner. Bonner did not arrive on the scene until June 28, but was the main correspondent reporting directly from Rwanda. Bonner’s first article detailed the refugee situation and highlighted that most of the dead thus far had been of the Tutsi minority group, but that there had been deathly reprisals by the Tutsi rebel army on the Hutus. Like Lorch, Bonner presents “balanced” reporting discussing massacres, Tutsi deaths, and Hutu suffering in refugee camps. Most often, the conflict was labeled a civil war with two-sided ethnic rivalries. On July 1, after almost every organization, international body, and many nations with the exception of the United States (which had political incentives), had categorized the conflict as genocide. Bonner clarified in his article that “some American officials and human rights organizations have called the massacres genocide.”³¹ Bonner’s reporting overall paid homage to the Tutsis as a victim group of the large-scale massacres without going so far as to call it genocide. Bonner’s unique perspective in Rwanda, especially during the time of the French intervention, gave him more access to Tutsi stories, as opposed to Lorch in the refugee camps. While Bonner recognized that the RPF had committed human-rights violations against the Hutus, he was clear to explain that it did not amount to the “mass-killings” carried out by the Hutu-comprised government militias. On July 11, over 90 days after the genocide began, Bonner wrote an extensive analysis of the Rwandan crisis and fully explained that the systematic killing of the Tutsis had begun in April and finally mentioned that public radio broadcasts had openly called for the killing of all Tutsi people.³² Bonner goes into great detail of the situation, coming short of calling the situation genocide or even ethnic cleansing, but rather labeling the killing of hundreds of thousands of Tutsis “massacres.” This article clarified the dire situation of the Tutsis, but unlike many other articles featured in the beginning of Section A of the paper, this article by Bonner was pushed back to page eight of Section A. Towards the middle of July, Bonner’s coverage began to specifically focus on the mounting refugee situation as a result of the conflict, but he still mentioned the massive killings of the Tutsis. Bonner used the word genocide four times in his entire coverage, twice within quotations and twice as a reference to what the United Nations or human rights organizations

had used to label the conflict. Bonner never directly used the word genocide to label the situation or describe the events in Rwanda.

Paul Lewis was the third major contributor to the *Times* on Rwanda, but he reported directly from the United Nations as opposed to on the ground in the region. Lewis was the first writer for the *Times* associated with the story of Rwanda and covered the plane crash and assassination of the presidents of Rwanda and Burundi. Lewis’s coverage began with a thorough analysis of the conflict and the role of the UN and UN peacekeepers on the ground. In the first couple of days of his reporting, he notes that there was some confusion as to who the victim groups were, but by April 11, confirmed through a quote from the UN mediator in Rwanda that the war and conflict were “ethnic in nature” and that civilians were “terrified by the ruthless campaign of *ethnic cleansing* and terror,”³³ although no victim group was explicitly mentioned as the target of the ethnic cleansing. This strongly-worded article featured this early in the conflict was actually pushed all the way to page twelve of section A of that day’s newspaper. Lewis’s next article did not come until April 22 when he reported that the UN Security Council decided to cut their peacekeeping forces in Rwanda. The United States voted in favor of withdrawing all forces, but ultimately the Council decided to reduce the troop size. By this point, many international aid organizations began calling the conflict genocide, but Lewis made no mention of this, nor did he restate his claims about ethnic cleansing. The article mentioned that tens of thousands or even hundreds of thousands of Rwandan civilians were estimated dead, but did not mention the Tutsis specifically. He later went on to say in the same article that the “elite Hutu presidential guard” were killing “Tutsis and Hutu rivals”³⁴ but made no mention at all of civilian Hutu involvement or of the radio broadcasts inciting the killing of masses of Tutsis by Hutu civilians. On April 30 and May 1, two of Lewis’s articles were published on the front page of the *Times*. Both articles were on column six and featured without a photograph. In these articles Lewis continued to describe the conflict in terms of massacres, carnage, and chaos. On April 30, on the first page, Lewis noted that up to 200,000 people may have already been killed (not distinguishing them as mainly Tutsis) but in the continuation of the article found on *page 19*, explained that many of the people being killed were Tutsis and that the High Commissioner for Refugees described one particular situation of Tutsi executions as “an ‘ethnic-cleansing campaign’ of intellectuals.”³⁵ The front-page article on May 1 was written in a similar fashion, but at the end, on the

³¹ Raymond Bonner, “Grisly Discovery in Rwanda Leads French to Widen Role,” *The New York Times*, July 1, 1994.

³² Raymond Bonner, “In Once-Peaceful Village, Roots of Rwanda Violence,” *The New York Times*, July 11, 1994.

³³ Paul Lewis, “Strife in Rwanda: Peacekeepers; UN Forces Shelter Thousands in Rwanda,” *The New York Times*, April 11, 1994.

³⁴ Paul Lewis, “Security Council Votes to Cut Rwanda Peacekeeping Force,” *The New York Times*, April 22, 1994.

³⁵ Paul Lewis, “U.N. Council Urged to Weigh Action on Saving Rwanda,” *The New York Times*, April 30, 1994.

continuation on page 7, the article mentioned that the Security Council issued a four-page report blaming the “Hutu-dominated Rwandan Government forces for the worst of the massacres”³⁶ but again with no mention of genocide or the intentional singling out of Tutsis for death.

On May 4, the United Nations officially declared genocide in Rwanda, but interestingly enough, Lewis did not cover this story. There was no official headline or article about the UN declaration, but the same day, Lewis published an article that included a quote from the Secretary General explaining that an African force was “necessary ‘to defuse the conflict, to stop the genocide.’”³⁷ This was the first mention of genocide from the UN in the *Times* and this article was featured on page nine of section A. On May 26, Lewis officially noted that the Secretary General Boutros Ghali had called the “*continuing slaughter* there ‘genocide.’”³⁸ The same article included another quote from Ghali, in which he said “It is a genocide which has been committed. More than 200,000 people have been killed and the international community is still discussing what ought to be done.” Lewis left out specific mention of the victim group in the continuing analysis. He included genocide again in quotations when quoting Kenneth Roth of Human Rights Watch on May 17, in the continuation of the article on page eight of Section A.³⁹ On June 12, however, Lewis noted in a brief weekly review that the Hutu government had been accused of genocide, but the headline of the article declared that “tribal killings” raged on.⁴⁰ Of the major authors covering Rwanda from the *Times*, Lewis appears to have been most averse to the term genocide and employed sometimes startling and condescending terms to describe the Rwandan conflict. Most often, he explained the situation as “tribal massacres,” “carnage,” “ethnic slaughters,” “tribal mayhem,” or “bloodletting” and once towards the end of June, called it “fratricidal tribal war.” Lewis, as mentioned earlier, was not on the ground in Rwanda, but covered the story domestically and based at the United Nations.

Another important note is that Lewis also mentioned radio broadcasts by Hutu militias, but never mentioned the public calls for the killings of Tutsis or the mention of *inyenzi* (meaning cockroach), a Hutu slur for Tutsis. The mention of Hutu radio broadcasts is an indicator that *Times* reporters potentially had access to and were listening to the

death incitements for Tutsis, but they were not included in the articles.

The editorial section of the paper presents a unique perspective on analyzing the conflict in Rwanda because instead of straight facts and news analysis it presents the opportunity for opinions on the situation. 49 opinion pieces during the period of the genocide and the two following weeks mentioned Rwanda, and 28 of them specifically discussed the conflict there.⁴¹ This number includes letters to the editor, op-editorials, and editorials. Of the 28 opinion pieces published discussing Rwanda, 10 came directly from the editor’s desk, 13 were letters to the editor, and 5 were op-ed pieces. Of the 10 articles from the editorial desk, 6 were published on or after page 22, 3 on page 18, and 1 on page 14. An editorial on April 10 mentioned Hutu radio broadcasts and “blood-thirsty” incitements for killings, despite the lack in news reporting on the issue. Naturally, most of the passionate opinions on Rwanda came from the letters submitted to the newspaper. Five published letters used the word genocide explicitly to describe the events in Rwanda. On April 23, an editorial from the *Times* editorial desk began with, “What looks very much like genocide has been taking place in Rwanda.”⁴² The piece described methodical killing based on identity cards, but did not call the conflict genocide outright. The author placed heavy blame on the UN for not intervening in the situation. On June 15, an explosive piece from the editorial desk described the situation as genocide in Rwanda and openly criticized the administration for avoiding the use of the term by using dangerous euphemisms. This article followed several news pieces that were printed on June 10 exposing the U.S. reluctance and hesitation to use the word genocide. Despite this, on June 24, the editorial desk seemed to revert back in another piece describing the situation as “bloodletting” and tribal “massacres” and mentioning that the U.S. government would only concede that “acts of genocide may have taken place.”⁴³ But then finally, on July 30 and July 31, twelve days after the official cease-fire and end of the genocide, two articles from the editorial desk were published in which the situation was described as a clear case of genocide. The article on July 30 described ruthless “butchering” of hundreds of thousands of Tutsis by Hutus and with seemingly no institutional memory, criticized the U.S. government for not halting the genocide in April when it began.⁴⁴ While it can be assumed that

³⁶ Paul Lewis, “U.S. Examines Way to Assist Rwanda without Troops,” *The New York Times*, May 1, 1994.

³⁷ Paul Lewis, “U.N. Chief Asks Rights Aide To Take On a Role in Rwanda,” *The New York Times*, May 4, 1994.

³⁸ Paul Lewis, “Boutros-Ghali Angrily Condemns All Sides for Not Saving Rwanda,” *The New York Times*, May 26, 1994.

³⁹ Paul Lewis, “U.N. Backs Troops for Rwanda But Terms Bar Any Action Soon,” *The New York Times*, May 17, 1994.

⁴⁰ Paul Lewis, “June 5-10: New Atrocities in Africa; Three Bishops and 10 Priests Are Slaughtered in Rwanda As Tribal Killings Go On,” *The New York Times*, June 10, 1994.

⁴¹ www.nytimes.com/archives

⁴² “Cold Choices in Rwanda,” *The New York Times*, April 23, 1994.

⁴³ “France’s Risky Rwanda Plan,” *The New York Times*, June 24, 1994.

⁴⁴ “Lifesaving Aid for Rwanda,” *The New York Times*, July 30, 1994.

editorial pages of a newspaper would have less hesitation in calling the conflict genocide, there was still clear reluctance on the part of the *Times*. The paper only called the situation a genocide in the opinion section *after* it was over, long after many other groups began using the term, including the US, which formally made the declaration on July 16, two days before the cease-fire.

Language

As discussed, the use of the word genocide in describing the events in Rwanda was extremely contentious and largely avoided by the *Times*. In situations where the word was used it was almost always in quotations and only appeared in the editorial section outside of quotations after the genocide had officially ceased. The use of language in the news coverage has profound impacts on the presentation of a story and how it is received by the public. In the situation in Rwanda, as is the case in many conflicts in sub-Saharan Africa, the disputes are often reduced to “tribalism,” “ancient hatreds” or “savagery.” This condescending tone surprisingly long-outlived colonialism and exploitation of Africa itself. The conflict in Europe surrounding the Former Yugoslavia took place around a similar time period and also involved very heavy ethnic and racial fighting, but instead of “savagery” and “ancient hatreds” this conflict was most often described in the newspapers as “bitter infighting.” Initially, the *Times* over-simplified the conflict, reducing the Hutus and Tutsis to their basic (and virtually non-existent) differences, but most often left specific discussion of them out. The conflict is described over 200 times as an ethnic war and reduced to “ancient hatreds.” Tribalism or tribal warfare is mentioned over 160 times in the course of the genocide coverage.

The mention of genocide largely surrounded the debate over the US hesitation to use the term or was found in letters as opposed to any kind of official statement of the situation. It was not until July 23 that the *Times* referred to the situation as genocide for the first time and without any quotations in a news article.⁴⁵ The *Times* was more reluctant than the UN, all human rights organizations, and the U.S. government to begin using this term. After July 23, the word genocide was used several more times in describing what had occurred before the cease-fire on July 18 in Rwanda.

Pictures

Photos and graphics also played an important role in the portrayal of the conflict and the attention given to the corresponding articles. Because of access difficulties

the majority of photos are from the surrounding refugee camps and are thus mostly of Hutu survivors in the camps. Additionally, many of the photos of the Tutsis are photos of RPF rebels and their advancements. This dynamic presented quite a conflict in the reporting, because the situation appeared as though the Tutsi rebels were the armed perpetrators while the Hutus were suffering in the camps. The captions did not do much to dissuade from this message. The victim groups were mentioned somewhat infrequently in the articles, but the photo captions often explained the photos of the Tutsi rebels or Hutu refugees, inciting confusion as to who the actual victims were. The reality is that there were victims on every side and that both groups suffered tremendously, but not recognizing that this was also a clear case of genocide against, specifically, the Tutsi people could have severely hindered the humanitarian process and could have downplayed the severity of the issue by reducing genocide to merely a civil war.

Over 100 graphics were featured alongside the articles, the majority of them maps. Maps were featured alongside articles over 70 times throughout the course of the coverage. Most maps were of Rwanda, but refugee sites in neighboring countries were included as well. There were over 80 photos as well, and often two photos would be displayed at a time. Photos of bodies and corpses were most often unidentified and usually no ethnic group was named or mentioned, although on May 16, a graphic of men taking refuge in a seminary was displayed and for the first time a photo caption mentioned the distinct groups and the Tutsis as the victims. The caption read,

As Government troops and renegade militias ravage Rwanda, in central Africa, the death toll mounts, perhaps reaching 200,000, some aid officials report. Members of the Hutu tribe have been slaughtering Tutsi since April 6 when the President, a Hutu, died in a suspicious plane crash. More than 1,000 Tutsi, like these men and boys, found refuge in a seminary in the capital as fighting intensified. Page A3. (Reuters)

Another photo on the 17th of May also featured a caption identifying the Tutsis as victims and described, in quotations, that an alleged “ethnic cleansing” may have been taking place in Rwanda. The vast majority of photo captions, especially those featuring the victims, did not identify by ethnic group and most often referred to subjects as Rwandans. As thousands of Tutsi bodies washed down Lake Victoria into Uganda at the end of May, one accompanying photo in the *Times* was of Tutsi RPF rebels lying on a mattress in the presidential palace in Rwanda.⁴⁶

⁴⁵ John Cushman, “The Rwanda Disaster: The Overview; President Orders Pentagon Action to Aid Rwandans,” *The New York Times*, July 23, 1994.

⁴⁶ Reuters, “Rwanda Foes Block U.N. Envoy as Truce Fails” *The New York Times*, May 24, 1994.

Location

The location of stories published in newspapers conveys a great deal about the significance of the article, especially in relation to other events domestically and internationally. While the 1994 genocide in Rwanda often took center stage among the current international conflicts and was a regular feature of the beginning of the international section (Section A) of the paper, the story only made the front page of the *Times* 13 times in the period of this study, four of them after the official end of the genocide (see appendix for a list of front-page headlines). Rwanda made the front page three times in April (twice right at the beginning), four times in May, not at all in June, and then six times in July, mostly around the time and directly after the official cease-fire. On April 9, the headline *TERROR CONVULSES RWANDAN CAPITAL AS TRIBES BATTLE* appeared above the fold of the paper in a single column spread in the middle of the page. The next day, an article was featured above the fold on the front page again, this time with a large photo of a Rwandan woman holding a white baby and foreigners being evacuated from Rwanda. On April 30 and May 1, the headlines on Rwanda were given the single sixth column overshadowed by large photos and features on South Africa and the inauguration of Nelson Mandela. On May 21, the headline about bodies in Uganda was given two columns in the center of the paper along with a horrifying photo of bodies washing down Lake Victoria beneath the fold of the first page. This happened again with a similar story on the 28th of May along with the photo of bodies, but above the fold this time. Photos of Rwanda made the front page of the *Times* four times throughout the entire course of the genocide.

Of the over 200 articles written primarily about Rwanda in that time period, only 13 made the front page of the *Times* and only 33 of them made the front page of the international news section (Section A), found much later on in the actual paper. The rest of the articles and photos were tucked away even farther back. One of the most compelling and ground-breaking stories published in the *Times* was entitled "A Killer in the Eye" and was published on June 5, 1994. This article was a 3,195 word contribution from the *New York Times* magazine written from the refugee camps. It went into disturbing detail of the genocide, referring to the conflict as genocide and openly discussing the methodical systematic killing of the Tutsis and their Hutu killers. The story is evidence that even from the refugee camps, the *Times'* reporters had evidence that genocide was being openly carried out against the Tutsi people. This rare and chilling story was published in section six on page forty of that day's *New York Times* newspaper.

Identifying Victim Groups

As with the *Times* reporting on the Holocaust, it was found that in the coverage of Rwanda, the identity of the

victims was often left out of the story, as was the notion that they were being killed *because* of that identity. Unlike reports of the Holocaust, the *Times* did make it clear that the fighting in Rwanda was "ethnic in nature" but indicated that it was very much a two-sided conflict with both groups fighting each other in a civil war. To an extent, this was indeed true. The Hutus and Tutsis had conflicts with each other for decades and this was not their first bout of ethnic-related violence. However, reducing the particular situation in 1994 to a civil war downplayed the severity of suffering on the part of the Tutsi people who ultimately lost an estimated 800,000 lives. As the coverage progressed, more often than not articles began to mention that a majority of victims were Tutsi and usually included moderate Hutus in the victim category. Some authors, particularly Donatella Lorch, almost always equated Tutsi suffering with Hutu suffering and when deaths of one group were mentioned, so were the other. In many of these instances, it appeared as though the *Times* was being balanced and fair, but it could be deemed inappropriate to be this "balanced" when one group was committing genocide against the other. At some points, it was truly unclear which group was the actual victim group and if there even was genocide or a specific targeting of Tutsis. The "rebels" being of the Tutsi minority while the Hutus were mainly refugees in the camps also contributed to this confusion and was sometimes misleading in the conflict representation. Photos of armed RPF forces and women and children suffering in the camps also strongly reinforced this confusion and led to disparities in whether or not genocide of the Tutsis was actually taking place. In approximately two or three articles, *Times* writers tried to explain the origins of the Hutu/Tutsi divide, simplifying the Tutsis as "tall, Nilotic peoples" and the Hutus as "short and stocky." Much later, again with no institutional memory, this oversimplification was criticized by *Times* writers and some reporters explained that it was often almost impossible to decipher between Hutu and Tutsi without the use of their identification cards.

The US and UN

Much of the issue and concern in the US to the situation in Rwanda was how to label and appropriately "deal with" the dire humanitarian crisis and ongoing conflict situation. Many of the *Times* articles surrounded the debate of the Clinton Administration to avoid using the term genocide and the UN's role in the matter as well. One would imagine that it would have been breaking news when the UN officially declared genocide in Rwanda or when the US finally ended their debate and declared genocide in mid-July that it would have been breaking news, but one of the most compelling findings of this entire analysis was the *Times'* decision to downplay both of those formal declarations. On May 4, the UN Secretary General declared "real genocide" in Rwanda before the press and the Security Council, which the main UN correspondent to the *Times*, Paul Lewis, included in his story. Additionally, this article was located on page

nine of Section A. The UN recognition of genocide was not highlighted in the *Times*. The Clinton Administration formally came forward recognizing genocide in Rwanda and on July 16 and expelled the Rwandan ambassador from the US on grounds that perpetrators of genocide would not be tolerated. This move, and the official recognition of the US government, was featured as a sub-article on the very bottom right-hand corner of page six.⁴⁷ It is unclear why the *Times* would not have highlighted the move greater, and the paper's recognition of genocide seemed to come after even that of the reluctant and politically motivated US government. It was not until July 22 that the *Times* began publishing news articles using the word genocide to describe the situation in Rwanda without quotations or in reference to another group's accusations.

Post-conflict coverage

The *Times* coverage of the situation in Rwanda picked up the greatest momentum following the end of the cease-fire on July 18. By this point, there was a massive refugee situation in the neighboring countries and aid and relief organizations began pouring in without hesitation after the official end of the violence. In the two weeks after the RPF took over Rwanda entirely and declared a cease-fire, the *Times* published 49 stories on Rwanda, three of which made the front page. The article titles were written in all capital letters and often began with an urgent "THE RWANDA CRISIS" and then a following sub-title. Most hesitation and reluctance in covering the story subsided after the cessation of violence and heavy coverage of the story continued for several months. There are many reasons why the *Times* would cover the story so heavily: the increased access for reporters, the sheer magnitude of the humanitarian crisis etc. But the fact that the coverage was so much more significant than that of the death of hundreds of thousands of Rwandans in the previous several months seems astounding. There was a general tone shift and it appeared as though there was a lift in hesitation with post-conflict coverage and the debates on the terminology "genocide" were finally over.

Situating the Issue

Given the in-depth analysis on the specific coverage of the Rwandan genocide, it is important to situate the issues within its historical context and present other variables, which may account for the lack of reporting or even the particular style of reporting on Rwanda. On April 6, 1994, the day Rwandan President Habyarimana's plane was shot down, most journalists in Africa were not readily available to cover the story. Most journalists were in South Africa to cover the election of Nelson Mandela, the nation's first black president after a dark past of discrimination and apartheid.

On April 27th he won the presidency and was inaugurated by May 10, 1994. The media and press capitalized on finally having such a positive story to come out of Africa. As journalists were looking to highlight the story of Mandela, Rwanda was taking somewhat of a backseat.

The U.S. coverage of Rwanda was also negatively impacted by the crisis in Somalia and the failure of the U.S. intervention there. Somalia was a complicated mess, a difficult story in Africa to cover, and was falling deeper and deeper towards becoming a failed state. In 1993 in a joint-assault U.S. forces assisted in an offensive against a Somali militia, which supported a fierce warlord, and two U.S. helicopters were shot down and the assault was unsuccessful. Many Somalis died and eighteen U.S. soldiers were killed. The event was a horrifying experience for the Clinton Administration, many government officials and the public, and many were skeptical about getting involved again in conflicts in Africa. An unfortunate reality of international reporting is the simplification of outside conflicts and the strong sense of comparison between other conflicts in the region. When discussing Rwanda in the *Times*, there were often references made to Somalia and US hesitancy to get involved, as well as more direct comparisons to situations in Burundi and Uganda. Even now, when discussing violence in Kenya or the crisis in Darfur, parallels and comparisons to Rwanda are made in order to simplify the conflict and break down the adequate response and consequences. In addition to the shadow of other African conflicts, the situation in Bosnia was heating up at the time of the genocide in Rwanda. While the conflict had yet to hit similar magnitudes with the massacres in Srebrenica occurring in 1995, Americans were very concerned with the situation there and the crisis in Europe took precedence over a far-removed conflict in Central Africa. Almost daily, stories from Bosnia and the Former Yugoslavia headed the international section of the paper. The other major competitor for attention during the period in 1994 was the conflict in Israel/Palestine. An ongoing conflict, which has always been of primary concern to the U.S., any story on the Israeli/Palestinian conflict always received a more prominent position in the sector of international news in the paper. Regardless, the situation in Rwanda at the time featured more civilian deaths and human rights violations in a shorter period of time than other situations in the world at the time. While other historical issues can explain limitations in reporting, they do not absolve any moral imperative to cover the genocide in Rwanda.

Conclusion

The *Times* reporting on Rwanda was extensive, and there is much more that can be said about choices made in the

⁴⁷ <http://proquest.umi.com.ezp-prod1.hul.harvard.edu/pqdweb?index=166&did=116712451&SrchMode=1&sid=1&Fmt=11&VInst=PROD&VType=PQD&RQT=309&VName=HNP&TS=1231715580&clientId=11201>.

reporting of the story. Overall, I observed that the reporting from the *Times* could be broken down into various significant stages. There was the initial reporting, a period of confusion marked by the complexity of the conflict and doubt in the nature of the conflict. While it was immediately established as an ethnic conflict, the situation was oversimplified and genocide was not immediately clear. This stage was in effect from the beginning to the end of April, and then aid groups and international organizations began coming forward with details of a case of clear genocide against the Tutsis. Radio incitements for the killings began almost immediately after the assassination of the Rwandan president on April 6, and, despite open and public access to these broadcasts, they were not mentioned in the *Times* until April 19.⁴⁸ Despite reported access to them as early as April 6 the broadcasts were mentioned in the context of the Hutus being “as bloodthirsty as the Tutsis” as reported on the Hutu radio. It was not until July 17 when Lorch mentioned in an article that the radio broadcasts at the beginning of April were largely responsible for spreading the slaughter so effectively and rapidly.⁴⁹ This initial stage could explain some limitations in the *Times* and their reluctance to call out specific victim groups or portray the conflict as one-sided. The second stage in reporting began in May and continued until early July and represented a rather clear case of “underreporting” in the conflict and an over-emphasis on balancing the situation. By May 4, the UN, the ICRC, Human Rights Watch, and the Pope, but the *Times* was decidedly skeptical. By mid-May, it was officially recognized that there had already been at least 500,000 civilian deaths in Rwanda, but there were only three front-page stories on Rwanda in this entire second stage. Photos of advancing rebels and suffering refugees colored the pages of the *Times*. If one were to have consulted only the *New York Times* for news and information, it is possible that one would have been fairly convinced that a clear genocide of the Tutsis was *not* taking place in Rwanda. The third stage of reporting began in the month of July when US government responses were criticized and more editorial pieces were published expressing strong reactions to the situation in Rwanda. Reporting also picked up significantly in the month of July, the greatest number of articles appearing during this month. The final stage in reporting on the conflict came immediately after the cease-fire when the greatest number of stories, including the greatest number of front-page headlines, was published. There was almost a flood of articles and responses following the cease-fire. This reporting can be explained by the fact that at this stage, the conflict was no longer genocide, the issue itself was no longer contentious, but there now existed a definite humanitarian and refugee crisis. Aid groups were pouring in and the conflict was finally a conflict that became more understandable to reporters and citizens

alike. The *Times* coverage at this final stage was extremely comprehensive; it finally became accepted knowledge that events before the cease-fire had constituted genocide of the Tutsis, but claimed that the bigger issue at hand was the refugee crisis. The complicated nature of the conflict during the genocide and the attempts to oversimplify it for readers could explain some of the limitations in more accurate reporting and the specific portrayal of the situation in terms of distinguishing victims groups and the specific targeting of Tutsis in the genocide. It should also be noted that local stringers and editors may have played a significant role at the *Times*⁵⁰ and it may be possible that certain words, perhaps even “genocide,” were removed from the original writings of *Times*’ authors. As “America’s paper,” with an international standing and recognition, its commitment to accuracy is taken very seriously. While this may have explained hesitation initially, by mid-May this no longer seems like an appropriate excuse for reporting failures.

The *Times* reporting on the Rwandan genocide was prolific and there were no major discrepancies between reporting and what has been accepted as historical truth. No major events were left unmentioned, but the importance of certain stories and issues was certainly minimized. The *Times*’ desire to perhaps present an unbiased or balanced analysis of the situation actually led to an indirect misreporting of the Rwandan genocide and prevented the situation from becoming clear. It is difficult to spur collective action in response to messy “grey conflicts” or civil wars with no clear victim or perpetrator groups. The *Times*’ reporting played a role in minimizing public outrage to the genocide because the paper never made it clear that a grave injustice or genocide was taking place as it was occurring.

This research makes no claims about any underlying intentions or motivations of the *New York Times* or why they would hope to minimize the Rwandan genocide. The study is merely an analysis of how the reporting was carried out and its implications on foreign policy actors and potential advocates against human rights violations. The study was conducted as a complete blind study, as I had never read an article in 1994 about anything, let alone a *Times* article about Rwanda, before deciding to embark upon this research. The information discovered on the in-depth review of the story of the Rwandan genocide as it unfolded according to the *New York Times* revealed fascinating insight and can lend to the future of studies on collective action and media reporting. For comparison, we can turn briefly to current reporting in the *Times* on the situation in Darfur. The war in Darfur is far different from the situation in Rwanda and approximately 300,000 – 400,000 civilians have been killed since fighting began

⁴⁸ Donatella Lorch, “Massacres Spreading in Rwanda,” April 19, 1994.

⁴⁹ Donatella Lorch, “Vicious Circle; Hate Returns to Haunt Those Who Cradled It,” *The New York Times*, July 17, 1994.

⁵⁰ Leff, 2005.

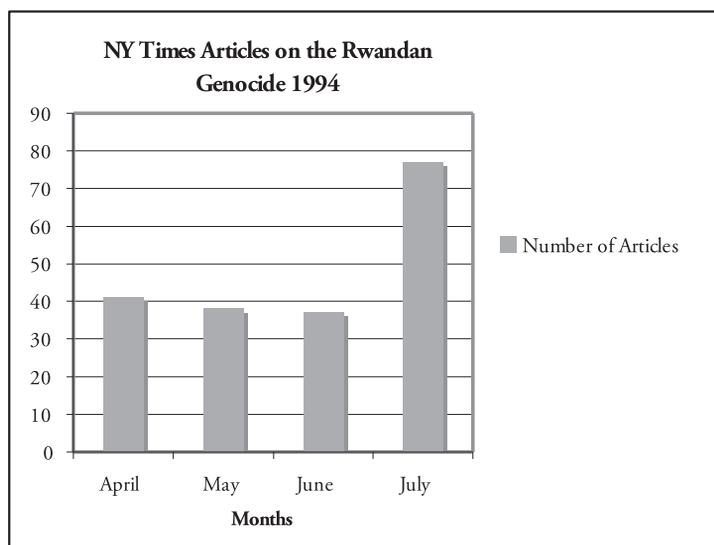
in 2003, as opposed to about 800,000 in the 100 days of Rwanda. As early as 2004, many people were calling the merciless killing of civilians in the Darfur region of Sudan genocide, perpetrated by the Arab Janjaweed militia with the implicit approval or even assistance of the Sudanese government. In February 2004, Editorist Nicolas Kristof from the *Times* called the situation in Darfur “the world’s greatest humanitarian crisis” and described it as on par with the genocide in Rwanda, before any other organization or international group had declared genocide. The context of the situation has changed (Rwanda looms as a shameful mistake that many in the world are adamant about not making again), and the *Times’* and the US’ impulsiveness in advertising the severity of the situation while clearly defining the victims and perpetrators (the black civilians of Darfur versus the perpetrators, the Arab Janjaweed and the government) is startling in comparison. Additionally, grassroots activism and collective action on behalf of the victims of Darfur have been some of the most extensive in the recorded history of genocide. Granted, the situation must also be considered in the current timeframe, but speculation could correlate reporting and the simplification of the good versus evil as a facilitator for collective action, and perhaps account for the lack thereof in the situation in Rwanda. It is also worth noting that activism for Rwanda was not non-existent, it simply was not seen at the levels we are seeing today for Darfur.

In the future, a greater comparative analysis of the coverage of the crises in Rwanda and Darfur could provide even more insight to the evolution of media reporting on genocide and the correlation between collective action and media reporting. This study could also be extended to include other American papers and their variance in coverage in addition to international papers, possibly even an African newspaper, to see how the stories unfolded around the world as they were happening. Despite a lack of knowledge of the motivations or benefits of minimizing the story of the Rwandan genocide in the *Times*, the content analysis of the articles and the evolution of the stages of reporting may lend to greater overall understanding of the coverage of genocide, especially when considering the analysis of the coverage of the Holocaust and a future retrospective analysis of Darfur.

Appendix

Appendix Content

1. Quantity of Articles
2. Major authors and their locations
3. Front Page Headlines
4. Timeline: When did we know?
5. Bar chart on term usage, genocide, savagery, ethnic cleansing, tribal, warfare, ancient hatreds
6. NY Times timeline
7. Timeline: 100 Days of Genocide



*In July 49 of the 77 articles were published *after* July 18th, after the official end of the genocide

**It is estimated that by mid-May, there were over 500,000 deaths according to the Red Cross and by the end of the genocide, there were an estimated 800,000 deaths.

2. Authors

Major Contributors	Location	Number of Articles
Paul Lewis	United Nations	24
William E Schmidt	Nairobi, Kenya. Bujumbura, Burundi.	8
Jerry Gray	Goma, Katala, Munigi Refugee Camp, Zaire. Nairobi, Kenya. Nairobi, Kenya.	5
Donatella Lorch	Kigali, Nyarubuye, Rwanda. Kayanza, Bujumbura, Burundi. Ngara, Benaco Camp, Ntobeye, Tanzania. Kasensero, Uganda.	25
Alan Riding	Paris, France.	4
Richard D. Lyons	United Nations	8
Marlise Simmons	Paris, France.	4
Raymond Bonner	Cyanika, Ruganda, Gishyita, Bisesero, Butare, Gikongoro, Kigali, Murambi, Gisenyi, - Rwanda. Nairobi, Kenya. Goma, Zaire.	24

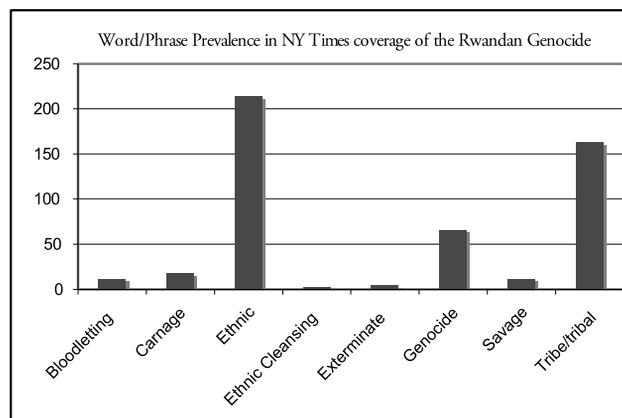
Other correspondents from Berlin, Rome, Paris, Washington

3. Front Page Stories on Rwanda

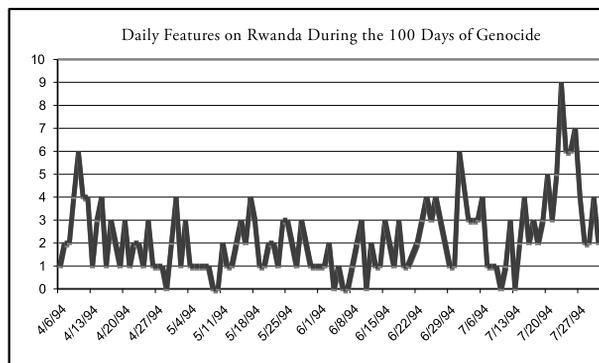
April 9 – TERROR CONVULSES RWANDAN CAPITAL AS TRIBES BATTLE
 April 10 – WESTERN TROOPS ARRIVE IN RWANDA TO AID FOREIGNERS
 April 30 - UN COUNCIL URGED TO WEIGH ACTION ON SAVING RWANDA
 May 1 - US EXAMINES WAY TO ASSIST RWANDA WITHOUT TROOPS
 May 14 – SECURITY COUNCIL AGREES ON PLAN TO SEND PEACE FORCE TO RWANDA
 May 21 – THOUSANDS OF RWANDA DEAD WASH DOWN TO LAKE VICTORIA
 May 28 – BODIES FROM RWANDA CAST A PALL ON LAKESIDE VILLAGES IN UGANDA
 July 16 – TRAIL OF SUFFERING AS RWANDA EXODUS CONTINUES
 July 17 – RWANDAN ARMY IN DISARRAY AT CAMP ON BORDER
 July 23 - THE RWANDA DISASTER: NEWS ANALYSIS; Did U.S. Err On Rwanda?
 July 23 – THE RWANDA DISASTER: THE OVERVIEW; PRESIDENT ORDERS PENTAGON ACTION TO AID RWANDANS
 July 24 – THE RWANDA DISASTER: THE OVERVIEW; Cholera’s Spread Raises Fear Of Toll of 40,000 Rwandans
 July 30 – U.S. SENDING FORCE OF 200 TO REOPEN RWANDAN AIRPORT

4. When Did We Know?⁵¹

10-Apr	Political opposition on Rwanda reports that Hutus were trying to “exterminate the Tutsi minority”
11-Apr	Paris reports Hutus are “hunting down Tutsis”
16-Apr	1200 Tutsi massacred in church, reported everywhere
17-Apr	Le Monde reports that 1180 Tutsis “exterminated” in a village
17-Apr	RPF radio reports “The world cannot and should not forget the genocide that is being perpetrated in Rwanda today.” On April 19, the CIA translated and published this radio report
18-Apr	The ICRC begins using the term genocide
19-Apr	Human Rights Watch calls Rwanda a genocide
25-Apr	NYT indicates there is an “extermination” and what “appears to be methodical killing of Tutsis”
27-Apr	The Pope uses the word genocide
4-May	UN secretary general declares “real genocide”
4-Jul	RPF takes Kigali
16-Jul	United States officially recognizes genocide
18-Jul	RPF takes over, cease-fire declared, genocide over



⁵¹ Alan J. Kuperman, *The Limits of Humanitarian Intervention: The Rwandan Genocide* (Washington D.C.: Brookings Institution Press, 2001).



7. 100 days of a Genocide (Courtesy of BBC News 2004)⁵²

6 April: President Habyarimana and Burundian President Cyprien Ntaryamira are killed when the Rwandan leader's plane is shot down as it is about to land at Kigali Airport. Hutu extremists opposed to the Arusha Peace Accords are believed to be behind the attack.

7 April: The Rwandan armed forces and Interahamwe militia begin the systematic killing of Tutsis and moderate Hutus. UN forces, unwilling to breach their mandate, fail to intervene. 10 Belgian UN peacekeepers are killed.

8 April: The Tutsi Rwandan Patriotic Front (RPF) launches a major offensive to end the killings and rescue 600 of its troops based in Kigali under the Arusha Accords.

9-10 April: French, Belgian and American civilians are rescued by their governments.

11 April: The International Red Cross (IRC) estimates that tens of thousands have been slaughtered. UN soldiers protecting 2,000 Tutsis at a school are ordered to withdraw to Kigali airport. Most are killed after their departure.

14 April: Belgium withdraws its troops from the UN peacekeeping force in Rwanda.

15 April: Slaughter of thousands of Tutsis gathered at Nyarubuye Church seeking protection.

21 April: The UN cuts the level of its forces in Rwanda by 90% to just 270 troops. The IRC estimates the dead could now number over 100,000.

30 April: The UN agrees a resolution condemning the killing but omits the word 'genocide'. Tens of thousands of refugees flee into neighbouring Burundi, Tanzania and Zaire.

Mid-May: The IRC estimates that 500,000 Rwandans have been killed.

17 May: The UN Security Council issues a fresh resolution saying that 'acts of genocide may have been committed'. It also agrees to send 5,500 troops with new powers to defend civilians, however deployment is delayed by disagreements between the US and UN over the financing of the operation.

22 May: RPF forces gain control of Kigali airport and Kanombe barracks, and extend their control over the northern and eastern parts of Rwanda.

22 June: With arguments over the deployment still continuing, the UN authorises an emergency force of 2,500 French troops under Operation Turquoise to create a 'safe' area in the government-controlled part of Rwanda. The killing of Tutsis continues in the 'safe' area despite the presence of the French.

4 July: The RPF takes control of Kigali and the southern town of Butare. Its leadership claims it will form a government on the basis of the Arusha Accords.

13-14 July: Refugees fleeing the RPF advance in north-western Rwanda flood into Zaire. Approximately 10,000-12,000 refugees per hour cross the border into the town of Goma. The massive influx creates a severe humanitarian crisis, as there is an acute lack of shelter, food and water.

18 July: The RPF announces that the war is over, declares a cease-fire and names Pastor Bizimungu as president with Faustin Twagiramungu as prime minister

⁵² BBC News, "Timeline: 100 Days of Genocide," April 6, 2004. <http://news.bbc.co.uk/2/hi/africa/3580247.stm>.

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Biographies Of Contributors

Charles Patterson is a recent graduate of Politics and Law from the University of Kent, where he specialized primarily in the fields of international relations and international law. Favoring an interdisciplinary approach, he has strong interests in what insights from other fields of study can offer, and how this can then be used to build upon existing understandings. Charles is currently undergoing an internship with a human rights NGO, based in Phnom Penh, Cambodia, and has ambitions to enter into international human rights law.



Sarah Weltman is completing her Master's Degree in Economics at New York University. She graduated Summa Cum Laude from NYU in 2009 with a B.A. in Politics. Her areas of interest include African Politics, Political Institutions, and Econometrics. She plans to pursue a Ph.D. in political science in 2010. She would like to thank Professors Leonard Wantchekon and Peter Rosendorff for invaluable guidance and support. She is appreciative of comments and instruction from Professor Ahu Gemici, Professor Joshua Tucker, Professor Jushan Bai, Alejandro Quiroz Flores, Robin Harding, and Michal Harari.



Katherine Detamore graduated from Indiana University South Bend in the spring of 2009 with an honors degree in general studies, minors in both anthropology and sociology, and a certificate of social and cultural diversity. She remains a passionate anthropologist and hopes to pursue the subject further in graduate school. In the publication of this honors thesis, she owes a debt of gratitude to Dr. Rebecca Torstrick of IUSB without whose help, support, and guidance it would have never been written.



Eleonora Sokolsky was born in Odessa, Ukraine and immigrated to Brooklyn, New York with her parents in 1989. Her interests in international cultures lead to her attending the New Jersey Governor's School of International Studies where she subsequently represented the state of New Jersey at the 2004 International Student Representative Conference in Alberta, Canada. Eleonora continued her studies at New York University as the President of the Russian Club, an Edgar M. Bronfman Business Fellow, and a Presidential Honors Scholar - graduating Cum Laude in 2009 from the Honors International Relations Program with an additional double major in Economics with a Policy concentration. Fluent in Russian and conversational in French, Eleonora has traveled to more than 25 different countries and has written a variety of travel stories and opinion pieces on important social issues - one of which was notably mentioned by the United States Holocaust Memorial Museum's Committee on Conscience. She is currently working as a strategy analyst at J.P. Morgan in New York City.



Zehra Hirji is a senior at Harvard University concentrating in Government with a focus on international relations. Having studied abroad at the Hebrew University in Jerusalem as well as the American University in Cairo, she has a passion for issues relating to the Middle East and a love for Arab culture in general. Additionally, for the past three years she has worked as a Research Assistant with the Center for Humanitarian Policy and Conflict Research at the Harvard School of Public Health and Amnesty International in New York. Her honors thesis focuses on the issue of the representation of genocidal conflicts in the media and the future of human rights advocacy.

