Dear Reader,

I am pleased to present the Spring 2013 issue of the Journal of Undergraduate International Studies. This semester we celebrated our 10th year at the University of Wisconsin-Madison, and reflected on how much the journal has changed and grown since it was founded by David Coddon in 2003. The number of submissions we receive each semester has more than doubled in the past few years, enabling us to showcase some of the best undergraduate work from universities across the world.

This semester we launched our blog, A Global Perspective, to complement our print edition and provide greater and more diverse publication opportunities for undergraduates. We hope this will be the beginning of an exciting phase of exploring new ways to reach a wider audience and foster dialogue on international affairs.

I would like to thank everyone who has contributed to JUIS’s continued success – including the L&S Honors Program, the Coddon Family Foundation, and our editors, designers, authors, and readers. Where we are today has been made possible by ten years of collaboration between talented and dedicated students at UW-Madison, as well as around the world. I hope you enjoy reading this issue.

Laurel Mills

Editor-in-Chief
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The cover photograph was taken by Kylie Guiral, University of California - Santa Barbara.

*Porto, Portugal.* While visiting Porto, a friend and I decided to cross the river Douro and book an impromptu port tasting at one of the many distilleries that line the banks of Gaia. I was thrilled to look back and see Porto from a new perspective, so I took the opportunity to photograph the busy waterfront.

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Currently, more than 215 million people live outside of their countries of birth, accounting for approximately three percent of the world’s population. Over the past few decades, workers’ remittances, transfers of money from foreign workers back to their country of origin, have grown exponentially and now account for some of the largest sources of capital flowing into both developed and developing countries alike. Barriers to cross-border trade and financial transactions have been significantly reduced, allowing capital to flow more freely between countries. However, the level of remittances flowing into any given country differs greatly across time and spacial dimensions. Why are certain countries more successful than others in attracting remittance flows? Much of the existing literature on this topic focuses on specific policies as undertaken by individual governments. This paper will explore a new avenue and seek to provide an answer by linking the level of remittances flowing into a country with that country’s polity score, ranging from autocratic to democratic. This paper presents a model which supports an inverse-U shaped relationship between remittances and democratization.

Flows of remittances across international borders have increased from about $6 billion in the early 1970s to $50 billion in the mid-1990s, and were estimated to have exceeded $501 billion in 2011. Of this, nearly $372 billion went to developing countries, an increase of twelve percent over the previous year. This figure only takes into account measurable remittances, those that are sent and tracked through official channels. The true amount of global remittances is more difficult to measure considering many migrants use informal channels. As a result, the available data is likely grossly underrepresenting the true value of these flows. Despite the current global economic climate, remittances are projected to grow to $615 billion by the year 2014. For many developing countries, remittances account for a significant portion of the country’s GDP in a given year. For example, Chami et al (2008) found that from 1995-2004 average workers’ remittances exceeded 1% of total GDP in sixty countries, with seven countries having an average remittances-GDP ratio of over fifteen percent. Remittance flows have unique characteristics which separate them from other capital flows. First, in many countries remittance flows are much larger in magnitude than both foreign direct investment (FDI) and international aid. This phenomenon has developed largely over the past decade as remittances continue to accelerate in growth. Second, in comparison to other flows, remittances have displayed much less volatility over time. According to the data, foreign aid, considered one of the most stable sources of external financing, was three times more volatile during the same period of time. In a similar vein, FDI and export revenues were seventeen and

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seventy four times as volatile respectively over that period. Third, remittances tend to be uncorrelated with other foreign exchange flows, often exhibiting countercyclical properties. For example, remittances tend to increase if a country experiences a negative shock, such as an environmental disaster or economic downturn.

Given their sheer size and countercyclical nature, remittances have been targeted by policymakers as potential sources of economic development and poverty reduction. Governments have begun turning their attention to attracting and facilitating these flows in hopes of reaping wider macroeconomic benefits.

**Literature Review**

What determines the flows of remittances? To understand this we must first consider the underpinning framework of international migration. Currently, there does not exist a comprehensive theory of international migration. Rather, a series of fragmented theories have been developed within several academic disciplines. Neoclassical economics presents a macro-level theory of migration which emphasizes geographic differences in the supply and demand for labor. Countries with large endowments of labor relative to capital will tend to have lower equilibrium wages. Similarly, countries endowed with small amounts of labor relative to capital will have high equilibrium wages. This results in the flow of labor from high to low concentrated areas. As Massey explains, assuming that international migration occurs as a result of wage differentials and that their elimination would end the movement of labor. The economics literature also presents a micro-level model of migration which stresses individual choice within a resource allocation framework. Individuals undertake a rational cost-benefit analysis and base their decision to migrate on the expected returns, in this case wage income, of moving versus staying. “Potential migrants estimate the costs and benefits of moving to alternative international locations and migrate to where the expected discounted net returns are greatest over some time horizon.” This theory differs slightly from the macro-level theory in several areas. One, individual human capital characteristics can make certain individuals more likely to migrate than others. This can include language proficiency, specific skills, and educational attainment. Two, technologies or social conditions which alter the relative costs and benefits of migration can make international relocation more or less likely. Three, the domestic conditions of destination countries can influence decisions to migrate. For example, if conditions in receiving countries are psychologically attractive to prospective migrants, perceived migration costs may actually be negative.

Recently, a ‘new economics of migration’ has begun to challenge some of the fundamental assumptions of the neoclassical theories of migration. Expanding the number of variables which are considered when determining spatial labor supply decisions, some argue that decisions to move are often made jointly by the migrants themselves and some group of non-migrants, with the costs and returns shared being all parties involved. This approach shifts the focus of migration theory from the individual to the family as the basic unit of analysis. Building off of this, Mincer argues that the requirement for migration is not that all parties involved experience a positive gain, but that the family unit experiences a net gain. Unlike individuals, households are better able to insure themselves against exposure to risk through diversification of family labor, such as sending a family member abroad to work. In developed countries, these household risks are reduced through private insurance markets and government safety nets.

Runciman (1996) presents an explanation for migration using the concept of relative deprivation, which claims that a person derives utility not only from the income they earn themselves but also on how their income ranks relative to their peers. Yitzhaki also finds evidence of migration occurring because it can improve a person’s income relative to that of their ‘reference group.’

Many contemporary scholars
focus their attention on the formation of migrant networks and diasporas as the proximate causes and contributors to migration. Massey defines migrant networks as sets of interpersonal ties that connect migrants, former migrants, and non-migrants in origin and destination areas through ties of kinship, friendship, and common origin. These networks increase the likelihood of migration, in part because they lower the costs of international movement while increasing the expected returns. Gurak and Caces also argue for the important effects migrant networks can have in migration, oftentimes acting as a form of social capital which the recent migrant can draw upon for support. As migrant networks expand and deepen, it removes certain pre-selecting factors, such as socio-economic status or educational attainment, and the migrant flow becomes much less selective.

Theories of remittances presented in the literature explain the motivations for sending money back home as being driven by altruism, self-interest, or some combination of both. One of the most obvious motives for sending remittances is pure altruism. The true altruism hypothesis suggests that migrants remit to improve the welfare of their households and family members left behind. This implies that remittances are expected to be higher to families which are more economically deprived. Similarly, households which have ownership of land or other income-generating assets are expected to receive fewer remittances on average. Bougah-Hagbe defines altruism as the willingness of someone living outside the country to provide financial assistance to another in a situation of hardship. He finds evidence of an increase in remittances to countries experiencing ‘hardship,’ measured loosely by the variable agricultural GDP. Studying yearly rainfall differentials in the Philippines, Yang found that remittance flows acted as insurance for families during droughts and other economic shocks.

As a stark contrast, a portion of the literature on the motivation behind remittances views decisions to be made purely out of self-interest. Lucas and Stark outline three selfish motivations to remit in the absence of altruism including i) aspirations to inherit money from parents ii) ensuring the maintenance of physical assets held in the home country iii) the intent to return home at some point in the future. Dustmann argues that the desire to accumulate wealth in the home country is an important motive for remittance behavior in migrants planning on returning to their home country after spending several years abroad.

In reality, the majority of motivations to remit tend to lie somewhere in between altruism and pure self-interest. Lucas and Stark argue that pure altruism and pure self-interest alone are not adequate to explain the extent of variability in remittances across time and countries. They present an alternative theory of remittance motivations based on what they call tempered altruism or enlightened self-interest, which views remittances as part of an intertemporal, mutually beneficial contractual agreement between migrant and home. Remittances serve as mutually benefiting insurance, flowing to the family at times of crop failure or natural disaster and to the migrant during periods of unemployment.

Presently, the literature exploring the links between remittances and type of governance remains a developing area of study. No consensus has been reached regarding the effects remittances can have on the recipient country. Most generally, the types of effects remittances have on a government vary depending on the existing social and political institutions. Scholars have presented arguments stating that remittances both prevent and promote democratization. Focusing on countries in the Middle East, Ahmed found that remittances deteriorate the quality of governance, especially in countries with weak democratic institutions. In this framework, remittances may exert a resource curse-type effect, reducing the quality of governance.

Many scholars have also argued that remittances help to promote democracy. Pfutze found that the non-taxability of remittances reduces the electoral support for incumbent governments, making elections more competitive and change more likely. Johnston argues that increasing wealth via remittances coupled with labor mobility provide the poor with a credible and effective exit options. Through this, they can exert pressure on the current regime and force policymakers to consider their preferences.

The Empirical Puzzle

What explains variations in remittance flows between countries and within a single country over time?
Data collected thus far on remittances suggests large differences in both the total level of remittances as well as remittances measured as a percentage of GDP. These differences can be seen when looking at the spatial distribution of global remittances. In 2011 remittances were highest to South Asia as well as East Asia/Pacific, with these two regions accounting for almost fifty five percent of total remittances sent worldwide. Meanwhile, remittances sent to the Middle East/North Africa and Sub-Saharan Africa accounted for just seventeen percent of the total. Great variation in remittances also is visible within specific regions. Despite sharing a border, remittances accounted for nearly seven percent of GDP for Vietnam while barely breaking half of one percent of GDP in Laos. Similar discrepancies exist when analyzing countries on the basis of overall country development, as classified by the United Nations. Least developed countries (LDCs) received only five percent of total remittance flows in 2011. Low-income and high-income countries received six and twenty five percent of remittances respectively. By far, the majority of the world’s remittances were sent to middle-income countries, which accounted for nearly seventy percent. According to the prevailing literature and theory, we would expect to see the largest quantity of remittances entering countries where the perceived need for foreign capital is the highest, i.e. the LDCs and low-income countries. However, these two classifications account for a significantly disproportionate amount of the total.

**Operationalization and Methodology**

The model presented in this paper argues that the level of remittances follows an inverse-U shape with respect to regime type. The prevailing regime type, measured by an aggregate of specific elements from both the Polity IV and the Database of Political Institutions, is the model’s explanatory variable. The total level of remittances, as measured by a percentage of annual GDP, is the response variable. Regime type is measured using the Polity IV Project: Political Regime Characteristics data set, for their measurements of executive power. XRREG refers to the extent to which a polity has institutionalized procedures for transferring executive power. Three categories are used to differentiate the extent to which transfers are institutionalized, and include i) unregulated: i.e. forceful seizures of power ii) designational/transitional: executives are chosen by political elite, without formal competition, iii) regulated: hereditary succession or competitive elections. The other variable measured from the Polity IV data was XCONST, executive constraints. This refers to the extent of institutionalized constraints on the decision-making powers of chief executives. In many western countries these constraints take the form of legislatures. Other potential constraints could include the military, an independent judiciary, or councils of powerful advisors. A seven category scale is used to measure the various checks and balances between the various parts of the decision-making process, ranging from a score of 1 (unlimited authority) to 7 (executive parity).

The Database of Political Institutions (DPI) was another source of data on regime type. The DPI contains 125 variables measuring different aspects of a country’s political system and electoral
rules. Of specific interest for the purpose of this paper was the CHECKS variable, a measure of the level of checks and balances on executive authority.

The aforementioned data will cover the quantitative aspects of this paper, including a least squares statistical analysis and non-linear regression. Since the data used in this paper covers serial data within a country over time, autocorrelation of the error term is of primary concern. To account for this, country data were clustered. A number of control variables were included in the regression model to account for country-specific factors which might potentially influence the independent variables. Variances in GDP (ldremgdp) were accounted for. Additionally, country-specific exchange rate regime was adjusted for, which accounted for countries using fixed or floating regimes. The measure of this variable (lrr5new) is based off of Reinhart and Rogoff’s exchange rate regime classification. Lastly, a variable measuring a country’s openness to international capital is accounted for using the Chinn-Ito Financial Openness Index (KAOPEN). This index measures the intensity of capital controls, insofar as the intensity is correlated with the existence of other restrictions on international transactions. Including this variable accounts for deviations in openness to international capital flows, which could cause differentiation between countries in terms of the inflow of remittances.

In addition to a quantitative analysis, case studies of two countries are included to explore the qualitative side of the puzzle. The two countries selected for case study were Serbia and Belarus, countries which are very similar on a number of dimensions including per capita GDP, population size, and geographical location. However, the two countries differ greatly on polity scores, making them ideal candidates for this paper. The case studies will explore the proposed relationship between remittances and regime type, both across the two countries and within Serbia over time.

The first country group to consider is those with the lowest polity scores, those found in the -10 to –6 range. Some of the countries within this category include Cuba (-7), Belarus (-7), North Korea (-9), and Iran (-7). While spanning all geographic regions of the world, these low polity score countries all share several key factors regarding the level of democracy and strength of democratic institutions, as outlined by the Polity IV score factor criteria. Each of these countries is effectively ruled by a powerful executive branch facing virtually no checks to their power. Their respective rulers have been in power for years and many appear not to be leaving anytime within the near future. Countries in this score range are, on average, poorer and less developed than countries receiving higher polity scores. Several key factors explain the low amount of remittances flowing into these countries.

First, there is very little migration both in and out of these countries. Many have strict immigration laws which prevent citizens from migrating across international borders and leaving the country. In addition, mobility within a country is significantly reduced either as a direct policy of the state or as a natural outcome of society. The extreme example of this is North Korea which not only prohibits its citizens from freely leaving the country but also has strict restrictions on travel within its borders. These exists a natural linear relationship between the number of citizens working abroad and the level of remittances sent back into a country. For these countries, the simple fact that they have virtually zero citizens working abroad can help explain the low level of remittances.

Second, many of these countries lack strong educational systems and job opportunities outside of agriculture and light manufacturing. As a result, the workforce remains relatively uneducated and unskilled. Labor mobility, the geographical movement of workers, is positively correlated with educational attainment. Education increases mobility because better educated people are able to collect and process information, reducing both search and transaction costs associated with migration. If a country’s population is poorly educated, it will hurt their ability to attract wages and jobs from overseas outside of agricultural work and other low-skill positions. Many people would opt to hold these types of jobs within their home countries where they can be close to their families and existing social networks. If wages are approximately equal for low-skilled workers, there would be little reason
for an individual to migrate if there are opportunities within their home country. A poorly educated workforce can also help explain the low level of outward migration, and as a result remittance flows, into these countries.

Third, many autocratic countries lack strong institutions, both political and financial, which inhibit the flow of remittances back into their borders. Politically, these countries generally lack strong and effective laws regarding private property rights for the individual. This definition of private property can be extended to cover physical property, such as real estate, land holdings, and homes. Also included is tangible property such as cars and clothing and non-tangible assets such as financial instruments and intellectual property. Protection of an individual’s property rights is a hallmark of democratic countries; in the United States the principal limitations on the extent to which the state can interfere with property rights is enshrined in the Constitution. If migrants working abroad fear that any money sent home will be subject to seizure by the government, they will readdress their decisions to send money back home. As outlined in the previous section, one of the proximate determinants of remittance behavior is to secure assets for the migrant’s family or the migrant themselves. This includes things such as homes, land, and farm animals. A migrant will not likely send money back to invest in the purchase a home if their home can be taken from them.

The development of financial institutions also plays an important role in determining not only the level of remittances into country but also what remitted money goes towards. Financial development can help reduce the costs of sending money back to a country. If migrants face high costs to remitting they are less likely to remit and even less likely to utilize formal banking channels. The banking and financial sectors of low-polity scoring countries tend to be severely underdeveloped and in many cases nonexistent. As a result, migrants working abroad are forced to utilize money transfer operators (MTOs) such as Western Union or MoneyGram. Oftentimes the sole player in these money transfer markets, these MTOs can charge high fees to migrants using their services to send money home. If countries had more fully functioning banking systems, branches offering money transfer services could be opened in neighboring countries which would greatly reduce the costs of sending money home and increase the level of remittances. Poorly functioning financial systems also shape how remittances entering a country are allocated. If financial assets or standard savings accounts are not available options, families receiving remittances will hold them primarily in the form of cash and tangible assets. Very little money will be entering the country seeking out financial assets and investment.

The next set of countries to consider are those with polity scores in the middle range of the spectrum (-5 to +5). This is a broad categorization and includes a wide range of countries, from Tunisia (-4) to Thailand (+4). Following the model presented in this paper, these countries are estimated to have the highest level of remittances entering their borders from abroad. These countries are not fully democratic, but they are neither fully autocratic. Compared to countries at the lowest extreme of the polity score, these middle scoring countries have undergone a certain level of democratization. Along with this has been development of institutions, political and financial, which allow them to attract and channel significant amounts of remittances. In total, these countries send the most migrants abroad to work in foreign countries for several reasons. First, these countries are generally more open to international migration, sending workers across borders to work. The limits to leaving the country are much less a barrier to migration, meaning individuals can leave and re-enter the country with relative ease compared to autocratic countries. Because of these liberal attitudes regarding migration many households view sending a family abroad as a viable way to earn money. Second, while these countries have achieved a certain level of development they are, on average, less developed than many of the OECD countries. Employment opportunities, especially for highly-educated workers, may not be abundantly available in these countries’ economies. Additionally, periodic political and economic instability may be push factors for highly skilled and educated citizens. A common result of this is known as brain drain, the large-scale emigration of a large group of individuals with technical skills or knowledge. These highly mobile workers will oftentimes seek employment in more developed countries, where the opportunities to earn high returns on their educational investments.
Remittances into these middle-polity scoring countries go to both insurance and investment purposes. Financial infrastructure is generally more developed than full-fledged autocracies, meaning there are financial products such as savings accounts, bonds, and in some cases stocks for migrants to channel their money towards. Additionally, in many countries property rights are more protected. This encourages migrants to send money home towards the purchase of homes and land. However, these countries are not fully protected against risk and adverse shocks. In many fully democratic countries there are private insurance markets and developed government social safety nets to help protect citizens. Developing countries typically lack effective or substantial safety nets for their citizens. As a result, remittances can also serve as a form of insurance for households, protecting them from economic downturns and natural disasters.

Finally, we must consider those countries which score the highest on the polity scale (+6 to +10). This set of countries is considered to be the most robust democracies, and include much of Western Europe, the United States, Australia, and Canada among many others. Per the model presented in this paper, we would expect to see fewer remittances to these countries in comparison to the aforementioned middle-scoring countries, a result of several key factors. First, in terms of net migration, countries with high polity scores are among the world’s premier migrant destinations because of their free and open societies. Total migration is generally in surplus into these countries, as many seek to enter and relatively few leave on an annual basis. What this means is that there are few citizens from these countries leaving to move abroad, and when they do it is very unlikely they will send remittance money back to their family. Second, many of these countries have fully functioning private insurance markets and strong government safety nets to take care of citizens in need. This reduces the need for remittance money, at least in the form of insurance. Instead, money that is remitted back into these countries primarily goes towards investment purposes. The widespread availability of banking and financial markets allows migrants many options in which to place their money. Property rules and the credible rule of law mean that once made, these investments will be guaranteed safe from state intervention. Overall, high polity-scoring countries have a greater sense of stability, a key factor which is taken into account when considering investment over a medium to long time horizon. Third, in terms of sheer economic size, countries within this grouping typically have large and complex economies open to international trade and capital markets. As a percentage of total GDP, remittances remain relatively insignificant in these countries when compared to other sources of capital flows.

The following graph depicts the relationship found between predicted changes in remittances as a percentage of GDP (Y-axis) over different polity scores (X-axis). A clear inverse-U relationship can be seen between the two at the 95% confidence interval.
Case Studies

In addition to the quantitative analysis presented above, a case study of two countries will illustrate the proposed relationship between remittances and democracy. The two countries selected for this paper are Serbia and Belarus. They were selected because they exhibit many of the same characteristics—except for polity score. Both countries are Eastern European countries with almost identical populations and GDP per capita (see Figures 2 & 3). However, the past two decades have seen each country head in a different political direction, as Belarus has gravitated closer to Russia and Serbia has moved towards Western Europe and the European Union.

Belarus attained its independence from the former Soviet Union in 1991, yet has retained the closest ties with Russia than any other former republic. The country remains heavily dependent on Russia for both trade and energy; Russia is its primary trade partner as well as primary energy provider. Current President Alexander Lushashenko was elected in 1994 in what many considered a free and fair election. Since then, he has consolidated his power through the removal of term limits. Additionally, he has greatly expanded the power of the executive branch, removing political barriers and obstacles as well as opposition parties (see Figure 4).

In 2006, he won an unprecedented third term, taking over 80% of the total votes cast. By comparison, his next closest opponent received only 3%. Approximately 80% of the country’s industries remain in the state’s control, as well as 75% of the banking sector. Despite political objection, Lushashenko has continued to run the country’s economy in the Soviet-style model.

Current estimates place the total number of Belarusian migrants living outside of the country between 2.5 and 3.5 million. The overwhelming majority of these individuals and families live in Russia, followed by Ukraine, and Poland (see Figure 5). Unemployment rates have remained remarkably low in the country, which has led to a decrease in the level of emigration.

Once abroad, the majority of workers are employed in either construction or agricultural work. Additionally, the majority of migrants are young, single, males. Remittances into the country have been steadily decreasing since the mid-1990s and have remained at less than two percent of total GDP for the past decade. According to the model presented, Belarus fits into the lower end of the polity score (~7 in 2011) and would be predicted to have significantly lower levels of remittances. A nascent banking system presents serious obstacles to remitting money into the country without facing high transaction fees.

By contrast, Serbia illustrates an example of a country moving from autocracy to democracy. The country is a parliamentary republic with a multiparty...
system, and its current constitution was adopted in 2006. The past several years has seen Serbia move towards becoming a more robust democracy. The primary driver of these reforms has been its desire to join the European Union. In 2009 the country applied for EU membership. Since then, many political and economic reforms have been undertaken in order to meet the EU’s Stabilization and Association Agreement criteria. Currently, Serbia is in a free trade deal with the European Union which serves as one of the country’s primary trading partners.

The EU is a primary destination for Serbian migrants. The Germany-Serbia migration corridor plays a vital role in transferring migrants, goods, and capital between the two countries. Germany is by far the largest source country, but significant numbers of Serbian migrants live in Austria and Switzerland as well (see Figure 6).

Serbian migrants abroad hold a wide variety of jobs and many living in Western Europe choose to remit money back to their home country. In 2011, remittances accounted for close to 9% of the country’s total GDP. In comparison to Belarus, Serbia has consistently scored high on the polity score for much of the 2000s (see Figure 7).

As the country moves closer to integration within the European Union, we would expect to see a continuation of its move towards democracy, as well as a continuation in the high level of remittances into the country.

Implications and Conclusion

This paper has sought to address a critical question regarding remittances and democracy. While the model presented provides a clear relationship, there still exists much room for further research. One of the primary obstacles faced with this study was the relatively small number of countries scoring in the middle section of the polity range (-5 to +5). However, this does lend support to a more linear-type relationship between democracy and remittances, although further research could be done on the topic.

Perhaps the most significant implications from this paper are regarding specific policies which governments can undertake in order to increase the level of remittances they receive. High costs remain a significant barrier to remittances worldwide. Countries should seek to provide low-cost services for migrants to send their money home. Stability and the enforceable property rights are key if countries wish to have migrants send money home. Individuals must be assured that what they own will not be seized or interfered with by the state. Countries should move towards securing property rights, of all kind, in order to better attract remittance flows.

As stated in the introduction, the literature and field of study on this topic are still in the early stages of development, and much research is expected to come in the future. On the whole, the literature on remittances is still a rapidly developing field with plenty of areas for further research. Future projections of global remittance flows show no signs of slowing in the future. As more and more governments begin to recognize their strategic value, we can expect to see more research done on the positive and negative effects of remittances, as well as their implications on regime type and democratization.

Endnotes

2. World Bank Development Indicators 2012.


8. Massey, Theories of International Migration, p. 450.


15. Massey, Theories of International Migration, p. 440.


30. Ralph Chami et al. Macroeconomic Consequences of Remittances, p. 22.


32. IOM Facts and Figures (2012)

Bibliography


an cycling be a viable means of urban transportation? It certainly is in the Netherlands, where over the past half-century it has become entrenched as the most common mode choice for short trips. This paper analyzes the extent of the Dutch cycling phenomenon, and how it has come about. Although Dutch cycling success has been helped by some fortuitous characteristics of physical geography, I contend that it is mostly the long-term practice of national and municipal governments instituting thoughtful and innovative transport designs and policies favoring bicycles that have given the bicycle its dominant place on Dutch roads over territorial autonomy.

Cycling in the Netherlands: An Unmatched Phenomenon

The Dutch take 27 percent of all their transportation journeys of any length by bicycle: sixteen billion kilometers a year cycled by a country of seventeen million.¹ This is a higher rate than any other country with available statistics. The average Dutch person will cycle 2.5 kilometers every day, compared with 0.1 km for the average American.² There are 1.1 bicycles per capita in the Netherlands, making it the only country recorded to contain more bicycles than people.³ Even these introductory statistics, unimaginably high as they might seem to someone who has never visited the Netherlands, fail to convey the sheer visceral impact of a day spent in any Dutch city by a foreigner unused to such a proliferation of bicycles. Directly neighboring Centraal Station in downtown Amsterdam, the visitor sees a massive multi-level parking garage solely dedicated to bicycles, having space for several thousands; across the street, the mass of cyclists seen waiting at one red signal just outside the station might exceed the number seen all day in an American city of comparable size. Indeed, one 1998 multinational study of safety practices among cyclists was, when evaluating Amsterdam, compelled to study relatively low-volume side streets in order to reliably count and record data on all the cyclists they saw.⁴

These numbers and images are impressive, even enviable, considering the environmental and public health benefits cycling is said to have⁵ – and they have not come from out of nowhere. Many factors have worked together in tandem to create and maintain a cycling environment that is accessible for everyone all the time. Of these various factors, this paper shall argue that the most significant have been the making of a transportation network and legal framework that prioritizes bicycles over automobiles, and a resultant culture into which cycling is naturally integrated. Some aspects of physical geography which play a role in making cycling more common in the Netherlands will also be discussed; however, this paper shall contend that these are not as essential to the Dutch cycling success story as is popularly believed. First, however, to help provide a more detailed picture of the state of cycling in the Netherlands, some additional statistics will be recounted.

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Cycling for Everyone: A Statistical Overview

It is important to realize that among the Dutch, cycling is not confined to a single class or demographic group. In other countries, a stereotypical cyclist is often a young, fit male commuting to work in spandex, or an adherent of a vaguely alternative lifestyle, or a person passionate about the outdoors or sporting. None of these stereotypes hold in the Netherlands; cycling is done by women and men, children and adults, old and young, rich and poor. The statistics related in this section provide a glimpse of the remarkably low level of demographic variation among Dutch cyclists; high rates of cycling frequency, especially in comparison to other countries, are found in nearly every studied group and area.

There is a far higher rate of elderly people cycling in the Netherlands than in comparable countries, although, as everywhere, youth do tend to cycle more than the elderly. Dutch people older than 65 make 24 percent of all trips by bicycle, compared to 0.4 percent in the United States. 49 percent of schoolchildren cycle to school, while only 14 percent are brought by car. There is a generally even gender distribution among cyclists in the Netherlands, while in other countries cycling is usually dominated by males. 55 percent of Dutch bike trips are made by women, compared to 25 percent in the United States. Across income classes, the number of trips taken per day in the Netherlands varies only somewhat, from 1.2 among the lowest brackets to 0.8 among the highest.

The most noticeable demographic segment of Dutch society which cycles less than the national average is the immigrant community. The average Turk or Moroccan in the Netherlands, aged 20-65, makes only 8 percent and 11 percent, respectively, of their daily trips by bicycle, compared to 26 percent for a person of Dutch ancestry. Figures are slightly higher for communities more influenced by Dutch culture, such as Surinamese and Antilleans, but remain well below the native Dutch at 13 percent and 15 percent respectively. In addition, households with children are more likely to choose automobiles than any other source of transport; the visitor to the Netherlands, however, will see no shortage of young parents cycling to a grocery store with a child, or even two or three, loaded into seats, baskets, barrows, or trailers attached to their bicycle.

Locational variance in Dutch cycling frequency is extant, but the least cycled areas still show significantly higher cycling rates than nearly any other Western country. Rotterdam, which has the lowest cycling rate among major Dutch cities, has a cycling rate of 16 percent, comparable to Cambridge, the British city with the highest cycling rate, and more than four times higher than Portland, the equivalently ranked city in the United States of America. No significant variation in bicycle use is noted with respect to population density: around 25 percent of trips are made by bicycle in areas of lowest density, rising to 26 percent in medium density areas, and falling to 24 percent in areas of the highest urbanization. Bicycle use is fairly evenly distributed across all provinces; the most significant exception is the southern province of Limburg, which is the country’s only particularly hilly province; there, cycling rates can reach as low as 14 percent.

Bicycles are most commonly used in the Netherlands for short trips, up to around five kilometers, although for the shortest trips, up to one kilometer, walking is more prevalent. Among persons older than 12, 43.4 percent of all trips from 1 to 2.5 kilometers in length are made by bicycle, and 33.3 percent of those from 2.5 to 5 kilometers. Above this level, trips by automobile and public transportation quickly displace bicycle usage, but even then, a robust 7.7 percent of all trips from 15 to 20 kilometers in length are made by bicycle – in contrast, Americans will use an automobile for 66 percent of trips up to a mile in distance and 89 percent of trips between one and two miles long. Also, in the Netherlands, bicycles are frequently used for trips of any motive; the percentages range from 11 percent of all business trips to 50 percent of all journeys taken in connection with education, and include 28 percent of all shopping trips and 25 percent of all commutes; in the United States, on the other hand, over two-thirds of bicycle trips are taken for the purpose...
of recreation.\textsuperscript{20} One of the most telling statistics, however, pertains to cycling safety. Injury and death rates among Dutch cyclists are the lowest in Europe. Although 40 percent of all traffic accidents involve cyclists, only 1.4 cyclists are injured per every 10 million kilometers cycled, and only 1.1 are killed per every 100 million kilometers cycled.\textsuperscript{21} In contrast, the corresponding American statistics are 37.5 cyclists injured and 5.8 killed.\textsuperscript{22} Researchers adamantly deny that this immense disparity can be attributed in any way to more prevalent use of safety equipment. Fewer than 1 percent of Dutch adult cyclists and only 3-5 percent of children wear helmets while cycling.\textsuperscript{23} On the contrary, Dutch policy-makers fear that requiring helmets in any way would serve to discourage bicycle usage. This high level of safety for cyclists on Dutch roads is very significant, and its relevance will be returned to in subsequent sections.

**Theory: Safety, Efficiency, and Modal Choice**

Why do the Dutch cycle so much? Though this paper only aims at recounting why cycling has become a highly used mode of transportation in the Netherlands, it should be noted that the factors that have led to this high usage in the Netherlands also show up generally as contributing factors to high cycling frequency in other areas that are studied.\textsuperscript{24} There is, however, a significant body of research about cycling specifically pertaining to the Netherlands; because of the high volume of cycling and relative ease of gathering data, researchers have often begun with the Netherlands when studying what makes people more or less likely to cycle under various conditions and in various circumstances.\textsuperscript{25} This section will briefly summarize some of this cycling research with an aim to provide a basic grasp of the factors tending to cause frequent bicycle usage; subsequent sections of this paper will correlate these factors to those present in the Netherlands.

The various factors directly affecting rates of bicycle usage appear to coalesce around two central reasons: whether it is safe for a person to cycle, and whether it is an efficient means of transportation for that person at that time. These results are found both in responses to questionnaires\textsuperscript{26} and in measuring bicycle traffic in various areas with differing levels of cycling safety and efficiency.\textsuperscript{27} Danger is frequently the most cited reason among non-cyclists for why they do not cycle,\textsuperscript{28} and direct inverse statistical relations can be observed between rates of cycling frequency and cyclist mortality rates.\textsuperscript{29} Efficiency is a little harder to quantify directly, but as an example, many experienced cyclists cite speed of a journey as the most important factor to them for the sorts of trips they take.\textsuperscript{30} These factors of safety and efficiency are mostly influenced by policy decisions and by the design of transportation networks, and shall be explicated in more detail in later sections.

However, there is a more complicated “push and pull” dynamic between bicycle and automobile use, often found in transportation research, which appears to strongly influence cycling rates.\textsuperscript{31} To use a certain means of transport, it is necessary first for that particular means to be available to a person, and second for that person to choose it over all alternative means for a certain trip. For a bicycle to be used, then, for such purposes as commuting, shopping, going to school, and so on, it must be considered more attractive to a potential bicyclist than driving, walking, or taking public transport. The alternative choice which shall be focused on throughout this paper will be driving, as public transit and walking are not often considered mode choices that have negative effects on cycling rates;\textsuperscript{32} in fact, cycling and public transit are increasingly integrated in the Netherlands as a single alternative choice to driving, a phenomenon which shall be considered in due course.

The concept of the choice to use a bicycle to get someplace, then, can be expanded, and seen as the choice to use a bicycle instead of a car to get someplace: decreasing the rate of one mode choice will cause a corresponding increase in the rate of the other, as well as the other way around, all other things being equal.\textsuperscript{33} To encourage bicycle use, it is not merely sufficient to make policies and design transportation networks which are safe and efficient...
for cyclists; it is also necessary to hobble the competition somewhat, and make people less likely to use their cars.\textsuperscript{34} This paper will recount several ways in which the amount of cars on Dutch roads are controlled.

In addition to this direct modal competition, there is an additional feedback effect when the balance of vehicles using a road shifts towards bicycles: in general, the more crowded a road is with automobiles, the less safe a cyclist will feel, and the more likely it is that a bicyclist might have an accident with a motorist.\textsuperscript{35} Thus, the safety, comfort and attractiveness of a transportation network for cyclists can be improved by increasing the percentage of road traffic that is bicycles. Consequently, an ever increasing number of people will choose cycling as a means of transportation.

The dual approach of encouraging cycling and discouraging driving has been a key part of Dutch transportation-network planning and policy-making efforts. It can thus be hard to gather exact data relating to any one particular factor in isolation.\textsuperscript{36} With that in mind, this paper shall not attempt to exhaustively review every possible contributing factor to Dutch cycling success. In keeping with the stated centrality of high safety and efficiency for bicycle use, however, it shall identify elements of that success closely related to those themes, such as various traffic and accident liability laws, city design for high-density, mixed-use neighborhoods, and various modifications of conventional transport grids which both benefit bicycles and inconvenience automobiles.

\textbf{Laws and Policies: On the Cyclists' Side}

Dutch traffic laws are carefully written and enforced in a manner which advances the safety of bicyclists. In contrast to many other countries, motor vehicle speeds are strictly regulated, and violations can be heavily penalized. In residential neighborhoods, speeds are typically capped at 30 kilometers an hour (19 mph), and cities typically have a limit of 50 kilometers an hour (31 mph) – speeds which would no doubt frustrate an American driver to no end. Special “woonerf” (“home area”) residential zones, of which there are more than 6000 in the Netherlands, restrict automobile speeds even more drastically to no greater than walking speed.\textsuperscript{37}

Many other policies reflect the significance of the special place the cyclist is given on the Dutch road. In incidents and collisions between cyclists and motorists, the motorist is almost always presumed to be at fault; motorists are expected to be able to predict and avoid unsafe and illegal maneuvers made by cyclists and pedestrians, especially if those cyclists and pedestrians are children or elderly. Even if the motorist is not found to be at fault, their insurance company will automatically pay the damages of the accident, unless the cyclist can be proven to have deliberately caused the accident. Violations of zebra crossings and red signals are more stringently enforced than in the United States, leading to increased awareness of pedestrians and fewer attempts to make yellows at high speed. And unlike in the United States, motorists are not permitted to turn right on a red signal, keeping cyclists traveling through the intersection safer; even during a green, cars are required to yield to cyclists going straight.\textsuperscript{38} These policies both increase cyclist safety and decrease motor vehicle efficiency, fitting the “push and pull” model for both central factors described above.

Dutch policies also serve to ensure that driving is as expensive an alternative as possible to the inherently cheap choice of cycling. Learning to
drive is a long and costly procedure in the Netherlands; in this process, student drivers learn how to predict unsafe actions by pedestrians and cyclists, and are prescribed a method of driving characterized by caution and awareness of the fact that a cyclist is always less protected than a motorist. Learning to drive is generally done at an older age than in the United States and is not seen as the same sort of rite of passage as it is among American youth. Additional expenses are brought onto automobile users with high parking costs, exorbitant parking fines, heavy fuel taxes, and mandated expensive auto insurance. It is estimated the cost of auto use can be double in Europe what it is in the United States; these economic pressures serve as an additional factor in keeping cars off of Dutch roads, further increasing the safety and viability of cycling as alternative means of transport.

### Transportation Networks: Designed With Bicycles in Mind, Not Cars

Policies provide a legal framework and recognition for the bicycle’s place in a transit system; the physical space is provided by appropriate cycling facilities. These practices, of course, are common in most areas which attempt bicycle friendly transportation design; in the Netherlands, however, these cycle paths are quite simply found everywhere, and analyzers of bicycle networks in other countries often note or even decry the difference between the density and quality of Dutch cycle paths and those in their area of study. The most recent statistics show 34,600 kilometers of cycle paths, not inclusive of roads with bike lanes, allowing a Dutch cyclist to effectively travel anywhere in the country in near-complete isolation from automobile traffic. This extensive network benefits not only the safety of all cyclists but also the confidence of cyclists who are not able to exert the strenuous physical effort of cycling near the speed of automobile traffic.

Travel is made yet more efficient and safe for cyclists by management of intersections, an area particularly dangerous for cyclists. Some innovations in this area are as simple as giving a bike path a jog to the right before it crosses an intersection, allowing right-turning traffic a little extra time and space to spot and avoid cyclists in the intersection. More sophisticated measures involve timing intersections to provide green lights to cyclists traveling at a consistent (though not unreasonably fast) speed. Sensors at intersections automatically detect stopped cyclists and grant green lights accordingly, giving cyclists a few seconds of green before automobiles are permitted to move; in certain places, bicycles can completely bypass an intersection with a major traffic route by means of an underpass. Not only do all these measures decrease the chances of injurious collisions between bicycles and automobiles, they also help eliminate one of the most significant annoyances for cyclists: being required to waste energy stopping for and reaccelerating after a traffic light. Extra bridges for bicycles connecting suburbs with city centers across a wide canal or river also help optimize commute times for cyclists.
Finally, municipalities seek to encourage bicycle use by providing ample places for cyclists to leave their bike safely in public areas. Installations of free guarded bicycle lots in public squares or near train stations both encourage efficient door-to-door travel for cyclists and give them peace of mind about leaving their bicycle behind while at their destination. The work being done to integrate bicycles into the efficient and well-used Dutch train system is worth mention here; a recent program called the “OV-fiets” (“public transport bicycle”) is rapidly gaining popularity. The program allows members to quickly rent and return bicycles at a train station for a cheap price; this is ideal for people who use the train to travel to their city of work but still have some distance to travel after arrival at the train station.

Researchers had indeed been writing for years about how bicycle usage was comparatively quite infrequent on the “activity end” of a train journey; the introduction and spread of the OV-fiets is another example of Dutch innovation and planning for the inclusion of bicycles in as many transport journeys as possible.

In contrast to the ease and fluidity of downtown cycle transport, driving in a Dutch city can be diabolically complicated. Motorists are confronted with an unpredictable array of narrow roads, one-way streets (with bicycles permitted in both directions), bus-only streets (with bicycles permitted), bicycle-priority streets, and even streets completely closed off to motor vehicle traffic. Many historical cities, such as Groningen, ‘s-Hertogenbosch, and The Hague, have taken or are taking measures to severely restrict or outright ban automobiles from the historical centers, creating large spaces accessible only to pedestrians and bicycles, while some newer suburbs such as Houten have been specifically constructed to exclude automobiles from the central areas. Steep parking fees and a paucity of available spaces also effectively discourage cars from entering city centers.

Even in non-central, noncongested areas, however, the careful control of automobile traffic maintains a safe environment for pedestrians and cyclists. The bicycle-activated signaling already described is naturally less conducive to automobile traffic. As already mentioned, motor vehicle speeds are strictly regulated by law, but in addition, roads are often designed to make it impossible or dangerous for motor vehicles to move with excessive speed. Traffic calming measures, such as speed humps, street narrowings, and added zigzags, are quite common, especially in residential areas. They are carefully engineered, however, to minimally inconvenience cyclists; for example, the shape of a speed hump is designed to cause the least possible discomfort to a cyclist while still endangering a motorist traveling at excessive speed. Where possible, cycle paths often completely bypass calming apparatuses. Between all these policies and designs which inhibit motor vehicles while creating maximum freedom for bicycles, it could be said that the entire functioning of the Dutch transportation grid dethrones the automobile as king of the road.

The Composition of Cyclists’ Cities: Urban Design as Co-benefactor

Transportation networks in the Netherlands are explicitly designed with the bicycle in mind, but other, less obvious aspects of Dutch cities also reflect construction with mindfulness of cyclists’ needs. For example, typically American phenomena such as tangled webs of residential cul-de-sacs feeding out to a major road, or strip malls and other commercial zones surrounded by massive parking lots, are simply not to be found in the Netherlands. Not only is there typically not the space for these areas, but these designs are vastly inefficient for cyclists wishing to travel the most direct route door-to-door. Suburban residential neighborhoods are instead constructed permeated with cycle paths following the straightest lines to shopping and transportation centers, and vehicular parking, when it exists, is often behind rather than in front of a shopping mall. This method of urban planning, largely come into vogue since the 1970s, is a far cry from classical American city centers and suburbs built exclusively with the automobile in mind.

Although the size and composition of Dutch cities has not been explicitly controlled with cyclists in mind, the manner in which these have been
planned over the past decades has also led to co-benefits for bicycle users. For example, one aim of Dutch city planning has been to preserve existing countryside spaces. There are several examples of non-builtup areas in the Netherlands where development is restricted; the most notable is the Groene Hart (Green Heart), a countryside area completely surrounded by the nation’s largest cities, where traditional farms and windmills still dominate the landscape. The corresponding increase in city population density both adds pressure to transportation networks which is more easily dealt with by bicycles than autos, and additionally makes more short commutes for bicycle users feasible.

Indeed, popular conceptions of cycling in the Netherlands usually include the explanation of its relatively high population density (497 people per square kilometer, comparable to New Jersey), leading on average to shorter trip lengths. The average trip length in the Netherlands is in fact shorter than in the United States; 44 percent of trips in the Netherlands are shorter than 2.5 kilometers, compared to 27 percent in the United States. This should not be seen as a result of mere ethereal and unassailable demography, however; as just observed, city planning forces an even greater concentration of population into a small area. Additionally, the short trip lengths of the Netherlands also come from a high prevalence of mixed-use zoning. Residential developments are rarely

the isolated wildernesses of suburban America; rather, they include their own shopping and cultural centers and transportation links. They are also located close enough to town centers for easy foot and bike access. Again, this is not always explicitly done for the sole benefit of cyclists, but the practice helps enable cycling as a legitimate transport option for many Dutch people.

Hills and Headwinds: What Can't Be Avoided

A word should be allowed about the physical geography of the Netherlands. It goes without saying that the prospects of bicycle use in this country have been much favored by the renowned flatness of its topography. All other things being equal, hilliness can negatively affect the cycling rate of a city by as much as 74 percent, and indeed, as has already been noted, some of the lowest cycling rates in the Netherlands are recorded in the relatively hilly province of Limburg. The popular view that “Dutch people cycle so much because it’s so flat there,” however, should be discouraged. As already noted, the lowest cycling rates in the least favorable areas of the Netherlands are far higher than correspondingly ranked areas in many other Western countries, and the imagination can easily supply multiple examples in other countries of equally flat areas which do not have similar rates of cycling frequency. It should be clear that, while the topography of the Netherlands clearly does aid and has aided the use of the bicycle as an effective means of transport, the historical decision-making and planning processes which led to the extremely hospitable transport network and legal framework available today is responsible for the situation current to the Netherlands.

It should be additionally noted that, unlike its topography, the climate of the Netherlands is not similarly forgiving to a cyclist. Strong winds, precipitation, and cold can have a strong negative impact on the efficiency and pleasantness of cycling. These are all fairly frequent phenomena across the Netherlands, especially in the more maritime provinces. Data gathered in the Netherlands has been used to measure some of the effects of sorry weather on the number of cyclists on the road. A 2008 study correlated 24-hour data extracted from traffic flow measurement devices on multiple cycle paths near two Dutch cities (Gouda and Ede) over a several-year period with the weather observed and recorded at those places and times and quantified to a certain extent variations in daily bicycle use in relation to temperature, wind, and precipitation; the researchers found that between 50-70 percent of the variations could be accounted for by such meteorological factors. A separate 2011 study worked with residents of areas in the Netherlands where wind speeds are constantly quite high; they found them generally unwilling to change their commuting behavior by not driving, even when offered a tangible reward for doing
It is probable, then, that the Netherlands, despite its flatness is not necessarily the most hospitable location in the world for cycling; a similarly flat area with a drier and less windy climate could theoretically attain higher cycling rates.

A Society That Cycles: Historical Perspective and Cultural Attitudes

As has been related, many measures have been taken in the Netherlands to ensure bicycles have a secure and even privileged position on the roads. But how did authorities come to take this position, and how long have these measures been in place? In fact, as common as cycling presently is in the Netherlands, cycling rates are still not as high as they were before the Second World War. As in all the developed world, the bicycle was widely adopted after its invention and rapidly became quite popular among Dutch people, with Queen Wilhelmina herself photographed on a bicycle in 1938. After 1945, as in all the developed world, the Netherlands found automobile transport to be increasingly accessible and cheap, and began redeveloping its cities and transportation networks to accommodate for it. The postwar years saw cities spreading out, blocks of houses demolished to accommodate wider and faster streets, historical central squares devoted to parking, and medieval canals filled in to be replaced by highways – in short, fully encouraging the automobile in the “push and pull” model. Cycling rates dropped drastically, as much as 62 percent; the cultural shift in the perception of the relative social statuses of bicycles and automobiles was reinforced by skyrocketing numbers of injuries and deaths resulting from bicycle-automobile collisions. In 1971, 3,300 people were killed in cycling accidents, of which 500 were children.

Unlike in other countries, however, a tide turned; the Dutch fought to bring safe cycling back to the streets and acquiesced to the laws and policies put in place to curb the expansion of the automobile’s domains. In the early 1970s, a movement called Stop de Kindermoord (“Stop the Child Murder”) was formed and began a program of protests and activism aimed at making streets safer. This movement, growing concurrently with several other newly-emergent cycling advocacy groups, proved immensely popular and successful. As these groups campaigned for the wide-scale promotion and use of bicycling as an alternative to automobile transport, a tipping point came with the 1973 OPEC oil embargo against Western nations introducing new and jarring expenses and lengthy inconveniences to automobile use. Cycling became broadly accepted as a means of transportation equal in value to the car, and the Dutch national and municipal governments began supporting cycling with broad arrays of laws and planning measures, culminating eventually in the “master plans” of the 1990s which formally enshrined certain cycling policies as cornerstones of transportation planning. As cars were removed from the roads, death and injury rates plummeted and cycling rates soared simultaneously. Today, on a political level, support for cycling initiatives is strong in both local and national governments, invigorated by advocacy groups, and generally supported by the public. This historical case study, as can be imagined, is a crucial part of the prevailing theories mentioned earlier concerning the central importance of safety when cycling is a frequently chosen mode of transportation.

This history leads us to one final factor which has cemented the place of the bicycle in Dutch transportation, and that is the Dutch culture itself. Both now and in the past, cycling has been considered a part of “national identity,” something quintessentially Dutch to do; it is something the Dutch historically found worthy of support, and is something they have fought to maintain. The policies and designs which create such a welcoming environment for cyclists in the Netherlands were fundamentally produced by this attitude, and the environment they have created feeds right back into reinforcing the attitude. Mention has been made of the education programs in schools and how parents commonly encourage bicycle use among children, allowing this attitude to take hold from a very young age, and the ubiquity of bicycles among all levels of society ensures that the phenomenon takes hold at a national level, not in any sub-culture.

It is interesting, in this light, to revisit our earlier statistic showing a
lower cycling rate among immigrants to the Netherlands; it is highly likely that the adoption rate is slowed by different cultural perceptions of cycling.\textsuperscript{65} In many other countries, surveys of potential cyclists reveal a common perception of the bicycle as a children’s toy which is outgrown when a teenager gains access to “cooler” vehicular transport.\textsuperscript{66} Cycling can also be perceived as below one’s social station, the province of members of society without money for a car; or it could be perceived as a thing one might do for occasional recreation and relaxation rather than use for necessary transport. In the Netherlands, as we have seen, cycling is done by nearly all members of society for quite a variety of reasons; it is not only an environmentally friendly and socially egalitarian means of transportation, but also a part of life which they have been partaking in regularly since the age of four.\textsuperscript{67}

Cycling in the Netherlands: An Unmatchable Phenomenon?

Cycling as public habit has been suggested by many transportation researchers as a multi-potent solution to many separate public problems.\textsuperscript{68} The health benefits of moderate physical activity done every day, such as those provided by short bicycle trips, are well established, and research also indicates that the health benefits of cycling also outweigh the higher risks a cyclist might have of injuries on the road.\textsuperscript{69} Certain broader societal effects also emerge when cycling becomes common: the reduction of air and noise pollution improves the health and quality of life for all citizens, and reducing the number of cars on the roads reduces traffic fatalities for all travelers; and the bicycle is an inherently carbon-neutral, zero-emissions vehicle, making its use beneficial for the planet.\textsuperscript{70} Careful governmental plans and policies have helped create a Dutch society where cycling is common enough to be inescapable, but is the Dutch story attainable for countries which have made different choices in transport priority since the Second World War?

This paper has found that, to a degree, cycling in the Netherlands has been aided by a certain combination of intrinsic factors, such as a flat landscape and high population density leading to a tendency for shorter trip lengths. However, there are many areas in countries with low cycling frequency such as the United States which are similarly flat and densely populated. The fundamental difference between the two cases is that a national identification with the bicycle led history of designing and legislating for the bicycle has led to the reversal of postwar car culture and the preservation of a culture where cycling is done frequently, without a second thought, and is even considered a part of national identity. The extent to which cars are now devalued in Dutch urban planning can be seen now in Utrecht, where a centerpiece of an extensive city-center revitalization project involves the reconversion of a highway built in the 1960s road boom to the medieval canal it once was.\textsuperscript{71} This entrenchment of cycling as permanently available and popular transport mode choice has, to be sure, been the product of a cultural attitude, but it has also come out of the hard work of many decades, and it is not unreasonable to envision similar decades of effort providing similar results in other areas.\textsuperscript{72}

Indeed, John Pucher, in his many excellent articles on the subject of what creates the best cycling conditions, often speaks of Denmark and Germany in the same breath as the Netherlands as nations which have implemented transportation networks that have led to high frequencies of bicycle use.

With their unmatched system of bicycle-friendly transportation, the Netherlands has become model, guide, and consultant for places all over the world, from countries down to small municipalities, wishing to implement successful bicycle networks. It provides a clear example of a country-wide success in ensuring safe and efficient travel for millions of cyclists of all classes and demographics by means of careful and thoughtful design choices and policy interventions. Many of these designs and policies are easily introducible by national or municipal departments of transportation in any developed country. For example, it would be simple, though perhaps initially unpopular, to reduce road speeds, legally recognize the bicycle’s right to public roads, and stringently enforcing traffic safety laws which protect cyclists. A widescale
introduction of bike lanes and pathways would involve somewhat of an infrastructural investment, but these investments can be easily recovered in public health benefits. Once these legal and logistical frameworks are in place, further steps can be taken to optimize the safety and efficiency of bicycle transport, such as prioritizing bicycles at intersections. With the right combination of designs and policies, there is in principle no reason that places all over the world could see similar cycling rates to the Netherlands.

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Endnotes

7. Ibid., 504.
8. MVW (2009), 45.
10. MVW (2009), 15.
15. Ibid., 524; MVW (2009), p. 10 gives 10 percent for the same city (Heerlen).
17. Ibid.
22. Ibid.
32. Dieleman et al. (2002) argue that with proper management, public transport and cycling will minimally compete with each other as transport choices, although Rietveld & Daniel (2004) do identify a lower cycling rate with populous, spread-out cities having effective, well-used public transit systems.
33. This also holds for potential passengers in a car, such as children being taken to school by their parents.
34. Rietveld & Daniel (2004), 545.
37. Ibid., 42.
38. These two foregoing paragraphs are a most uneloquent summary of Pucher & Dijkstra (2000), 36-47.
45. MVW (2009), 60-1.
47. See, for example, the website of the Municipality of The Hague, “City Centre to become Car Free” accessed 03/02/2013 at http://www.denhaag.nl/en/residents/to/ City-Centre-to-become-Car-Free. htm
48. MVW (2009), 59.
51. Ibid.
62. The original “master plan” is Sign up for the Bike — Design Manual for a Cycle-Friendly Infrastructure by Stichting CROW (Information and Technology Centre for Transport and Infrastructure, Ede, The Netherlands, 1998).
64. Ebert (2004), 364.
67. MVW (2009), 19.
68. Pucher & Buehler (2008); Younger et al. (2010).
71. Doucet, op. cit.

**Bibliography**


Givoni, Moshe & Piet Rietveld, ‘The access journey to the railway station and its role in passengers’ satisfaction


Ministerie van Verkeer en Waterstaat & Fietsberaad, Cycling in the Netherlands (MVW, Den Haag, 2009).


Stichting Landelijk Fietsplatform, Zicht op Nederland Fietsland (Stichting Landelijk Fietsplatform, Amersfoort, 2009).


Art, Apparatuses, and Collectivity in Argentina

by Luke Urbain

Art projects by: Liliana Maresca, Matthijs de Bruijne, and Fernanda Laguna represent the Buenos Aires cartonero, or cardboard collector, and occurred at distinct periods before, during, and after the economic crisis of 2001-2002. The material culture and consumption patterns of the projects interrogate the apparatuses of capitalization and globalization, which worked to fix the cartonero as the Argentinean emblem of social detritus. Ultimately, a reevaluation of consumer, producer, artist, subject, and viewer roles caused a shift toward collective, relational models of representation.

In November 1968, a group of artists banded together to raise awareness of what they saw as government malice toward the inhabitants of Tucumán, an impoverished province in Argentina. Tucumán had already been struggling before the government shut down its sugar mills, a veiled punishment for protests. The artists’ manifesto cites an overbearing Di Tella Institute “[…] led a group of artists to formulate aesthetic creation as a violent action […]”

Their violent action acted as a form of creation that disturbed the hegemonic order. The artists created an exhibit titled Tucumán Arde², which presented facts the Argentine government previously ignored or altered. Over forty years later, the happening of Tucumán Arde continues to spark essays, exhibitions, and debates as to whether Tucumán is still burning.

Move southward geographically, forward chronologically, and a number of crises removed, Tucumán’s embers smolder in visual representations of the Buenos Aires cartonero, yet another Argentine emblem of marginalization. The particulars have changed since the 60s, but the art still questions issues of subaltern representation, crisis, and collectivity. With a nod to theorist Giorgio Agamben’s notion of the apparatus, Slavoj Žižek’s writings on waste and capitalism, and critic Nicholas Bourriaud’s concept of relational aesthetics, three art projects that represent the Argentine cartonero will be inspected. All projects pay cartoneros for objects they have collected, which are in turn appropriated to varying degrees. The three projects adhere to an object-based representational model and avoid direct, or photographic, visual representation of the cartonero. The use of readymades, objects purged of their original context and represented as art, is a topic far outside the scope of this paper. Nevertheless, it is necessary to discuss the use of readymades insofar as these objects carry specific connections with consumption and a material specificity that implicitly references the cartoneros. In their materiality and consumption, the projects gesture toward capitalism and globalization, two apparatuses made all the more suspect by Carlos Menem’s neoliberal policies of the 1990s and the subsequent Argentine economic crisis of 2001-2002.

Under the presidency of Carlos Menem (1989-1999), the Argentine government took on a policy of

privatization and foreign borrowing. The peso’s value was linked to the United States dollar. During the Menem presidency, the government allowed unprecedented foreign investment and competition, even in the previously state-dominated industries of telecommunication, petroleum, banking, agriculture, electricity, and water. In the late 1990s, Argentina had the highest standard of living and the third largest economy among Latin American countries. Soon, however, the country ran into problems simultaneously fulfilling debt to and competing with foreign nations, and by the end of Menem’s second term the economy was crashing. Under President Fernando de la Rua (December 1999-December 2001), the crisis realized its most dramatic moments. As the banking system collapsed, a corralito that prohibited money transfers outside the country was imposed; pensions were destroyed and the lifetime savings of millions of people were diminished or lost. December 2002 saw the emergence of thousands of protesters and the exchange of four presidents in a matter of weeks. During this crisis, the price of paper increased 300 percent due to inflation. Collecting trash became an occupation and source of livelihood for the newly minted class of urban destitute: the cartoneros or cardboard pickers. While the cartonero existed before 2001, during the crisis the cartonero went from being peripherally visible to socially salient.

After the crisis, the cartoneros of Buenos Aires numbered up to 100,000 by some accounts. Wages fell, jobs vanished, savings disappeared, and as the price of cardboard tripled many turned to the streets to gather what was left.

Cultural philosopher Giorgio Agamben calls an apparatus “literally anything that has in some way the capacity to capture, orient, determine, intercept, model, control, or secure the gestures, behaviors, opinions, or discourses of living beings.” Under Agamben’s concept, the cartonero can be seen as the Argentine emblem of marginalization for the new millennia, captured in a complex and competing matrix of media, foreign gaze, globalization, economics and community. As Agamben notes, “It would probably not be wrong to define the extreme phase of capitalist development in which we live as a massive accumulation and proliferation of apparatuses.” While considerable research has been devoted to the cartoneria presses, other forms of creative representation remain untreated. By addressing these forms of artistic representation, the hope is to further explore some of the apparatuses that capture the cartonero. Furthermore, as the three projects explored occur at distinct moments before, during and after the crisis, a shift occurs in how the cartonero is captured.

Recolecta

Liliana Maresca’s 1990 installation, Recolecta, appropriates the image of the cartonero cart to investigate artistic production. The title, Recolecta, makes reference not only to Recoleta, an affluent community in Buenos Aires, and Centro Cultural Recoleta (CCR), the eponymous art center in which it was displayed, but also references the cartoneros who recollect objects from the trash. The installation consists of four carts: two carts wheeled in off the street, one of which is painted entirely white, and two small metal casts of the cart, one plated in silver and the other plated in gold. A text by the sixteenth century alchemist Paracelsus accompanies the installation.

Maresca obtained borrowed carts from cartoneros in the Warnes. The Warnes, a symbol of unrealized progress, was originally intended to be the site of a pediatric hospital but ultimately became a slum. Despite Maresca’s attempt to purchase the two large carts for the installation, the cartoneros would only accept money for the objects within the carts, and permitted her to take the carts only on loan. No account as to whether the carts were returned was found. The project represents the view of a pre-crisis Argentine artist, and her work was displayed only in the CCR. Much current discourse has focused on Maresca’s supposed premonition of the coming multitude of cartoneros. In N, Clarín’s cultural supplement, Ana María Battistozzi wrote, “Maresca was already so concerned with [cartoneros] as to transform the action into the focal point of her installation.”

Contrary to this and other similar readings of Maresca’s
installation, the use of the cart is not a foreshadowing of the cartonero’s importance, but instead plays with the idea of trash and its transformation into art. An identical installation using a garbage can instead of a cartonero cart would read similarly, aside from the idea of selection (the objects in a trash can are essentially random, where items in a cartonero cart are deliberately chosen). So, why use the cartonero cart? The miniature golden cart represents the final iteration in the process of artistic production, and shows art as the last act in Maresca’s series. The fact that the cartoneros are represented, however, should not be overlooked. This was more than a decade before the economic crisis. In 1990, the cartonero in Buenos Aires was considerably less pervasive than after the crisis, even if for the artist the city was “infested with cartonera carts.”

Maresca looks down at the cartoneros. The original cartonero cart is the most primitive in the four-step evolutionary process towards art. It is through Maresca’s artistic intervention that something to be admired is produced. Even though her primary intention was to manifest the process of artistic production, she ultimately gives cartoneros agency by simply representing them in a prestigious Argentine exhibition space. The use of the cart is an invasion of an affluent, white box by a subaltern.

**Liquidacion.org**

Liquidacion.org and the subsequent exhibition formed around it transformed trash items, found by cartoneros in Buenos Aires, into items for sale in an online marketplace created specifically for the project. Audio recordings of dreams were also sold, though in limitless editions. The goal was to both help the cartonero with the proceeds from the sales and to raise social consciousness. Liquidacion.org is the product of Dutch artist Matthijs de Bruijne who went to Argentina in 2002 and put the site online in 2003 when the cartoneros skyrocketed. Audio, field recordings in Spanish taken by de Bruijne, accompany nearly every page on the site: text is available in both English and Spanish.

De Bruijne included sixty-four objects and eleven dreams. Each object has a corresponding web page accompanied by a brief diary-like excerpt from the artist, a photo of the object, and a short audio description by the cartonero about the object he or she found. Dreams are similarly presented, with individual pages corresponding to each dream, photos de Bruijne took of the cartonero’s locale, and partial transcriptions in both English and Spanish. The found objects vary from teapots to dildos, worthless money to old photos, and the prices range from ten to fifty dollars. The reasoning behind the pricing was to more or less double the market price. De Bruijne reiterates that, “the sales price of the object is lower than a piece of art, but higher than the prevailing market value.” Prices were set in US dollars because they represented the primary global currency and buyers paid for shipment. All profits were given to the cartonero who found the object or recorded the dream. Objects continued to sell even after the artist returned to the Netherlands, and if a cartonero could not be found, money was instead given to a soup kitchen in Argentina’s Tucumán province.

The eleven dreams range in length from 2½ to 5½ minutes. The voice of de Bruijne is audible in a number of the recordings, occasionally questioning or prompting the speaker. According to the artist, he was better friends with the cartoneros who let their dreams be recorded than with the cartoneros who supplied only objects. Confusing dream with reality characterizes the recording. In Antonio’s dream, he is caught with a girl in his neighborhood, even though the girl exists, the interaction does not. In another case, Marga describes how her house burned down. In the recording, de Bruijne tells her that this actually happened. A theme in a couple of the dreams is loss of property. This can be seen in Marga’s dream, as well as in Julia’s dream, in which property is lost in a great flood. In another dream, a cartonero is forced to return an object found in the trash to its owner. If dreams offer an unfiltered
view of the subconscious, then the sample population of dream-supplying cartoneros evades classification. Dreams were sold for 35 to 50 dollars, or roughly two week’s wages according to de Bruijne. The arbitrary range of prices was chosen by the artist to imitate marketplace values, an idea echoed in the supermarket-like flyer shipped out with every item sold. For de Bruijne, dreams represent a minimized reduction of personal property. While jobs, a sense of security, or a certain lifestyle can be taken away, dreams cannot.

De Bruijne’s representation of the cartonero is multidimensional. Members are not solely framed as underprivileged. And while it is true that the cartoneros are represented as objects, they also have names, voices, and dreams. De Bruijne’s diary-like comments add further weight to the figures portrayed. Some have only recently become cartoneros while others have been picking trash for years before the crisis; some are men and women and others are transvestites; there is pain and misery in their work, but there are also moments of joy. The cartoneros are given a degree of specificity in the project as each object or dream is identified with the cartonero who found or shared it. De Bruijne identifies himself as the artist and the website as the art project. He does not see the cartonero as an artist, however, neither does he look down upon them, as Maresca did.

De Bruijne’s status as a foreigner is a potential issue for his practice and representational model. At the end of the day, this is still a European man from a former colonial power interested in an underprivileged class in a foreign, formerly colonized country. What stops this from being a colonial view of an exoticized subaltern? De Bruijne chooses not to see himself in that context and took steps to evade being labeled as a cultural tourist. As Cecilia Pavón noted in an interview, “Matthijs insisted on differentiating himself from the majority of “political tourists.” Later, the artist adds, “When making the project, the most important thing was that it have a direct result on the real world. Generally, foreigners come, take photos, make their documentary, show it in their countries, make money and as for the cartoneros, what is left for them? Nothing.” The artist is conscious of how his status as a foreigner might problematize his representation of the cartoneros. Furthermore, de Bruijne noted the importance of cultural exchange. As he learned about the cartoneros’ way of life, they learned of his too, asking questions when the Netherlands was mentioned in television news. As the artist spent several months in Buenos Aires, picked trash with the cartoneros, and formed friendships with them, de Bruijne avoided political tourist status. In an informational page on Liquidacion.org, he notes how he is a “wealthy artist from Amsterdam” that ultimately “came deeper into their world and again and again … had to restrain [his] anger by seeing their everyday struggle.” He acknowledges his privileged status as an outsider to the world he seeks to temporarily inhabit.

**Fernanda Laguna and arteBA**

Fernanda Laguna is an Argentinean artist and writer who works for the cartonera publisher Eloisa Cartonera. At Arte Buenos Aires (arteBA) 2005, a predominately Argentinean contemporary art fair, Laguna exhibited and sold fifteen cardboard boxes, signed by the cartoneros who had found them. Laguna collected contact information from the participating cartoneros, but could only reach eight of them after the sale. Since the entire set sold for 900 pesos, Laguna gave the eight responding cartoneros 110 pesos each. She kept the remaining few pesos, an amount she equated with the market value of the sold cardboard boxes. While Laguna did not know any of the cartoneros at the time she began the experiment, she noted that some of them became friends afterwards.

The boxes were sold jointly to Zavaleta Lab on behalf of James Martin, whom the gallery called a “great collector of Latin-American art.” Zavaleta Lab is a gallery in Buenos Aires where according to its website, “one finds international tendencies that are an effect of globalization and current discourse represented.”

While Laguna takes a share of
profit where de Bruijne takes none, she ultimately calls more attention to the absurdity of a life supported by recycled cardboard as well as the economic system under which that life has been realized. Laguna’s leftover pesos are a symbolic profit. The amount points out how little the cartoneros survive on, and the lengths to which they go to achieve even that. Furthermore, the distribution of profit suggests a reevaluation of roles. The cartonero is the main recipient of profit, while the artist is secondary. This distribution of profit fits in with the concept and execution of Laguna’s project, in which the cartonero is given a greater degree of agency. By signing the cardboard, the cartonero marks it in much the same way as an artist signs a work of art. The ownership inherent in a signature is mimicked by the corresponding distribution of profit. Laguna also locates the object within an art fair, heightening the status of these objects as art objects. As Laguna explained, even though the boxes were sold collectively, “each box is a work of art … in the sense that it is a transformation of life, destiny, and the established.”

All projects avoid direct visual depiction of the cartonero. In Maresca’s work there are carts but not the bodies that push them; for de Bruijne there are photos of spaces inhabited and objects touched by the cartoneros as well as their voices, but not the cartoneros themselves; and Laguna includes only objects that bear an implied physical connection to the cartonero. On all counts, the cartonero is conjured indirectly. With the exception of two minor appearances in de Bruijne’s project, the question arises: is the object-based representational model used by Maresca, de Bruijne and Laguna inevitable? Would a photograph not be a more simple, direct, and identifiable way of capturing the cartonero? Furthermore, is it not precarious to equate a living being with what is seen as the waste products of consumption?

Theorist Giorgio Agamben articulates why photographic representation of the cartonero might fail:

> What defines the apparatuses that we have to deal with in the current phase of capitalism is that they no longer act as much through the production of subject, as through the process of what can be called desubjectification. [...] what we are now witnessing is that processes of subjectification and processes of desubjectification seem to become reciprocally indifferent, and so they do not give rise to the recomposition of a new subject, except in larval or, as it were spectral form.

This spectral form can be seen as the ghost of the touch of cartonero, or the implied physical connection implicit in all three art projects. For all their differences, the agreement on a tangential, object-based representational model among three artists of differing backgrounds and periods of production calls for inspection of the materiality and appropriation of trash. Appropriation of an item into a work of art questions the notion of context-contingent meaning. That is to say it interrogates whether there is a stable identity of any object. As de Bruijne, Laguna, and to a lesser degree Maresca all fill art exhibition spaces with literal trash, they reduce the referent down to pure waste, and subvert the site of art exhibition in the process. The idea of recycling is invoked in a couple different ways. When incorporating these objects into an art project, the item is being recycled in a physical sense. That is to say it is used to an end other than that for which it was created. There is also a recycling of meaning. What was once labeled as trash is now labeled as art. These notions of assemblage and appropriation shift the object of waste toward the art object. This shift is articulated by Slavoj Žižek, quoting Jacques-Alain Miller, in his book, A Fragile Absolute – Or Why Is the Christian Legacy Worth Fighting For:

> [...] in today’s art, the gap that separates the sacred space of sublime beauty from the excremental space of trash (leftover) is gradually narrowing, up to the paradoxical identity of opposites: are not modern art objects
more and more excremental objects, trash (often in a quite literal sense: faeces, rotting corpses...) displayed in--made to occupy, to fill in the sacred place of the Thing?34

These three projects fit within the post-crisis trend Žižek notes of art to push its subject down the continuum from sacred to profane, art to waste. Maresca locates trash, literally wheeled in off the street, in an art museum, the most established site of the projects considered here. De Bruijne and Laguna work with objects and cardboard that are easily enough translated as the waste of consumption. Cardboard is cast aside as products are consumed, and it eventually becomes waste. Žižek goes on to note that the art/waste equation has one more term:

The main production of the modern and postmodern capitalist industry is precisely waste. We are postmodern beings because we realize that all our aesthetically appealing consumption artifacts will eventually end as leftover [...]35

The use of cardboard and trash as art not only conflate art with waste, but also with consumption. Furthermore, according to Žižek, capitalism is best represented through waste. The later two projects reiterate a cycle of consumption that both begins and ends with waste. The cardboard and the objects cartoneros find are literally the waste products of the apparatuses of capitalism and globalization. This type of rhetoric, waste as all that remains, is repeated over and over again, not only by Žižek, but also in art projects of the post-crisis. On its informational opening page, Liquidacion.org proclaims that it “sells what is left over. Dreams and objects directly from the trash.”36

The representational model that the three projects propose reduces the human condition to a piece of trash. While the reduction of a living body to trash certainly does representational violence to the posited body, this comments on the lamentable reality of the cartonero in post-crisis Argentina.

The projects become more interesting and complicated when one considers how they are consumed. For de Bruijne, the buyers of objects on Liquidacion.org have broad buying motives—to collect, to get a deal, to support cartoneros—while the buyer of Laguna’s cartonero-signed boxes purchase art.37 Regardless of motive, the buyers purchase garbage and, ultimately, consume the detritus of poverty. If the material history of these objects interrogates capitalism, then the way they were consumed questions a conjoined apparatus of subjectification, that of globalization.38

Before any money is exchanged for these art objects, consumption is already overwhelmingly foreign. For Maresca and Laguna, an art museum or art fair is a site where the foreign gaze manifests itself. Even as arteBA evades the traditional art fair or biennial format, it can still be seen, along with the CCR, as part of a trend for every global city to have an art fair and an art institution. The buyers were similarly geographically dispersed. Laguna’s project sold to an art collector from the United States via a Buenos Aires gallery. De Bruijne shipped objects from Liquidacion.org to Canada, the United States, Mexico, different countries in Europe, and Argentina.39 De Bruijne even cited raising foreign consciousness about the cartoneros as chief among his concerns when organizing the project.40 The second wave of consumption comes with the audience that viewed the projects of the post-crisis through the media. Over one million people visited Liquidacion.org, more than 30,000 people visited the corresponding exhibit, and it was profiled in leading Argentine newspapers and on the BBC.41 Similarly, 85,000 people visited arteBA in 2005.42 Even if every visitor did not see Laguna’s project, thousands more saw the work than bought it. The number of people who have consumed visual representations of the cartonero now far outweigh the number of cartoneros in Buenos Aires, even at their most populous.

Since consumption of these projects is largely foreign, the sale of these objects functions as an analog to the sale of Argentine modes of production to foreign multinationals under Menem. The practice that de Bruijne and Laguna stage is, however,
hardly an approving homage to Menem’s neoliberal policies. The artists are not selling modes of production, but instead the result of said modes: poverty manifested as consumption consumed. The artists also upset original intent of the foreign dollar by shifting it away from profit in a capitalist context, and towards what might be identified as compassion, even as this motive may not have been primary for the buyers. As de Bruijne notes, “What became clear to me during this project is that poverty is an economic product with which you can make profit.” The buyers are, then, purchasing poverty instead of capital. The projects of the post-crisis point out the absurdity of the system they appropriate by showing the extremes to which consumption can be taken. Even poverty is within the cycle of production.

Participation in these art projects has manifested itself on different levels—through the cartonero, the artist, the sites of exhibition, and the various consumers. Without the consumption of these objects by foreigners with enough money to buy expensive trash from Buenos Aires, the projects would fail to comment as succinctly on the impacts of globalization and capitalism. Indeed, in the art projects of the post-crisis, the viewer’s role is wildly disparate from simple spectator. Nicholas Bourriaud, a cultural critic known for applying his idea of relational aesthetics to art of the 1990s, explains, “Present day art shows that form only exists in the encounter.” Bourriaud notes a trend that shifts the viewer from the traditionally passive observer to a more active participant:

‘[…] the exhibition situations [of Gonzalez-Torres among others …] negotiate open relationships … which are not resolved beforehand. […] It wavers between the status of passive consumer and the status of witness, associate, customer, guest, coproducer, and protagonist. So beware: we know that attitudes become forms, and we should now realize that forms prompt models of socialibility […]’

The relationship, in turn, becomes less about an individual reaction, but instead a collective one. De Bruijne and Laguna establish a framework for relations: the objects themselves are not as important as the network that connects all these objects and people. While Laguna’s project is more a commentary on the ability of trash to become art than de Bruijne’s, both projects ultimately gesture towards the apparatuses and relational networks that produced that box or trash object.

The conflation of roles among buyer, consumer, and producer is in line with what Bourriaud identifies in his second book Post-Production, with a nod to Marx, as a “scrambling of boundaries between consumption and production.” Artists are using the cartoneros to produce art, cartoneros are using the artists and buyers to gain livelihood, and the buyers are using the artist and cartoneros to procure objects that mark them as socially conscious collectors or art aficionados.

The revision of roles between artist, cartonero, and spectator, happens in different ways in de Bruijne and Laguna’s projects, and it has everything to do with what forms of elitism that the artists choose to evade, embrace, and interrogate. De Bruijne maintains the artist/subject hierarchy, but goes to considerable lengths to extricate himself from the label of “cultural tourist” and his project from traditional sites of art presentation. He chooses to publish text in English and Spanish, not his native Dutch, which demonstrates an insistence not to assert cultural dominance, but to observe an established global order. Furthermore, he goes out of his way to frame the cartonero through traditionally objective means—photography, audio recording,
direct quotation transcription— to evade claims of cultural tourism. De Bruijne also uses the Internet, which functions outside the hegemonic practice of art exhibition. Conversely, Laguna chose to showcase her project in a more exclusive framework—that of an international art fair—but still she subverts the artist/subject hierarchy. According to her, every box is a work of art. While the price of de Bruijne’s cartonero-collected objects exists nebulously between art and market value, Laguna clearly distinguishes between the two. She gave the cartonero the share attributed to artistic value, and kept what she considered the market value.

As all these projects shift the identity of the cartonero away from a marginal figure and symbol of social detritus and toward a visible participant in the cycle of production, they suggest forms of collectivity. As Argentinean art historian Andrea Giunta notes in her book, Post Crisis: Arte argentino después de 2001:

“The spontaneous organization ... that constituted the scene of the crisis established the “multitudes,” which Toni Negri and Michael Hardt referred to in their first book Empire, in all their insurrectional and organizational expression in Argentina. Hundreds of thousands of protestors ... made rethinking alternative modes of production to the logic of capitalism possible.”

The three cartonero-based projects form a chronology that shows the movement towards collectivity. Ironically, while Maresca’s work thematically evokes the idea of evolution, Recolecta represents the most primitive iteration in this trend. She engages with the cartoneros while keeping class hierarchies intact, pays them for the objects in the cart and borrows the carts on the understanding that they will be returned. Later, de Bruijne shifts the cartonero further away from the artist. Even while he is ultimately responsible for editing the project and choosing which objects are sold, the cartonero selects the object and contextualizes it. Further still, Laguna gives the cartonero as much agency as to have him or her sign a piece of cardboard like an artist. Again, in both crisis and post-crisis projects, the cartonero receives part or all of the profits from the sale of the work of art, muddying the distinction between artist and participant and shifting the focus towards production. In short, these projects clearly review the process of artistic production to form a more collective, or as Deleuze and Guattari would say, rhizomic mechanism.

The collectivity implicit in projects during and after the Argentinean economic crisis hinted at a reevaluation of modes of production never fully realized. This search, however, takes place elsewhere in Argentina, both near and far from the realm of artistic production. Still near it, cartonera editorials have proposed an alternative to the publishing industry. While Eloisa Cartonera of Buenos Aires was the first publishing cooperative, founded in 2003, today there are dozens throughout Latin America, Europe, and Asia. The literature, mostly poetry and short stories is written by authors both well and hardly known, photocopied and bound in cardboard collected by cartoneros, and decorated by children of cartoneros. The cartoneros are paid well over market value for the cardboard. Eloisa Cartonera began to spread affordable literature in Buenos Aires at a time when the economic crisis was affecting even Argentina’s publishing industry. The books produced act as aestheticized objects on the verge of contemplation as art objects. Also, it is not the product of one but of many who work together. While all the art projects examined here are durational and have a concrete end,
cartonera publishers represent a model that comes closest to sustainability. Further still, and now completely outside the realm of artistic production, are cases of post-crisis reclamation of processes of production by workers. Specifically, in 2003, after a number of factory owners fled during the crisis, workers reorganized and began running factories at a profit with all workers receiving equal wages above the national average.48

The ghost of Tucumán Arde is indeed alive in these visual representations of the cartonero. The want to increase public consciousness as well as the impulse to destabilize the site of art exhibition remain intact, though the methods have changed. Upon capturing the cartonero through the crisis, the subaltern the projects represent is given more agency, even as that of the artist diminishes (Maresca condescendingly observes, de Bruijne enthusiastically participates, and Laguna inverts the artist/subject hierarchy altogether). Therefore the means of representation evolve to more collective, less hierarchical models. Robert Jacoby, one of the artists involved with Tucumán Arde, quoted Marx in one of his posters: “todo lo sólido se esfuma” or “all that is solid melts into air.” The melting or vanishing of barriers initiated in Tucumán is realized through the progression of crisis and post-crisis art projects. Distinctions between artist and subject, producer and consumer, production of art and social consciousness, global postmodernism and Argentine regionalism, the sacred art object and the profane waste product are all, to borrow Bourriaud’s term, scrambled.

**Endnotes**

2. “Tucumán Arde” translates as “Tucumán Burns”
6. Ibid., 86.
9. Ibid., 15.
14. Matthijs de Bruijne, personal interview, 8 March 2012.
16. Matthijs de Bruijne, personal interview, 8 March 2012.
17. Ibid.
19. Matthijs de Bruijne, personal interview, 8 March 2012.
20. Ibid.
22. Ibid. Original text: Al diseñar el proyecto lo más importante era que tuviera una consecuencia directa sobre la realidad. En general los extranjeros vienen, sacan las fotos, hacen su documental, lo muestran en sus países, ganan su dinero y a los cartoneros, ¿qué les queda? Nada.”
23. Matthijs de Bruijne, personal interview, 8 March 2012.
24. Ibid.
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27. Fernanda Laguna, e-mail message to author, July 10, 2012.

28. Ibid.


31. Laguna. Original text: “cada caja es una obra de arte, tomando al arte en el sentido de que es la transformación de la vida, del destino. de lo establecido.”

32. There are two exceptions to the absence of photography found in the work of de Bruijne. Even though this is not part of his Liquidacion.org project, the artist did photograph cartoneros, and when these photos were published in newspapers or part of art exhibitions, the cartonero received copyright on the photo and any money associated with its use. Also, in de Bruijne’s project, an extremely truncated, literally marginalized figure appears in one photo.


35. Ibid., 37.


38. The apparatus of globalization is equally evident in the objects themselves, as one can imagine that while found in the trash in Buenos Aires, their places of production are geographically disparate.

39. Ibid.

40. Ibid.


43. De Haan.

44. Nicholas Bourriaud, Relational Aesthetics (Les presses du réel, 2002), 21.

45. Ibid., 58.


47. Andrea Giunta, Poscrisis: Arte argentino después de 2001 (Buenos Aires: Siglo Ventiuno Editores, 2009) 64. Original text: La organización espontánea en forma de asambleas, el trueque en las plazas, y los modos de intercambio y solidaridad que constituyeron el escenario de la crisis llevaron a plantear que las “multitudes” a las que se referían Toni Negri y Michael Hardt en su libro Empire existían en toda su expresión insurreccional y organizativa en la Argentina. Cientos de miles de manifestaciones y organizaciones de cooperación en red hicieron posible pensar formas de producción alternativas a la lógica del capitalismo.


Bibliography


De Bruijne, Matthijs. Conversation with author, March 8 2012.

De Bruijne, Matthijs. Conversation with author, April 19 2012.


Laguna, Fernanda. E-mail message to author, July 10, 2012.


Zavaleta Lab. E-mail message to gallery, July 13, 2012.

Patterns of Displacement

Colonialism’s Socioeconomic Legacy on Indigenous Populations in Voluntary Isolation in Madre de Dios, Peru

by Sandra Zuniga Guzman

his paper offers a perspective on the modern-day effects of colonialism in the Madre de Dios River Basin, located in the Peruvian Amazon. It argues that through an analysis of the socioeconomic legacies of the colonial economies in this region, it is possible to find patterns in modern-day state policy towards resource extraction and indigenous communities. Drawing on history, politics, anthropology and law, the paper posits that due to colonial construction of the Amazonian space as tribal – a vacuum of development – by the Catholic Church at the height of colonialism, Amazonian peoples have never been fully incorporated into the Peruvian legal framework. In particular, indigenous peoples living in voluntary isolation, such as the Mashco Piro, find their protection marred with obstacles – primarily a legal system that gives precedence to economic development and integration over territorial autonomy.

European colonialism in South America during the sixteenth century had predictable consequences for native peoples. Only recently do researchers have a better understanding of the ways in which colonialism’s effect on the Amazon forced indigenous groups into diminishing territories, wiping out microcosm civilizations with epidemics and violence. The history of "contact" in Amazonia is a legacy of enslavement, punitive actions, forced relocations and downright ethnocide. It prompted the dissolution or flight of many communities from Brazil to modern-day Madre de Dios, Peru and, as elsewhere in the Americas, set in motion a chain of events with far-reaching repercussions, starting with a model for modern state-indigenous negotiation and abuse. Since then, the forces of state and market expansion have created within tribes a culture of accommodation, resistance, flight, and intertribal warfare. For many indigenous communities in the Peruvian and Brazilian Amazon, legal abuse and mineral extraction is not the modern brainchild of development and capitalism, but a consistent pattern of shifting borders where progress attempts to fight against constructed ideas of tribalism.

I. The Case Study

Modern-day Madre de Dios, the case-study for this paper, is a region in southeastern Peru which borders neighboring states Brazil and Bolivia and shares boundaries with the Peruvian regions of Ucayali, Cusco and Puno. Madre de Dios is known for its historical role in the Rubber Boom

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of the 1800s, which resulted in the demographic collapse of indigenous peoples in the area, explaining why of the region’s population of over 90,000 inhabitants only 10% are indigenous. Of the many different communities made up by original peoples (Harakmbut, Matsigeka, Ese Ejia, and more), the Mashco Piro, of the Arawak linguistic family, are one of the main groups living in isolation.

The United Nations Commissioner for Human Rights defines indigenous peoples in voluntary isolation as “segments of a community that do not maintain regular contact with the majority of the population, and that typically avoid most kind of contact with peoples outside their immediate group.” Though there are still some tribes in the world believed to have had little to zero contact with modern society, the Mashco Piro tribe has had periods of contact followed by a return to isolation. While self-imposed, the role of isolation for indigenous communities like the Mashco Piro is less a voluntary option and more a strategy for survival. Understanding this is important in establishing a distinction between two different indigenous groups: those that given their level of vulnerability have never been contacted, and those that given certain developed interactions and relationships with society have decided to return to a state of isolation. However, even in isolation, these communities do not live in a vacuum. Indigenous peoples in voluntary isolation like the Mashco Piro live in the vicinity of tribes in transition, settlements and development projects, such as mining camps, natural gas lines and logging zones. As a result, even when the communities in Madre de Dios experience greater legal protection than they did in previous decades, they still face demographic pressures akin to those of the colonial expeditions.

Thus, this paper seeks to analyze how colonialism’s socioeconomic legacies have affected the modern lives of indigenous populations living in voluntary isolation in Amazonia, with a particular focus on the Mashco Piro in Madre de Dios, Peru. Though an answer to the underlying question might seem evident given the historical ramifications of displacement and traumatic initial contact that pushed many communities into isolation in the first place, the paper will also try to unravel the social legacies that permeate the system through which these communities are protected today. The intended result is to expose the legal gap left behind from a lack of normative protection process for indigenous communities in isolation.

II. Understanding History, Geography, and the Economies of Madre de Dios, Peru

Most scholarship continues to accept the Harakmbut as the earliest settlers of the Madre de Dios basin. However, in 1973 Gonzalés del Río found divergent archeological evidence in Lago Sandoval, an area primarily occupied by the Esa Eja people, a group of Tacana speakers. Due to the difficulties of resolving the dispute with definitive evidence, both tribes are believed to be some of the earliest ancestors of the area, as well as some of the first trading communities.

The Harakmbut were soon followed by the Arawak, Pano and Tacana, all named after their respective linguistic families. Out of the three groups, the Tacana language family is the precursor to four different languages still in use in Madre de Dios. However, it is best known for the Esa Eja language and the tribes that take its name. Now numbering close to 1,500, most Ese Eja settled in what are today nine titled communities widely dispersed along the Madre de Dios rivers and their tributaries in the border areas between Amazonian Peru and the Beni region of Bolivia. The Arawak community, which settled in the watershed areas between the Madre de Dios and Purús river basins near the border of Brazil, had some Mashco Piro tribes, which to date live in relative isolation.

Overall, few details can be found in regards to the complex relationships built by these different communities. Early cultural remains found in paths between Madre de Dios, Peru and
Beni, Bolivia have helped researchers infer that pre-Incan cultural groups in these two Andean nations were linked together in mutual trade. Perhaps one of the more important details of this time period was the early establishment of Incan coca plantations in valleys near the Madre de Dios region. The success of Inca coca planters in the area was only superseded by rumors of mineral deposits in the Amazon. This spurred Inca warriors to penetrate the waters of the Araza, Marcapata and Inambrai rivers in search of gold deposits. Their expeditions supported the creation of trade networks between the Inca and the Harkambut and Ese Eja communities.

While most Inca explorers sought gold, commerce in Madre de Dios was based on native bird feathers and Amazonian animal skins in exchange for Incan bronze axes. For many researchers of the 1970s, like Daniel Gade and Alejandro Camino, the autonomy of most trade groups from the Madre de Dios basin underlines some of the first isolationist tendencies to be employed by communities as a survival mechanism. In fact, what little is known of trade patterns in the region shows that pre-Hispanic intermediation along the Andes may have polarized interactions between Takana-speaking peoples. The Inca Empire’s reputation of wealth encouraged the Ese Eja tribe to establish regular exchanges with Inca traders. On the other hand, rumors of Inca conquerors instilled fear into the Aymara tribes, many of which chose to spurn any contact with Andean indigenous communities.

A. The Rise of Colonialism and the Early Rise of Modern Mineral Extraction

While the Portuguese had already arrived on the Brazilian coast in 1500 and initiated major devastating changes to the Amazon Basin, the Peruvian Amazon had a relative respite from colonization until around 1589. Epidemiology records show signs of contact in 1589, when smallpox and measles epidemics wiped out close to 10% of the Jícaro of Tahuarzongo and Bracamoro tribes. Early attempts to colonize the Amazon started soon after the conquest of Peru, but an inhospitable landscape and constant attacks from tribes in the region led to a fast retreat. Subsequently, for most of those early years of colonization, there was a set boundary between the populations in the Andes and the Amazon, with most contact centered on the trade of gold and coca leaves—an extension of trade between the Ese Eja tribes and the Inca Empire. More successful than early explorers were missionaries, who eventually also halted their explorations after barely surviving constant attacks from indigenous tribes. The geographical isolation of the Madre de Dios basin helped conserve its varied flora and fauna well into the 1800s, when the rise of the rubber boom begin a legacy of displacement and enslavement for native populations. As with other regions of Peru, the economic history of the Amazon, particularly Madre de Dios, has been characterized by a series of booms and busts caused mainly by fluctuations in world prices and demands for new materials. In the case of rubber, early extraction in the 1880s was for the consumption of Europe and the United States. After 1894, when high-quality reserves were discovered, migration flowed into the country continuously for the following 30 years, making Madre de Dios one of the more profitable locations for foreign investors at the turn of the century.

One of the main men responsible for the rubber trade in Madre de Dios was Carlos Fermín Fitzcarrald, considered by historians the leading rubber baron to establish camps in the basin. His methods displaced many indigenous communities and even forced some into isolation. The Mashco Piro and many other tribes now living in voluntary isolation were witnesses to the presence of the rubber barons like Fitzcarrald on their territories. They were victims of massacres, raids and slavery. Among one of the better documented encounters in the Madre de Dios region is the one between Carlos Fermín Fitzcarrald and the Mashco Piro tribes near the Manu River. A retelling of oral history by Dominican missionary José Alvarez in 1951 features the first encounter between the two groups:
“The Mashco alarmed at the multitude of men from Ucayali who were invading their lands, sent a grandiose and select mission of their most ugly and ferocious captains to request that the Wiracocha go no further along the Manu River because they would frighten away the monkeys they hunted and bring with them cold infections. Fitzcarrald replied via an interpreter that if the Mashco opposed him he would give them a good thrashing, right down to the tiniest baby.”

Many similar acts of brutality against native communities were tied to the rubber trade. Spaniards, much like their Portuguese counterparts, captured youth and women to provide slave labor for rubber plantations, killing most adult males to prevent uprisings.

The story of the rubber boom in Madre de Dios accentuates how the actions of the Peruvian state during colonialism and post-independence have been arbitrary and profoundly unpredictable in providing protection from legal and economic brutality. State intervention in Amazonia has often followed on the heels of particularly brutal actions from foreign entrepreneurs. Unfortunately, many of these entrepreneurs still managed to operate under the law due to their economic influence over government actors in Lima. For example the infamous Putumayo rubber boom scandal of 1907 surfaced with wild allegations of brutality, slaving and genocidal murder of the Bora and Uitoto peoples by a particularly cruel rubber baron’s henchmen. Though the scandal acquired mass international attention, little was done to prevent large-scale exploitation of indigenous lands and bodies.

Instead, nearly a century later, the ecological impact of the rubber boom simply transitioned to another boom in coca cultivation and timber exportation. Stories on the rise of rubber extraction in the region have helped researchers better understand why some indigenous populations, like the Mashco Piro, were pushed into isolation. Diary entries by missionaries and explorers show how the demographics and ethnic landscape of the region and the country were continuously disrupted by greed and violence. To satisfy labor needs, indigenous peoples from other parts of Peru migrated into the area, further displacing local groups that were decimated, enslaved, or dispersed.

As expected, the rubber barons left soon after the decline in the price of rubber. Many moved to Brazil, where trade grew around World War II. However, their legacy of aggression left behind deep-rooted fears among tribes now living in isolation, who see in the current boom of timber and gold new signs of possible displacement and exploitation.

B. The Church

The Church’s support of the state’s desire to create a culture of incorporation and forced integration progressed in such a way that it has marked how populations in Peru see each other to date. Since the conquest, this distinction has separated the people of the Andes and westward to the sea, the indios, from those who lived in the east of the Sierra and in the Amazonian plains, the natives.

In the eyes of the Peruvian state, the differences between these two groups have never been ethnic or ecological. The intrinsic differences have to do with their integration into the sociopolitical system of Peru, with Andean communities being more integrated and considered more Peruvian by virtue of their historical recognition as criollo, or nationalist. What made the communities of the Amazon different in the eyes of the Catholic Church was their fiercely independent nature and linguistic autonomy. Today, these are the same factors that keep indigenous peoples in voluntary isolation; isolated not just physically, but socially and legally from the government in Lima, ensuring that their protection is never as members of the Peruvian state. Understanding the role of the Catholic Church in colonial Peru, then, gives insight into its powerful position within modern politics, as well as its penchant for promoting the integration of indigenous peoples in voluntary isolation into Peruvian society.

In fact, missionary activity was undertaken alongside rubber extraction as a way to acculturate the Amazon’s natives to the new
socioeconomic system blossoming on their lands. Starting with the first Dominican mission near the Manu River in 1908, which was aimed at the Matsigenka and Yine populations working for rubber companies in the area, missionaries partnered with rubber barons to get closer to indigenous peoples. By 1911, missionaries had used rubber barons to get close to the Ese Eja people. Continuous expeditions all followed a similar pattern, with Dominicans trying to forcefully incorporate indigenous communities to colonial society. Unfortunately, missionaries did not take into consideration the different alliance and settlement patterns that shaped inter-ethnic relationships. These early attempts at forced contact and incorporation disrupted the livelihoods of communities and exposed many to measles and malnutrition. Families fled to avoid murder at the hands of missionaries and rubber barons and, in turn, missionaries suffered through attacks from indigenous populations in retreat.

Christian churches continue to influence the region. Similar patterns of attempted contact were most prevalent during the 1990s, when Protestant and Catholic ministries renewed efforts in Madre de Dios. While colonial missionaries belonged to the Catholic parish, by the 1980s, Protestant churches were encouraged to proselytize in the Manu River region where Mashco Piro tribes reside. They worked under the name of the Summer Institute of Linguistics (SIL) with the support of the Peruvian Ministry of Education and Ministry of Health. For years, SIL attempted to make contact with populations under the guise of documenting native languages and cultures. Instead, SIL unleashed a renewed zeal for mission work in the region, which brought more intrusive and dangerous evangelical missions like the Pioneers Association. By the early 2000s, reports of attacks on missionaries at the hands of indigenous peoples in voluntary isolation encouraged Peruvian organization FENAMAD to investigate the missionary practices of proselytizing groups. What they found were actions that put indigenous communities in isolation at risk. Attempts at contact had included the trailing of shiny objects and clothes to attract isolated tribes to settled communities, exposing isolated tribes to disease and other local communities to attacks from angry isolated tribes.

C. Analysis: Isolation and Incorporation

Historically, Amazonia has long been presented in Peru’s official, religious and elite discourse as a vast and empty frontier simply awaiting national incorporation. As a result, cultural citizenship, defined by cultural anthropologist Renato Rosaldo as “the right to be different and to belong, in a democratic, participatory sense,” is not yet well developed for Peru’s Amazonian departments. This has made it difficult to incorporate the indigenous communities of Amazonia into the legal framework of centralized Peruvian politics. A poorly developed institution even for those portions of the population with direct access to it, Peruvian law and the position of isolated tribes within the legal framework is representative of the larger indigenous question of Amazonia. Physical evidence left behind, as well as reports of contact and photographic evidence is what ensures protection for isolated tribes. Their lack of contact, though, makes them distinctive, even more than their settled, contacted counterparts.

III. Modern State of Indigenous Populations in Voluntary Isolation

When speaking of the isolated tribes in Madre de Dios, Glenn Shepard, an anthrobotanist from Brazil, described the Mashco Piro’s history of contact to National Geographic as “always fraught with the fear of violence and exploitation.” With a population estimated in the hundreds, the Mashco Piro are among 15 isolated tribes still roaming the Peruvian Amazon. Once considered the Amazon’s most implacable warriors in the archives of oral history, they have resisted contact and subjugation for generations after most of their tribe was slaughtered on the upper Manu River in 1894 by a private army employed by rubber
kingpin Carlos Femin Fitzcarrald. The survivors made a new home in the impenetrable reaches of the western Amazon's upland forests, areas now protected by the Peruvian government as natural reserves.

More recently, though, the Mashco Piro have made the news within the last year as outsiders begin to pry their way deeper into these last redoubts in pursuit of timber and minerals. Sightings of nomadic Mashco Piro along major waterways in the dense forests bordering Manu National Park have only been trumped by reported attacks from by them against civilians in October and November 2011. Both bring attention to the pressures exerted by mineral extraction, logging, and territorial displacement.

A. Mineral Extractions and Health Concerns

Considered one of the most biodiverse places on the planet, the rainforest in Madre de Dios is rapidly being cleared to make way for mining camps. This leaves native populations vulnerable as migrant populations push them deeper into forests or off their land. In fact, despite its economic significance, gold mining is undertaken with little planning. The application of technology is inefficient at best, with little to zero reinvestment and taxes for the region's treasury. Huepetuhe's land, one of the oldest mining camps in the region, has been described by reporters as looking as though "the skin of the earth has been peeled back," leaving behind arid brown dust and not a speck of green. There seems to be little sign of expansion slowing down in the near future. The region of Amazonas is in the lead for concessions given to companies, expanding from 1.16 percent of its territory in 2002 to 7.6 percent in 2008. In Madre de Dios, the increase alone was from 2.44 to 6.56 percent during the same timeframe.

Outside of individual enterprises, the main operations in Madre de Dios are small Canadian companies that are conducting exploration to later negotiate their discoveries of precious metals with larger transnational corporations. With mining representing close to 60% of Peru's main exports, there is almost no built-in incentive for the Peruvian government to promote more stringent regulations. In a way, Amazonia is considered by the Peruvian government as an antidote for economic underdevelopment. The government gives incentives for private investment in the mountains and in the jungles "because it has to start with something to promote development in those areas," as the president of the Council of Ministers, Jorge del Castillo explained to national newspaper La República. As a result, complaints from indigenous communities are seen as attempts to curb national progress.

This political illegitimacy hurts their claims in courts of law. Still, since 2004, the number of complaints from indigenous populations against extractive industries has multiplied in the Amazon. In the greater region, in 2007, protective measures were requested for the Kugapakori, Nahua and Nanti peoples, who live in isolation and were affected by the construction of the Camisea natural gas project in the Ucayali regions in the south and east of Peru. These are not unlike the petitions made in the same year in defense of the indigenous groups living in voluntary isolation in the northeastern region of Loreto – the Waorani, Panannunjuri and Aushiri – all of whom were threatened by the activities of petroleum corporations Barrett Oil and Repsol. In both cases, groups sought the long-term protection of the community, its territory and culture, and the natives’ right to live in a healthy environment. This is akin to the requests of communities in Madre de Dios and the needs of the isolated tribes in the area. In contrast to these other cases, however, the isolated tribes in Madre de Dios have an aggressive and immediate health concern: mercury.

Artisanal gold mining worldwide is responsible for one-third of all mercury released into the environment – approximately 1000 tons per year. The Madre de Dios region alone produces over 70% percent of Peru's artisanal gold production. Here, miners use mercury to process the gold dust, which then pollutes rivers and the area's food chain. In fact, as of 2009 Peru was importing mercury at a rate of 130 tons per year, over 95% of which is being used directly in artisanal gold
mining within the country. This creates an enormous potential for mercury exposure to miners and those living within the surrounding area.

Studies hosted by Dr. Katy Ashe from the Department of Civil and Environmental Engineering at Stanford University showed a higher than average concentration of mercury in the human populations of Madre de Dios. Furthermore, the location of Madre de Dios at the headwaters of the Amazon basin makes it a hub for mercury diffusion throughout a major portion of the Amazon’s rivers and, ultimately, the world’s oceans.

Though not part of the study, indigenous peoples living in voluntary isolation can be expected to have equally strong indicators due to their diets, which include riverside turtle eggs and fish, both frequently consumed for nutrients. Similarly, their encampments near rivers, where fishermen sight them and their landmarks, put many isolated tribes at a greater risk. This is especially the case for the Mashco Piro, whose travel is seasonal and based on accessibility to rivers. Given their higher levels of vulnerability, mining camps do not simply pose a demographic pressure upon isolated tribes in the area; they also pose a health hazard that constantly contaminates their waters and food.

B. Deforestation and Development

Even when the Organic Law on the Sustainable Uses of Natural Resources of 1997 established requirements for ecological and economic zoning to organize and exploit resources, the result was less than optimal. The law hired researchers from Peruvian universities to explore the area. Researchers first delivered a systemic mapping project that exposed the districts of Tahuamaru, Iberia and Iñapari as potential areas for forestry development in Madre de Dios. As the price of mahogany rose again, loggers invaded most of the mapped out areas, including a few zones inhabited by indigenous peoples living in isolation. By October 1999, the Peruvian Timber Corporation had denounced the logging company “Industrial Tahuamanu” for illegally felling mahogany in the province from which it derived its name. The resultant disclosure of the corporation’s activities showed a history of illegality, both in terms of players, conflicts and organizational processes. It is believed that towards the end of the 1990s, hundreds of mahogany and cedar trunks coming from forests inhabited by isolated tribes were being transported daily towards Puerto Maldonado. On average, three logging vessels per day were being transported during summer months, each with the capacity to carry close to 5,000 feet of timber. In the early 2000s, new forestry laws were implemented in Madre de Dios, adding a layer of protection to forests. Still, the forests of Madre de Dios are now in a serious situation, primarily because the vast majority of loggers are constantly seeking new forest areas that offer timber species of high commercial value.

As Emilio Moran explains in The Dilemma of Amazonian Development, though, logging alone is not to blame for the destruction of forests. The side effects of logging ultimately spell doom for virgin forests. The cutting of valuable hardwoods will eventually deplete certain species, but can also leave trails which trucks or other means of transport use to penetrate the wilderness. In some cases, these are the precursors to transportation development projects. For example, in the southern region of the Peruvian rainforest of Madre de Dios, the construction of the new Inter-Oceanic Highway linking Brazil and the Pacific Ocean is changing the deforestation patterns in the rainforest. The new highway is helping to reduce transportation costs, improve communication, create markets, and promote development in the region.

However, the highway will also provide more accessibility to forest and natural resources, making them more vulnerable. Spontaneous settlers will take advantage of transport accessibility to harness available land, clearing it for crops, housing, or mining. In fact, today commercial logging is not the only contributor to deforestation in the region. Forest conversion in the mining zones surrounding Puerto Maldonado has increased six-fold from 2003–2006, leading to a current mining-related deforestation rate of

Patterns of Displacement: Colonialism’s Socioeconomic Legacy on Indigenous Populations in Voluntary Isolation in Madre de Dios, Peru / Sandra Zuniga Guzman
1,915 hectares annually. Studies derived from combined NASA satellite imagery spanning six years with economic analysis of gold prices and mercury imports document the newer forces responsible for deforestation in Peru's biologically diverse Madre de Dios region. Roughly 7,000 hectares, or about 15,200 acres, of pristine forest and wetlands were cleared at two large mining sites between 2003 and 2009, with a dramatic increase in deforestation occurring in the last three years. According to Dr. Jennifer Swenson, an assistant professor of geospatial analysis at Duke University’s Nicholas School of the Environment, "In addition to these two large sites, there are many scattered, small but expanding areas of mining activity across Madre de Dios that are more difficult to monitor but could develop rapidly like the sites we've tracked over time." Much of the deforestation visible in the satellite images has been caused by unregulated, artisanal mining by miners who are often among the poorest and most marginalized members of their society. The new migrants often occupy land of existing concessionaires (forestry, Brazil nuts or ecotourism concessionaires), thus contributing to social tensions.

Today, findings by Peru’s Department for Protected Areas prove that the lives of isolated tribes would be directly threatened by a new highway project and the resultant migration that could stem from its construction. The road would cut through Peru’s largest reserve for indigenous peoples living in voluntary isolation. The situation is reminiscent of the completion of the El Triunfo-Iñapari stretch of highway and the construction of the bridge over the Tahuamanu River, which facilitated the entry of loggers into reserves of mahogany during the late 1990s. The effects of the two mentioned developments were catastrophic for indigenous peoples in isolation in the Tahuamanu district. This historical pattern could now repeat itself if the new Inter-Oceanic Highway is successful. Already, barriers of broken branches found across pathways close to the proposed route characterize the desires of isolated tribes to be left alone. These signs are distinct proof that isolated tribes live near the intended path of this road. While the development on its own would be disruptive to the lives of these communities, the road would ultimately facilitate entry into their lands for loggers and miners eager to stretch into unexplored territory – putting populations in danger of contact, disease and attack.

C. Tourism, Hunters and Vulnerability

A land with wide, slow rivers and beautiful lagoons surrounded by vast vegetation, Madre de Dios has some of the most diverse resources of the Amazonian jungle. For the indigenous and non-indigenous populations living in the settlements adjacent to the territory of isolated tribes in Madre de Dios, hunting, fishing and gathering are still important subsistence practices. Loggers, traders and fishermen take advantage of the Upper Tahuamanu River, particularly for tortoise eggs, which can be sold at a premium or consumed for high-nutrient proteins. Though the activity is prohibited, many still partake in the raids for tortoise eggs because of their premium price in the market. However, many isolated tribes like the Mashco Piro base their travels around seasonal river changes, including the gathering of tortoise eggs during the summer months, causing unexpected contact between local fishermen and hunters with indigenous
people in voluntary isolation. While the consequent scarcity of fish and wild meat in the last several years is a serious concern for isolated tribes, the use of dynamite and biocides by commercial fishermen and hunters is particularly devastating. In the Las Piedras Rivers, where the number of fish has been considerably depleted in the last three decades, indigenous peoples in voluntary isolation are at risk of food shortages and disease.

The beautiful landscape of Madre de Dios, along with its diverse fauna and flora, make it a key destination for tourists looking to experience a slice of jungle life. Increased encroachment from loggers and low-flying aircrafts from nearby natural gas and oil exploration in the region have changed some of the seasonal nomadic patterns of the Mashco Piro. They now wander more often to the banks of rivers, where Peruvian authorities struggle to keep outsiders away, particularly safari tours that have mapped out key sights for contact. For these safaris, tribes in the area have become a primary tourist attraction. Subsequently, the Huarayos, Mashco Piros, Amahuacas, Yamnahuas, Amaracaes and Machiguengas are tracked down for the economic benefit of tour guides willing to exploit their “tribalism” for curious American tourists. The issues presented by tours are particularly difficult to regulate because of the ways in which borders and reserves are utilized to protect isolated tribes.

For example, the Mashco Piro tribe lives in the Manu National Park, which borders Diamante, a community of more than 200 people. Although it is not known what continually provokes the Mashco Piro clan to leave the relative safety of their tribe’s home, anthropologists working for INDEPA, Peru’s agency for indigenous affairs, speculate that their habitat is becoming increasingly less isolated. The pressures of fight or flight are difficult to assess for a warrior community with an oral history that marks contact as an inherently painful process.

Historical patterns do not make this the first time contact has been forced by curious explorers, missionaries and hunters upon indigenous populations in voluntary isolation. Alas, it is unfortunate that the codified historical impact of illness on demographic collapse continues to be ignored by groups that capitalize on the friction between “progress” and “tribalism.” As recently as January 2002, a local tourist group made contact with indigenous populations living in the middle basin of the Piñi Piñi River. The gifts given by the visitors were followed by an outbreak of respiratory illness among the indigenous population. The pattern was repeated in July of the same year. FENAMAD, a proindigenous, human rights organization working in Peru, states, “There’s great concern because the Mashco Piro are very vulnerable. In addition to their susceptibility to common diseases and epidemics, the sightings are occurring in an area of open-river transit where there is an intense traffic of commercial and tourists’ boats.” These experiences show that even though natural protected areas have strict access restrictions, these still do not guarantee any protection for the physical and cultural integrity of indigenous peoples in isolation.

IV. Law and Actions to Current Actions to Protect Isolated Tribes

This section will focus on select laws and legal history integral to discussions around indigenous peoples living in voluntary isolation and those in initial contact. In particular, this section will seek to demonstrate the existence of a legal gap in Peruvian and international law to best support the rights of isolated tribes.

A. Peruvian Law

As touched on above, the ethnic question in the Amazon was tied to the evolving nature of state organization during and shortly after colonialism. Until the arrival of the colonists, land in the Peruvian jungle was not defined strictly in terms of property, and even less as agricultural property, which is at the core of the legal debate over land in Peru. With independence, this question over land did not change. The Peruvian government did not consider natives in the Amazon owners of land, but occupiers of territories. For the state, this occupation did not generate any
economic or political value. This, added to Peru’s notions of difference between Andean indigenous communities and Amazonian indigenous communities, allowed for overly permissive policies to promote resource extraction. It wasn’t until the mid-1950s that the Peruvian state first referred to Amazon communities as “jungle tribes,” acknowledging any of them as a collective body, and began to legislate on the need to set aside lands for them, mostly to guarantee their subsistence. The fact that this change in policy was around the same time as the rise of the international human rights regime is no coincidence.

Even with these changes, organizing in the Amazon did not engage both the state and national society until after the 1968 military government. It was this government that first introduced the term “native communities” into legal discourse. Unfortunately, as with most laws and organization of the Amazon, the change in discourse followed the same pattern of colonial engagement. The “native community” model was based on the similar Andean model of indigenous organization. Thus, the government in Lima continued to have full access to land management, social arrangements and market productions in the area, all while attempting to force the Amazonian departments to become more like their neighbors in the Andes.

This attempt at legal organization was less than conducive to the community unification of the Peruvian state. Instead, it fragmented peoples of the Amazon into small units, each with its own channel of communication with the state. The “legal” reproduction of existence for indigenous communities in the Amazon, then, has always been based around policing their modes of autonomy, movement and organization. By implementing legal, economic and social borders, the Peruvian state prevented communities from acting communally, even when written law permitted it. Instead, the state’s new organized units system for natives demanded that indigenous peoples access the centralized government directly, forcing them to integrate to the Peruvian constitutional framework. Consequently, when the Peruvian Constitution of 1979 made Spanish the official language of Peru, the organization of communities as centralized units allowed the state to overcome indigenous autonomy through legal channels.

Peru was not alone. The concept of integration was a well-established legal framework for other Amazonian states, even when it came to dealing with indigenous peoples in voluntary isolation. Throughout the 1970s, Brazilian organization FUNAI partook in activities to attract isolated tribes near Acre, Brazil, located close to the border with Peru. Policies that pushed for forced contact and national incorporation resonated within the Peruvian state. FUNAI was allowed to work unregulated as close to the border as it wished. The results were devastating for indigenous populations in Peru and Brazil, which suffered through invasion and disease.

Only recently has law respected the concept, albeit not the practice of autonomy for indigenous peoples, particularly those living in isolation. Passed under the Fujimori administration, Article 89 in the Peruvian Constitution of 1993 confirms that peasant communities and natives have the right to legally exist. It establishes their position as persons with full considerations under Peruvian law. More importantly, the 1993 Constitution recognizes the concept of autonomy for indigenous organizations, and further distinguishes their rights by making all property ownership communal as opposed to individual. While this constitution marked a new legal framework for Peru, it did not promise much for indigenous peoples...
populations in Amazonia. Even when the Fujimori government instituted several programs that purportedly benefited indigenous peoples, all of these still tried to integrate them into Peruvian society, disrespecting any sign of desired autonomy and giving these organizations little economic support. For example, the 1993 Constitution set up the less than successful, though highly reputable Defensoría del Pueblo (National Ombudsmen), which became active in publicizing human rights abuse among indigenous communities. It went on to promote a successful media campaign in the early 2000s and even founded a special program dedicated to defending the collective rights of indigenous communities and indigenous lands. Under its support, the early 1990s were a blossoming era for the Amazonian national land reserve system in Peru. Since its inception, however, limited fiscal resources have stymied its effectiveness. As a result, the organization did not signal any substantive deviation from the previous pattern of incorporation policy that puts first development and civilizing projects. More importantly, all efforts to support indigenous communities are geared towards settled communities, making contact a prerequisite for civilian standing and leaving behind a legal vacuum for those living in isolation.

Similarly, the Proyecto Especial de Titulación de Tierras (PETT), or the Special Project for Land Titling, asked for a different kind of legal existence for indigenous communities. The law focused on incorporating indigenous peoples into society through land-reform, beginning a difficult process of communal titling. As Miguel N. Alexiades explains, though, governments and people shape consciousness through laws that assume “that people who have permanent and exclusive rights to land and resources are more likely to manage resources sustainably in the long-term.” Work by Brad Coombes, Kay Johnson and Richard Howitt support the same point, stating that “the emergence of policy orthodoxy in South America in which it is assumed that affirmation of Naïve title will protect Indigenous peoples from resource extractive industries” is far more focused on the concept of creating a post-neoliberal utopia than actually achieving long-term protective measures that work. Certainly, the PETT did not provide an alternative for indigenous communities, especially those in isolation.

In fact, the PETT, alongside National Ombudsman, marked the creation of boundaries for Peruvian indigenous peoples under modern law. The Peruvian government saw a rise in the amount of land set aside for conservation during the 1990s. It is important to note, nevertheless, that the rise of land reservations was not inherently tied to indigenous peoples living in voluntary isolation. At the moment of their inceptions, many Protected Natural Areas (PNAs) overlapped with the territories inhabited by indigenous peoples in isolation, albeit the grand majority, like the Alto Purús Reserved Zone and the Cordillera Azul National Park, were created through proposals that did not actually mention indigenous communities in the region. Even today, when both of these parks are known to contain vast tracts inhabited by isolated tribes, neither is mandated by law to make tribal subsistence a priority over park utilization. This example truly underlines the Peruvian state’s consciousness around protecting indigenous peoples. Though these reserves should be protected to respect the territorial autonomy of isolated tribes, they are used as biological stations, many open to external presence from both curious tourists and concerned scientists.

B. International Law

The legal vacuum further isolating the Mashco Piro and others like them has not yet been filled. Most recently, the Peruvian Congress passed a law to update the “prior consultation” clause in the International Labor Organization’s (ILO) Treaty 169. While there are other treaties in regards to indigenous peoples, this ILO convention is the only binding international treaty for the Peruvian state that recognizes the legal rights of indigenous peoples as supported by the Indigenous Human Rights Charter of the Andean Community. But, even though the treaty is binding, it isn’t all-inclusive.

The updated law passed in March 2012, and focuses on implementing regulation that would require prior consultation of indigenous peoples
on mega-projects in areas directly affecting their lands. By default, prior consultation refers to the need of state governments to discuss or consult indigenous communities on development projects and other actions to be taken on their lands. The law has generated much conversation and debate about when and how prior consultation should take place and who should be consulted. None of these questions have been answered, especially the question of what should happen when the people that might be affected by a potential project have a right not to be contacted, thereby making prior consultation impossible.

Most Peruvian laws focus on integration and demand contact – whether that is by extending or leveraging negotiations between the state and native communities in the Amazon. Like its historical predecessors, this law is no different. While there is a clause that states no coercion must be implemented during the consultation process, the new law also has a clause that affirms that all negotiations must happen between the state and indigenous organizations, following the same concept of organized indigenous units that marked the 1970s. In addition, while this new law demands consultation between state and indigenous agencies, it does not ensure accountability. Since the state regulates itself, as well as the process, the state can veto indigenous demands. As a result, once again, the state can use the neo-liberal process of consultation to appease international law without giving up concessions to land.

V. Conclusion

The creation of extractive and industrial spaces in indigenous territories is not recent, but the result of an early colonial economy that set a precedent for poor indigenous territorial and political autonomy in the region. Since its inception, Amazonia has suffered through its conceptualizing as a frontier – an area awaiting progress and development. Its vast mineral resources continue to make it the playground of corporations and legal stand-offs. Its people, much like its land, are considered by the modern, independent Peruvian state to await incorporation, even as laws created to appease the international regime try to maintain an air of respecting autonomy. Without much support for settled indigenous communities, it is not surprising that a legal gap exists to support indigenous peoples in voluntary isolation. Unfortunately, this gap will remain so long as the Amazon and its people are defined by their otherness and not by their legitimacy as Peruvian citizens.

The question of protection for indigenous peoples living in voluntary isolation is peppered with hurdles, starting with their uncontacted status. While other indigenous communities now have an opportunity within the legal framework to voice their discontent, isolated tribes remain in a legal and physical island, surrounding by social landmines – local contacted tribes, miners, loggers, extractivist foreign corporations and even local governments. Without an independent body to stress their autonomy, internationally and locally, they are at the mercy of state protection.

Currently, the only mode of protection available for isolated tribes is the reservation system. It should be noted again that the Protected Natural Areas (PNAs) system has never pretended to be inclusive of indigenous needs. Instead, it has aimed to appease the demands of international bodies and local organizations concerned over the decimation of the Amazonian landscape at the hands of mineral extraction and logging. The inception of these as PNAs marks their primary role as natural reserves, which were then forced, only by extension, to ensure the isolation of tribes like the Mashco Piro. Though international law seeks to romantically tie the existence of indigenous peoples to that of the environment in ILO 169 and even the Indigenous Charter of Human Rights, at its core, the message is clear: without making contact, indigenous bodies, particularly those of isolated tribes, are primarily considered extensions of the land. Subsequently, their value is based on something other than their basic existence as peoples. This objectification and exoticism undermines the legitimacy of indigenous peoples as members of the Peruvian state. It is no wonder that the PNA system has facilitated unwarranted contact and the decimation of more land as created parks are easily available to scientists and foreigners, all in the name of research and
development.

In fact, this paper conclusively argues that by creating such boundaries, Peruvian law set a precedent that has allowed its laws not to acknowledge the historic role of mobility in the creation of indigenous culture – particularly the role of spatial mobility in defining freedom and opportunities for diversified sustenance. If anything, the creation of borders has facilitated the semblance of ‘protection,’ while allowing the Peruvian state, corporations and immigrants to exert control over lands outside of this delineation. This relative protection, then, makes it easier for the Peruvian government to pretend it is respecting international law and indigenous autonomy. The PNA’s poor management, however, is equally catastrophic, as PNAs are not even owned by any of the isolated tribes, but by the Peruvian government, which retains full control over the land. Since the state can regulate itself, the process is marred with structural inefficiencies. As this paper has shown, in a competition against state wealth, isolated tribes lose repeatedly to corporate interests.

At the end, it seems as if the only way of closing the legal vacuum that persists over the indigenous question is almost impossible. This paper started with a mission to expose the historical and modern day abuses against indigenous communities in the Madre de Dios region, it feels inconclusive not to provide any alternatives. However, based on the problem of state interests superseding those surrounding the protection of isolated tribes, it seems like the only answer would be to establish a special legal system for indigenous peoples living in isolation. In a perfect scenario, then, there would be an independent legal body responsible for coordinating actions to protect these peoples. Unfortunately, all such attempts to date have failed. As a result, the fragility of isolated indigenous groups in the face of contact remains on the frontier of human rights work. Their evolving narrative provides us with a final glimpse at the eternal battle between development and cultural and biological diversity, reminding all who witness it of the promises made through history and law to protect human lives and cultural integrity.

Endnotes

3. Ibid.
5. Ibid.
8. Ibid.
9. Ibid.
11. Ibid.
12. Ibid.
14. Ibid.
15. Ibid. pg. 88-90.
18. Ibid.
21. Ibid.
24. Ibid.
25. Huertas Castillo, pg. 74-75.
26. Ibid.
27. Remy, pg. 119-121.
28. Ibid.
30. Ibid.
31. Quoted in Dean, pg. 199.
34. Wallace.
35. Ibid.
36. Salazar.
37. Ibid.
38. Walker.
39. Quoted in "Proof ‘Death Road’ Will Destroy Peru’s Uncontacted Tribes."
40. Salazar.
41. Ibid.
42. Ibid.
44. Walker.
45. Ashe.
46. Ibid.
47. Ibid.
48. Ibid.
49. Dean, pg. 201-202.
50. Ibid.
53. Ibid.
54. Walker.
56. Ibid.
57. Quoted in Ibid.
58. "Proof ‘Death Road’ Will Destroy Peru’s Uncontacted Tribes."
60. Huertas Castillo, pg. 36.


Quoted in Associated Press.

62. Huertas Castillo, pg. 96.
63. Ibid.
64. Huertas Castillo, pg. 48.
66. Walker.
67. Huertas Castillo, pg. 164.
68. Huertas Castillo, pg. 7.
69. Huertas Castillo, pg. 242.
70. Huertas Castillo, pg. 96.
71. Huertas Castillo, pg. 164.
72. Huertas Castillo, pg. 96.
73. Huertas Castillo, pg. 48.
74. Huertas Castillo, pg. 242.
75. Huertas Castillo, pg. 164.
76. Huertas Castillo, pg. 242.
77. Huertas Castillo, pg. 242.
78. Huertas Castillo, pg. 242.
80. Huertas Castillo, pg. 242.

Bibliography


his paper examines the outcomes of the three nuclear crises between Pakistan and India from 1998-2002: the 1998 Nuclear Tests, the 1999 Kargil War, and the 2001-2002 Crisis. Which state achieved victory in each crisis? What determined the outcomes? In answering these questions I test three well-established theories of nuclear crisis outcomes – the balance of nuclear forces, the balance of conventional forces, and the balance of stakes – as well as a new independent variable: political-military integration. I find that political-military integration is the strongest determinant across the three cases, while balance of stakes theory maintains some explanatory power.

Since the end of World War II, South Asia’s security environment has been defined by the bitter rivalry between India and Pakistan, with the territorial status over Kashmir as the most intractable cause of tensions. This tense security balance became all the more consequential in 1998, when both India and Pakistan decided to officially become nuclear-weapon states. Both during and in the several years immediately after the tests, the subcontinent was plunged into a series of nuclear crises which could have conceivably resulted in nuclear disaster for both countries. Thus, the peaceful resolution of each of the three crises raises a few questions. Which state achieved victory in these three nuclear crises? What determined the outcomes of these crises?

This paper demonstrates that political-military integration can be the determinant of resolve in nuclear crises; without such integration, bureaucratic interests will produce misguided strategies that, under the pressures of a nuclear crisis, undermine resolve. This occurs because bureaucracies typically view strategic ends and means through the prism of their own capabilities, and it is the integration of all of a nation’s instruments of power that achieves strategic victories. The key implication of these findings for U.S. policymakers is that contingency plans for nuclear deterrence strategies against aspiring nuclear powers should account for the other state’s level of political-military integration.

In order to test this relatively new theory of nuclear crisis outcomes, I will weigh it against the explanatory power of the three more common theories: the balance of nuclear arsenals, the balance of conventional military forces, and the balance of political stakes. This paper will therefore proceed in four parts; first, I will briefly outline the four theories and what they predict about the respective outcomes of the three nuclear crises. The second section will be an analysis of the three nuclear crises and their respective outcomes. To determine the outcome, I will refer to the International Crisis Behavior Project’s (ICB) dataset of 455 international crises from 1918-2007, as well as conducting a separate empirical analysis of each crisis. Since many crisis outcomes seem ambiguous, I will classify victories and losses at both the strategic and tactical levels for the two states, and examine the distribution of the victory/loss within each state to determine with greater clarity the significance of individual results, with the hopes that this will cast the overall outcome as more definitive.

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I will also use this examination of domestic outcome distribution in order to determine whether or not organizational biases played a role in the crisis outcome. Third, I will compare the described crisis outcomes with the predictions of each of the four theories to determine which has the most explanatory power in these three cases. Finally, I will discuss the implications of these findings for nuclear crisis outcome theory in general as well as for current U.S. policy.

1. Four Theories in Search of an Outcome

First, nuclear superiority theory maintains that states enjoying nuclear superiority successfully use their advantage of larger nuclear arsenals in coercing their opponents. Larger nuclear arsenals are considered to increase resolve because greater firepower makes a state more likely to survive counterforce exchanges and thus neutralize more of its opponent’s retaliatory forces. This logic forms the foundation of the first hypothesis: Hypothesis 1: The state that enjoys nuclear superiority will be more likely to win nuclear crises. Therefore, in the three South Asian nuclear crises from 1998-2002, we should expect both that a) the state with the larger nuclear arsenal won most of the crises, and b) that its resolve was bolstered by its leadership’s confidence in the outcome of a counterforce exchange. Since this is a small-N set of case studies, it should be noted that the absence of the latter feature in the outcome would signify an absence of the theory’s causal logic, thereby indicating that another independent variable determined the result.

Second, I will also examine the role of the balance of conventional forces in the crisis outcomes. This leads us to apply the second hypothesis. Hypothesis 2: The state that enjoys superiority in conventional military forces will be more likely to win a nuclear crisis. Conventional superiority, an independent variable often controlled for in quantitative studies of both nuclear and non-nuclear crisis outcomes, has rarely displayed much explanatory power. However, the massive discrepancy between Indian and Pakistani conventional forces in each of the three nuclear crises may be grounds to argue that large discrepancies in conventional forces can be decisive determinants of nuclear crises.

Third, balance of stakes theory predicts that a state’s level of resolve in a nuclear crisis is determined primarily by the political stakes involved in the crisis. This presents us with the third hypothesis. Hypothesis 3: The state with higher political stakes will be more likely to win a nuclear crisis. Political stakes can be measured using two different metrics. The first measurement, the proximity of the crisis to the involved states, suggests that the state with territory closer to the crisis is more likely to win. However, Pakistan and India share a common border, thereby neutralizing the proximity factor. This leaves us with the second metric for political stakes, the respective gravity of the crisis for both sides. I will determine gravity, and therefore the balance of stakes, by using the ICB’s threat classification for each of the three crises.

The fourth and final theory for consideration will be political-military integration. Political-military integration here will be based on the definitional framework established by Barry Posen in The Sources Of Military Doctrine: France, Britain, And Germany Between The World Wars. Building on Clausewitz’s dictum that “war is a continuation of political activity by other means,” Posen identifies political-military integration as key to ensuring that military means and applications are tailored toward political ends. The main “structural barrier” for achieving integration comes from the “functional specialization” of the modern state that produces “separate responsibilities for diplomacy and war,” often resulting in organizations with vastly different skills, information, and material. In short, political-military integration is the synergy of political and military biases both in formulating strategy and in its execution. To avoid confusion, it is
worth noting that the term civil-military relations, by contrast, refers specifically to the structure of command and control between the state’s civilian and military leadership. Political-military integration can be influenced by the structure of a state’s civil-military relations, as well as other factors beyond the scope of this study. In theory, political-military integration can be achieved even by praetorian systems with no civilian control, since the term is primarily concerned with the state’s efficient and appropriate use of all its instruments of power, both military and non-military.

This definition of political-military integration and existing theory on nuclear brinkmanship are actually highly compatible. Thomas Schelling, the founder of nuclear brinkmanship theory, defines the relationship between civilian violence and warfare as one in which military force "wants the bargaining power that comes from its capacity to hurt, not just the direct consequence of successful military action." Military force is meant to inflict "pain and shock and privation on a country itself, not just its military forces" because ultimately the judgment to concede and surrender is "a diplomatic judgment, not a military one." Therefore, if resolve in nuclear crises is informed by military and non-military qualities, then political-military integration should be crucial not only to maintaining one’s own resolve but to maximizing one’s ability to weaken the resolve of the adversary. This informs our fourth and final hypothesis. **Hypothesis 4:** The state with a higher level of political-military integration will be more likely to win a nuclear crisis. Political-military integration has not thus far been applied to nuclear crisis outcomes. However, the starkly divergent traditions of Indian and Pakistani civil-military relations, as well as their shifting levels of political-military integration from 1998-2002, suggests that this is the ideal context to test this new independent variable. Furthermore, the brief time span in which the three crises occurred, the shared geography of India and Pakistan in the security subsystem of South Asia, and the shared history of the two nations indicates that a host of other qualitative variables will be controlled for, thereby ensuring to a degree that the role of political-military integration in these nuclear crisis outcomes is relatively isolated.

## 2. Determining the Victor

### 2.1 1998 Nuclear Tests

The 1998 Nuclear Tests crisis has often been considered to have no clear winner, and the ICB has in fact classified the outcome as “Compromise” for both sides, indicating that each state achieved some but not all of its goals. However, India’s key political gains were of a domestic political nature, whereas Pakistan increased its overall national security by gaining a powerful new deterrent against its much larger adversary. Therefore, although the 1998 Nuclear Tests crisis did not result in any political, economic, or territorial concessions by either side, the outcome of the crisis should be considered a strategic victory for Pakistan. Furthermore, an examination of the distribution of the crisis outcome at the domestic level reveals active organizational biases and weaker political-military integration on India’s part. It should be noted though that because of the brief nature of the crisis, as well as the lack of a prolonged series of brinkmanship maneuvers by conventional and nuclear forces, it is much harder to determine any tactical outcomes, as is the case with the following two crises.

India initiated the crisis in May 1998 by testing a series of five nuclear devices. While New Delhi had previously conducted a “peaceful” explosion in 1974, the 1998 tests ended 24 years of dormancy in the Indian nuclear program and officially established India as a weaponized nuclear power on the world stage. Between India’s first tests on May 11 and Pakistan’s response in kind on May 28, the crisis came dangerously close to war. The closest the crisis came to a military exchange occurred on May 27, the day before the Pakistani tests, when Pakistan scrambled its F-16 fighter planes and sent them to protect the test site because of intelligence reports that Israeli fighter-bombers were flying from eastern India toward Pakistan. Pakistani Prime Minister Nawaz Sharif also called President Clinton and British Prime Minister Blair warning of the impending attack, which somehow never transpired. Even if the reports were untrue, as U.S. officials concluded, India certainly could have interpreted Pakistan’s behavior as a precursor to an attack, and therefore could have caused India to launch its own attack. Fortunately, neither side initiated hostilities, although Pakistan proceeded the next day with detonating five nuclear weapons. The crisis is
considered as formally ending on June 11, when Pakistan unilaterally announced a moratorium on testing.\textsuperscript{14}

The outcome for India was a strategic loss on multiple issues. Not only did the tests invite economic sanctions from the United States and other industrialized countries, India was suddenly confronted with the demand to fabricate a “post facto rationale” for its new nuclear posture.\textsuperscript{15} In order to do so, Prime Minister Vajpayee cited the threat from India’s traditional enemies, Pakistan and China, in a letter to President Clinton on the day of the tests. Shortly afterwards, India’s home minister launched a rhetorical attack on Pakistan, demanding that it “roll back its anti-India policy with regard to Kashmir.”\textsuperscript{17} While this rhetorical behavior may seem to be a rational risk-manipulating strategy to achieve a political goal, it is hard to imagine what end India was trying to attain. Although India and China had unresolved territorial disputes, there is no clear point in Indo-Chinese relations leading up to the tests that served as a catalyst for India’s decision to detonate. India’s demands of China were actually less defined than those it made of Pakistan, and in wake of the tests the government even backtracked on statements made that April by Defense Minister Fernandes which repeatedly referred to China as a “threat.” With regards to India’s other adversary, it was widely known at the time that Pakistan also had a latent nuclear capability, suggesting that New Delhi must have expected Islamabad to follow suit with its own nuclear tests. In fact, some have accused India of “goading Pakistan to follow its footsteps” because it needed a justification for its official nuclear status.\textsuperscript{18} Therefore, the strategic outcome for India was a confrontation with China over no clear political objective, as well as Pakistan’s new nuclear status, which thus provided Islamabad with a relatively cost-effective means of deterring India’s conventional forces.

An examination of the crisis outcome’s effect on Indian domestic politics reveals why New Delhi made such a strategic blunder. Although the tests resulted in a less favorable security environment, the loss at the systemic level was not distributed to the domestic actors making the decisions. In fact, the catalyst for the crisis that is so absent at the systemic level is glaringly present at the state level: the election of the Bharatya Janata Party (BJP) to power in March 1998. The BJP had a strong political interest in the decision to detonate. With regards to its political reputation, the BJP has long tried to market itself in Indian politics as “the only truly ‘principled’ and ‘nationalist’ party.”\textsuperscript{19} The BJP also has a strategic culture focused on India’s power and status, and therefore believed that this subversion of an established international order was “an assertion of power, pure and simple.”\textsuperscript{20} The result for the BJP was not only a pleased electorate but also a newly-won political “immunity” that weathered numerous setbacks and crises over the next six years.\textsuperscript{21}

Arguments that India weaponized in 1998 for rational strategic reasons rather than domestic organizational biases ignore the past 14 years of evidence. Since 1998, New Delhi’s threat environment has certainly not improved. Despite multiple negotiations on the Sino-Indian border dispute, the issue has remained frozen; Pakistan and China are both modernizing their nuclear arsenals, and Pakistan has repeatedly aided terrorist networks inside India without fear of punishment from India’s much larger conventional forces.\textsuperscript{22}

Pakistan seems to have won a significant strategic victory; India’s detonation justified Islamabad’s weaponization program and further solidified a nuclear balance on the subcontinent that limits the coercive power of India’s superior conventional capabilities. With regards to the frozen Kashmir dispute, overt acquisition of nuclear weapons increased Pakistan’s confidence in its attempts to alter the territorial status quo without fearing large-scale Indian retaliation.\textsuperscript{23} In fact, S. Paul Kapur has observed that the 101 calendar months from 1990 through May 1998 included 73 “dispute months” over the status of Kashmir, with an average of 0.72 disputes per month.\textsuperscript{24} Yet the 55 calendar months after the nuclear tests, ranging from June 1998 through 2002, witnessed 45 Indo-Pakistani “dispute months” for an increased average of 0.82 disputes per month. This 14 percent increase in dispute frequency is a sure sign that the new strategic environment afforded Pakistan more options for destabilizing Kashmir, as further exhibited by its initiation of the following two nuclear crises in 1999 and 2001-2002. It should be noted, however, that this victory for Pakistan did come with its costs. By responding to India’s bait and detonating its own nuclear
devices, Pakistan incurred severely damaging economic sanctions. Within three weeks of the tests, the Pakistani rupee lost about 29 percent of its value. However, the sanctions did not alter the fundamental outcome of the crisis. In fact, Washington relaxed its policy to an extent by not vetoing a desperately needed IMF loan. This was probably facilitated by the fact that Pakistan tested only after India did and ended the crisis with a unilateral moratorium on further tests.

Ironically, unlike Vajpayee in India, Nawaz Sharif did not enjoy an outpouring of credit for Pakistan’s victory in the crisis outcome. There was enormous pressure on the prime minister to respond in kind to India’s tests, suggesting that Sharif could not have scored political points for a decision that everyone expected of him. These demands came from all corners of Pakistani society, including parliamentary opposition leaders and the Islamic right wing. Sharif even stressed in a telephone conversation with President Clinton that the decision "was out of my hands," an indication of the extreme pressure he was under and how limited his options were. In fact, one could even suggest that Pakistan’s civilian government suffered a negative political outcome on account of the international sanctions that were imposed. In order to avoid a default on its debts, the government even had to launch an unpopular “austerity drive” and strictly cut all government expenditures. Since elected political leaders are often the first blamed for economic hardship, we can infer that despite Pakistan’s overall strategic victory, the state’s civilian leadership was forced to bear the costs of a defeat while the defense establishment was largely shielded.

2.2 1999 Kargil Crisis

Just months after tensions had finally receded from the Nuclear Tests crisis, Pakistan and India entered a second round of nuclear brinkmanship over the status of Kashmir. This time Pakistan instigated the crisis by infiltrating Indian positions along the Line of Control (LOC). The offensive began in May 1999 when Pakistani troops and groups of Kashmiri militants, all under the guise of “Kashmiri freedom fighting mujahideen,” penetrated Indian lines and occupied the Kargil heights. Before Indian forces realized to their surprise the extent of Pakistani infiltration, 1,500 to 2,400 intruders were already entrenched at high altitudes overlooking a key Indian highway, positioning them to threaten the Indian military’s lines of communications and supply. India responded with its conventional forces, using artillery and air force barrages to dislodge the attackers. Despite Pakistani intelligence prior to the war that Indian forces would be “incapable of undertaking any conventional operations,” the Indian military began to inflict mounting casualties and managed to seize the high ground by late June.

The new overt nuclear balance influenced both states’ behavior during the war. As predicted by the results of the 1998 Nuclear Tests crisis, India was restrained from expanding the theater of operations across the LOC into Pakistan, where a second front on less difficult terrain would have given it an increased advantage. However, Pakistani officers were confident from the initiation of the crisis that their nuclear capability would restrain India from crossing into Pakistani territory. Yet in contrast to this lack of mass mobilization by the respective conventional forces, both sides escalated the crisis by placing their nuclear forces on alert and by employing escalatory rhetoric. For example, Pakistan’s Foreign Secretary clearly tried to enhance Pakistan’s credibility by warning publicly that Islamabad would “not hesitate to use any weapon in our arsenal to defend our territorial integrity.” Yet facing increased diplomatic pressure and a deteriorating military foothold in Kargil, Sharif announced on July 12 that Pakistan would withdraw from Kargil and enter into ceasefire talks. In all, Indian forces suffered 499 casualties while Pakistani forces lost 772 soldiers.

India was clearly the strategic victor in the Kargil crisis. In fact, of the three nuclear crises from 1998-2002, the Kargil crisis is the only engagement which the ICB Project classifies as having a definitive winner and loser. India successfully expelled Pakistani forces beyond the LOC, escalated its nuclear-forces readiness without causing a nuclear exchange, and achieved its primary goal of maintaining control over Kashmir. Yet even though Pakistani forces were fighting on foreign ground with no supply or air support due to the
risks of escalation, an Indian victory was not a guaranteed outcome. As with all nuclear crises, the third option in addition to victory and defeat is always disaster in the form of a nuclear exchange. India could have conceivably triggered nuclear disaster if it had chosen a different escalation strategy. Instead, the leadership in New Delhi recognized the Pakistani strategy of creating instability in a new nuclear environment in order to attract the attention of the international community and leverage that instability for a politically favorable outcome. In response, India exhibited restraint on several fronts. For example, it engaged Pakistani troops with air assaults, but also chose to sustain higher losses and a more protracted conflict by ordering its pilots not to cross the LOC, which had quickly become nuclear South Asia’s definitive red line.

Contrary to the outcome at the strategic level, the outcome at the tactical level is ambiguous. This may seem incongruous in light of the fact that the Pakistani military was decisively defeated in the mountains of Kashmir by its Indian adversaries. Yet in the overall context of Pakistan’s decades-long struggle to wrest control of the province from India, the Kargil War demonstrated that the Pakistani military had a new capability at its disposal for inflicting attrition on Indian willpower to occupy Kashmir. With its nuclear capability successfully deterring Indian forces from opening up a second front during the Kargil War, Pakistan established for itself the option of bleeding Indian forces on their own territory without declaring a conventional war. The fact that the defeated Pakistani military suffered about 1.5 times as many more casualties as its Indian counterpart only demonstrated that Islamabad had yet to realize the more effective method of striking at India. The implication of this ambiguous outcome at the tactical level was that Pakistan would choose to modify its approach and employ more insurgents and terrorist groups, thereby reducing the culpability of the state. As exhibited by the 2001-2002 crisis, the Pakistani leadership deftly noticed this tactical nuance after the Kargil War.

Similar to the outcome of the 1998 Nuclear Test crisis, the outcome of the Kargil War was not evenly distributed between the civilian and military institutions involved in the crisis. The fate of Prime Minister Sharif, ousted in a military coup d’état just months after surrendering in the Kargil War, is a case in point. Even after the coup, the new military government under General Pervez Musharraf “continued to argue that Nawaz Sharif had lost courage and backed down unnecessarily during the Kargil conflict.” This domestic distribution of the Kargil crisis outcome is particularly striking because the civilian leadership which bore the costs of concession was not responsible for instigating the crisis; rather, the Kargil operation was almost entirely directed by the military with little civilian input or even awareness. According to Pakistani Lieutenant-General Jamshed Gulzar Kiani, the last officer to brief Shari before the outbreak of hostilities, the civilian leadership was not properly informed of the upcoming operation. General Kiani’s statements are in direct contradiction to the account provided by General Musharraf, whose position at the top of the Pakistani military at the time would logically make him responsible for the debacle. Sharif was kept so in the dark that the military chose not to inform him even during a meeting held in February 1999 as Pakistani troops were crossing the LOC.

By contrast, this upheaval in Pakistani domestic politics as a result of the Kargil War did not materialize across the border; the Indian military did not increase its political power as a result of the victory, and the BJP failed to make the victory a successful issue in the elections immediately following the end of hostilities.

2.3 The Attacks on Parliament and Kaluchak

Little more than two years had passed before India and Pakistan were plunged into yet another crisis, this time for several months. The crisis began with the December 13, 2001 terrorist attacks on the Indian Parliament building in New Delhi, and augured a new strategy in Indian coercive diplomacy. Unlike the military operation of the 1999 Kargil offensive, the parliament attack was executed by the Pakistani-supported terrorist group Lashkar-e-Taiba (LeT), indicating Islamabad’s acknowledgment after Kargil that it needed to distance itself from the attacks. Since the LeT had
until this point limited its activities to the Indian-controlled Kashmir, this assault on the seat of India’s government came as a serious escalation in Pakistan’s asymmetric method of wearing away at Indian resolve.

In a departure from its restrained posturing during the Kargil War, India responded simultaneously with a list of demands and mass military mobilization. Offensive forces were quickly moved to assault positions along the Pakistani border, and the Indian Air Force was put on alert for offensive strikes. India would continue to issue a series of confrontational statements and ratchet up tensions with further mobilizations up through October 2002. Pakistan escalated in turn by cancelling all leave for army personnel and by putting its medium-range missiles on alert. India’s aggressive posturing showed signs of working within the first month of the crisis. Pakistan acquiesced to an extent by arresting the founder of Jaish-e-Mohammed (JeM), another terrorist organization identical to the LeT in purpose and in its relationship to Pakistan’s military. However, New Delhi was determined to challenge Musharraf’s resolve on harboring terrorists, and used the opportunity to formally demand a list of twenty terrorists and the dismantling of their training camps inside Pakistan.

Although Musharraf made another unexpected concession by publicly promising to prevent terrorist safe havens, India escalated once again by testing a new nuclear-capable missile.

In what marked a second phase of the crisis on May 14, the LeT attacked an Indian Army base in Kaluchak and killed 33 people, mostly family members of military personnel. Whether or not this was an intentional escalation in the crisis by Islamabad is unclear, yet subsequent Indian threats were enough to trigger U.S. intervention. U.S. diplomatic pressure proved to be the tipping point in extracting concrete action from Musharraf, as well as another public renouncement of supporting terrorist groups. Private reports confirm that Musharraf took the United States’ involvement seriously, noting that he directly instructed Pakistan’s Inter-Services Intelligence arm to have jihadi groups in Kashmir cease all attacks, a move resented by the security establishment.

The outcome of the 2001-2002 crisis is highly disputed, often on account of the fact that Pakistan-based terrorist groups still plague India. The ICB’s coding suggests a slight victory for India; treating the 2001 Parliament attack and the Kaluchak Army base attack as separate crises, the dataset codes India’s outcomes as “Victory” followed by “Stalemate,” and Pakistan’s as “Compromise” followed by “Stalemate.” Thus a simple averaging of each side’s outcomes results in an overall more advantageous outcome for India and a less favorable but still not detrimental outcome for Pakistan. Yet these codings fail to provide a clear picture of the significance of India’s robust coercive diplomacy strategy, as well as the implications for future crises of Pakistan’s ability to use terrorist attacks. A distinction between the strategic and tactical levels of outcomes provides us with both.

Despite some arguments on the contrary, India’s combined diplomatic and military brinkmanship throughout the crisis resulted in a strategic victory. Sumit Ganguly and Devin Hagerty contend that India’s “strategy of forceful persuasion” ultimately failed because from the start it was unable to achieve two tenets of coercive diplomacy: that the demands made on the coerced far exceed his willingness to comply, and that coercer has possible rewards for compliance. They note that the key factor in resolving the crisis was the involvement of the United States in finally pressuring Pakistan. Nonetheless, it was India’s display of resolve in response to multiple, less substantial Pakistani concessions that escalated the crisis to such an extent that it behooved Washington to intervene, resulting ultimately in tangible gains. A second counterargument to the assessment of an Indian strategic victory would be the persistence of terrorist attacks with ties to Pakistan. Yet quantitative evidence shows a significant decrease in terrorist violence in the years immediately following the crisis’ resolution. From the 1998 Nuclear Tests crisis through 2002, violent terrorist incidents in Jammu and Kashmir rose steadily from 2,940 per year to 4,038 per year (as noted in Section 2.1). Starting in 2003, however, the number of incidents fell to 3,401, followed by 2,565 in 2004 and 1,990 in 2005. Although these are still high figures, it is hard to imagine what else a substantial yet nonviolent victory for India would look like given
its long-term rivalry with Pakistan. After all, it is highly improbable that any amount of nuclear brinkmanship and coercive diplomacy could bring about a complete eradication of terrorism on the subcontinent.

On the tactical level, Pakistan achieved yet another tactical victory with the 2001-2002 crisis. While it is plainly evident in both Musharraf’s public concessions and in the reduced number of terrorist attacks that Pakistan lost the crisis strategically, Pakistan nevertheless was able to instigate multiple successful terrorist attacks. It should not go unnoticed that both of the 2001-2002 LeT operations were against high-profile political/military targets that should have been the most difficult to attack. Therefore, considering that Pakistan’s proxies executed both tactical engagements successfully, we can determine that Pakistan achieved a victory at the tactical level while failing to translate that into a strategic achievement.

The crisis outcomes do not seem to be unbalanced in their distribution among domestic actors, as was clearly the case with both states after the 1998 Nuclear Tests crisis and for Pakistan after the Kargil War. There were a few instances of resistance from the defense establishment on both sides; as noted above, Musharraf’s ultimate concession to U.S. and Indian pressure on support for terrorist groups was met with vocal objections from the ISI, with one officer accusing Musharraf of having “betrayed the Kashmiris after ditching the Taliban” in reference to the simultaneous U.S. pressure on Islamabad to cooperate in Afghanistan. In India, the military’s clashing interests were less pronounced, but inferable nonetheless; the constant state of military mobilization in order to increase the appearance of Indian resolve cost the military “dearly in wear and tear on its military equipment” and “undermined the morale of the armed forces,” probably because the final victory was less instantaneous and identifiable as in the Kargil War. This may explain the highly unusual incident in January 2001 when the Chief of Staff of the Indian Army bluntly warned that any country “mad enough” to launch a nuclear strike against India would be “punished severely.” It is possible that the Chief of Staff, representing the military’s natural preference for defined missions, was grating at the constant state of readiness with no military objective. Yet despite these minor displays of organization biases during the crisis, there is little to suggest that the actual crisis outcome was distributed unevenly among domestic actors.

3. Outcome Determinants: Applying the Four Theories

What determined these crisis outcomes? The four theories outlined in Section 1 – the balance of nuclear forces, the balance of conventional forces, the balance of stakes, and political-military integration – each suggest a unique factor that could be at play in each case. Each also establishes distinct expectations that, if the theory is applicable, should be able to describe the actual crisis outcomes.

3.1 The Balance of Nuclear Forces

Hypothesis 1 predicts that the state with the larger nuclear arsenal should exhibit higher levels of resolve and win most crises by virtue of its leadership’s confidence in outperforming the adversary in a counterforce exchange. When examining the nuclear arsenals of India and Pakistan during the three crises, however, we observe either a parity of forces or a slight advantage that changes from one estimate to the other. Yet because of a lack of reliable open source information on Indian and Pakistani nuclear stockpiles, these predictions can only be based on such estimates.

Estimates from 2002 suggested that
India had a stockpile at the time of 30–35 warheads toward the end of the period of the three crises, although reliable figures were even less available for Pakistan at the time, it was also estimated that Pakistan had produced between 585 and 800 kilograms of highly enriched uranium (HEU), with enough of it weapons-grade to produce 30–50 weapons. By the same metric, India had produced between 225–370 kilograms of weapons-grade plutonium, enough to produce 50–90 nuclear weapons (including the 30–35 already produced warheads). Therefore, if Pakistan were to be at or above nuclear parity with India at the time of the crises, it would have needed to dedicate its entire stockpile of HEU to produce the 30–50 weapons that would have been necessary. On the other hand, if India were to do likewise and weaponize all of its weapons-grade plutonium, then it could easily have exceeded the upper limit of Pakistan’s stockpile (50 weapons) by about 40 (for a total of 90 Indian weapons).

Yet if we are to make an inference about Pakistani and Indian weaponization patterns based on data since 2002, then we can reasonably assume that Pakistan was dedicating more of its HEU stockpile to producing warheads than India was of its plutonium stockpile. While the 2002 estimates suggest that India’s upper limit of potential warheads exceeded that of Pakistan’s, more recent estimates from 2010 indicate that in the following eight years Pakistan established an advantage of about 10 warheads (70–90 for Pakistan; 60–80 for India). If more recent estimates of total warhead stockpiles – as opposed to kilograms of HEU – suggest that Pakistan was producing nuclear weapons at a faster rate than India up until 2010, then there is the possibility that it has been producing warheads at the same rate since 1998. If this rate of production would make it likely that India and Pakistan had identical stockpiles during the 1998–2002 period.

Due to the relative parity in nuclear forces, we should expect stalemates to be the most common outcome. However, each crisis has a demonstrable winner and a loser at the strategic level. Furthermore, information was never clear to the leadership of either state regarding the size of its adversary’s stockpile. If nuclear superiority theory maintains that one additional increase in firepower corresponds with an equal increase in resolve, then the converse must be true about the enemy’s nuclear arsenal: one less enemy warhead should correspond with an increase in one’s own resolve. This logic acknowledges the importance of sizing up the adversary’s nuclear forces, yet without this information leaders must base their resolve on only half the equation. Therefore, the mutual uncertainty over the other side’s nuclear forces undermines the causal logic of Hypothesis 1.

3.2 The Balance of Conventional Military Forces

If Hypothesis 2 is the decisive factor in crisis outcomes, then based on the massive discrepancy between the Indian and Pakistani forces we should expect consistent victories for India. A survey of basic strategic military resources reveals India’s overwhelming conventional superiority. In 2001, India outs pent Pakistan with a defense budget of $15 billion compared to Islamabad’s $2.6 billion. In terms of manpower, India enjoyed a numerically superior force of about 1.1 million troops, whereas the Pakistani military was half as large at 550,000. The crisis outcomes – two strategic victories for India and one for Pakistan – suggests that the conventional military balance provides a significant amount of explanatory power.

However, a closer analysis of the environmental restraints on India’s conventional forces demonstrates that its military did not enjoy its expected level of superiority during these crises. First, the Indian military had committed nine divisions to guard the border with China, thus bringing its 2:1 numerical much closer to parity. Second, in both of the crises which it won, India’s conventional forces faced three options for dealing with Pakistan: hot pursuit, surgical strikes against terrorist camps, and a full-scale attack. Hot pursuit in the form of quick, shallow incursions into Pakistan against militants and terrorist groups had serious disadvantages; for example, most militant and terrorist camps were dispersed and located far from the LOC meaning that Indian incursions would be limited in range and would risk killing civilians. Surgical strikes, by contrast, presented India with the option of limiting its strikes
to just terrorist facilities. However, the Indian military at the time was heavily geared toward "counter-insurgency and anti-terrorism operations or more classical warfare," whereas surgical strikes required equipment such as helicopters and advanced communications technology. India's military during the crises only had three marine helicopters and it would have been unlikely that ground special forces would have been able to communicate in real time with air support. Finally, India had the option of applying its numerical superiority in full-scale attacks against Pakistan. Needless to say, this would have easily sparked a nuclear exchange. Therefore, the correlation between the overall balance of conventional forces and the crisis outcomes is most likely coincidental.

3.3 The Balance of Stakes

Hypothesis 3 predicts results in accordance with the gravity of the threat each country faced. As noted in Section 1, geographical distance is not a stakes factor because of the geographical proximity of India and Pakistan. According the ICB's gravity score ratings (Appendix A), we should expect a stalemate across each of the crises except the Kargil conflict, for which India has a 3-level gravity score, signifying the territorial threat it faced from Pakistan's invasion of Kashmir. Pakistan, on the other hand, has a 1-level gravity score for the Kargil conflict, representing the limited military threat it faced from India's restrained military response during the war. Therefore, the outcomes of the three nuclear crises demonstrate that balance of stakes theory has a degree of explanatory power. However, Pakistan's strategic victory during the 1998 Nuclear Tests crisis and India's strategic victory in the 2001-2002 crisis means that the results contradict Hypothesis 3 in the majority of situations.

3.4 Political-Military Integration

Finally, Hypothesis 4 predicts that the state with the greatest unity of effort between its political and military organizations should win the nuclear crises. In order to set up this theory's predictions for the crisis outcomes, we must first evaluate for each crisis the state which exhibited the higher degree of integration. As each case demonstrates, the variable of political-military integration provides a powerful explanation for all three of the crisis outcomes.

During the 1998 Nuclear Tests, Pakistan seems to have exhibited a greater degree of political-military integration. This is not to say that Islamabad deftly managed the tools of diplomacy and military posturing in navigating its way through the crisis. Rather, it simply did not show signs of disintegration. In comparison with Indian political-military integration, this was enough for Pakistan to enjoy an advantage. As discussed in Section 2.1, the clearest catalyst for India's decision to detonate was the election two months prior of the BJP. Indian Prime Minister Vajpayee's motive for initiating the crisis was the BJP's political reputation and its strategic culture of emphasizing power and status. Outside of the small community of BJP politicians and the nuclear scientific community, "none of the other bureaucracies were involved." The consequences of excluding the military from the nuclear strategy process resulted in "weaponization without a doctrine." Pressing questions on delivery systems, yield, and use doctrine were thus left unconsidered until after the tests. This dynamic fully illustrates Posen's problem of "functional specialization" in bureaucracies as a barrier to integration. Consequently, India's civilian leadership failed in on two counts; first, it initiated a nuclear crisis that was not in the state's strategic interests. Second, it worsened the situation by issuing contradictory rhetoric regarding what threat India's arsenal was meant to counter.

The Kargil War exhibited the converse of the prior crisis. In just a little over a year since the 1998 Nuclear Tests crisis, Pakistani political-military relations underwent severe disintegration, while Indian political-military integration improved from its 1998 performance. In fact, there were signs of Pakistani political-military disintegration before the crisis even began. Pakistan's nuclear weaponization in 1998 was not succeeded by the command and control reforms necessary for regulating the military behavior of a nuclear power. Consequently, during the run-up to the war military officers who believed that
nuclear weapons would protect them from Indian reprisal “never had their views challenged” by a non-military perspective.\textsuperscript{63} If nuclear brinkmanship

theory views crisis-engaging states as two drivers in a game of chicken, then Pakistan during the Kargil War was a car in which one leader “was pressing the accelerator, another pushing on the brakes, and both tugging at the steering wheel.”

India, by contrast, demonstrated a higher level of integration than it had in 1998; however, this was not readily predictable until the crisis had already begun. As detailed in Section 2.2, India exhibited political-military integration in its synergy of diplomatic and military goals during its efforts to oust entrenched Pakistani forces. The Indian Air Force took greater military risks in order not to violate the LOC, a political recognition which was crucial for avoiding a nuclear exchange. Overall, this extreme difference between the levels of Indian and Pakistani integration resulted in the clearest strategic outcome of the three crises.

Finally, the 2001-2002 crisis is strongly characterized by India’s persistent strategy of coercive diplomacy and Pakistan’s strategically ineffective pursuit of asymmetric warfare through terrorist attacks. As discussed in Section 2.3, Indian brinkmanship during this extended crisis employed multiple political and military instruments of national power in pursuit of a political goal, represented concretely by the list of wanted terrorists’ names. India crafted a coercive strategy of mass military mobilizations and diplomatic offensives using escalatory language in order to suppress Pakistani support for terrorism. Pakistan, on the other hand, was reliant on tactically successful but strategically reckless terrorist attacks, a method for which the ISI has a demonstrated bureaucratic bias. Lacking political-military integration, Pakistan’s pursuit of its national goals in the crisis was limited to the functional specialization of its military.

4. Conclusions and Implications

As the Indo-Pakistani nuclear crises of 1998-2002 illustrate, political-military integration can often be the determinant of resolve in nuclear crises; without such integration, bureaucratic biases will hamper the simultaneous use of military and non-military instruments and produce misguided strategies that, under the pressures of a nuclear crisis, undermine resolve. I also found there to be some explanatory power in the balance of stakes argument, which is supported by the fact that India’s 1999 victory, arguably the most decisive of the three, is complemented by the only gravity rating discrepancy between the two states.

This study also reveals weaknesses in using political-military integration as a predictive lens. As alluded to in Section 3, very often it is easier to deduce signs of integration or disintegration after the crisis has already begun. One area for strengthening this form of analysis would be automated content analyses of statements made by both civilian and military leaders preceding a crisis. An analysis of public statements as well as private ones made through the press would reveal to a great extent the strength of organizational biases. This would go a long way toward refining the degree of political-military integration that a state enjoys. As Appendix B illustrates, the degree of the discrepancy between two states’ levels of integration has significance for the decisiveness of a state’s victory. For example, Pakistan’s 1998 Nuclear Tests victory was admittedly the least definitive in the three cases. Yet somewhat telling is the fact that the discrepancy between Pakistani and Indian integration during the crisis was the narrowest of all three cases. Furthermore, India’s decisive 1998 victory is characterized by the widest discrepancy in political-military integration.

The power of political-military
integration in explaining nuclear crisis outcomes should call attention to the nuclear programs of states suffering from political-military disintegration. For instance, those who advocate for the feasibility of a future U.S. containment strategy toward Iran should answer the questions that this approach raises. Given the organizational biases of Iran’s theocratic, political, military, and nuclear science organizations, would Tehran be able to achieve a synergy of effort during a nuclear crisis? Would disintegration and a preference for particular organizational biases suggest an Iran more willing to engage in crises it cannot win? The answers to these questions, which are not addressed by the other models of crisis resolve, have direct implications for any potential U.S. containment strategy of a nuclear Iran.

Appendix A: ICB Gravity Scores

<table>
<thead>
<tr>
<th>Crisis</th>
<th>India</th>
<th>Pakistan</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998 Nuclear Tests</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>1999 Kargil War</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>2001 Parliament Attack</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>2002 Kalmuchan Attack</td>
<td>5</td>
<td>5</td>
</tr>
</tbody>
</table>

Appendix B: Political-Military Integration Ratings Across Crises

<table>
<thead>
<tr>
<th>Crisis</th>
<th>Country</th>
<th>Pol-Mil Integration</th>
<th>Strategic Winner</th>
<th>Integration Discrepancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998 Tests</td>
<td>India</td>
<td>4</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Pakistan</td>
<td>6</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>1999 Kargil War</td>
<td>India</td>
<td>5</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Pakistan</td>
<td>1</td>
<td>-</td>
<td>✓</td>
</tr>
<tr>
<td>2001-2002 Attacks</td>
<td>India</td>
<td>6</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Pakistan</td>
<td>2</td>
<td>-</td>
<td>✓</td>
</tr>
</tbody>
</table>

Endnotes

1. I will not be testing the effect of democratic political systems on nuclear crisis outcomes, even though some may expect the variable of political-military integration to follow the same causal logic. Such studies have demonstrated that democracies are more likely to choose crises in which they are more likely to prevail, and it is plausible that democratic systems encourage political-military integration. Of these three cases, however, the only one chosen by a democracy is the 1998 crisis, in which India was the instigator and lost. See Gelpi, Christopher F., and Michael Griesdorff, "Winners or losers? Democracies in international crisis, 1918-94." American Political Science Review. 95. no. 3 (2001): 633-648.

2. As discussed in Section 2.1, the strategic/tactical distinction does not apply as well to the 1998 Nuclear Test Crisis, largely because of its lack of conventional military posturing.


4. Ibid. 50

5. Ibid. 33; Todd S. Sechser, and Matthew Fuhrmann, “The Coercive Limits of Nuclear Weapons,” in Annual Meeting of the American Political Science Association, Seattle, vol. 2, 2011. Although the Sechser and Fuhrmann study examines incidents of nuclear coercion, rather than strictly nuclear crises, it nevertheless has demonstrated a statistically significant negative relationship between threat success and conventional superiority, thus casting further doubt on this hypothesis.


7. The ICB ranks crises from 0-6, lowest to highest: (0) Economic threat (1) Limited military threat (2) Political threat (3) Territorial threat (4) Threat to influence in the international system or regional subsystem (5) Threat of grave damage (6) Threat to existence. See http://www.cidcm.umd.edu/icb/dataviewer/variable.asp?id=&level=2&name=GRAVTY. Gravity scores for each crisis are listed in Appendix A.


10. Ibid. 32-33.


12. Ibid. 130


16. Ibid. 55.

17. Ibid. 74.

18. Ibid. 55.


20. Ibid. 34.


24. Ibid. 116
26. Ganguly and Hagerty 129.
31. Ibid. 123.
32. Ibid. 121.
34. Ibid. 232-233
35. Kapur 122.
36. Although the ICB classifies the 2001 Parliament Attack Crisis as a victory for India as well, the overall crisis outcome is determined to be ambiguous because Pakistan did not suffer a complete defeat, but rather achieved a compromise outcome.
37. Basrur 59.
38. Sagan 232.
40. Sagan 231.
42. Here I combine the ICB’s data on the Indian Parliament Attack (12/13/2001-1/12/2002) and the Kaluchak crisis (4/14/2002-10/17/2002), treating them both as one continuous crisis, which is not uncommon in the literature on the crisis.
43. Ganguly and Hagerty 167-168
45. Ganguly and Hagerty 170.
46. Ibid. 173.
47. Ibid. 174.
49. As noted in 3.1, “Compromise” denotes some goals achieved, whereas “Stalemate” indicates no positive or negative consequences for a state’s goals.
50. Ganguly and Hagerty 180.
51. Swami 2009, 146.
52. Swami 2009, 152.
53. Ganguly and Hagerty 182.
54. Ibid. 174
59. Ibid. 172.
60. Ibid.
61. Menon 105.
62. Ibid.
63. Sagan 105.
64. http://www.cidcm.umd.edu/icb/dataviewer/variable.asp?id=&level=2&name=GRAVTY.
65. Here I rank each state’s level of political-military integration on a scale of 1-6, with 1 being the lowest level of integration and 6 the highest. These can be achieved by separating the three strategic winners (India 2001-2002, India 1999, Pakistan 1998) and the three strategic losers (Pakistan 2001-2002, India 1996, Pakistan 1999). The next step would be to rank each category from greatest integration to least integration. Of the winners, India 2001-2002 would receive the highest ranking, 6, for its highly integrated coercive strategy. Next, India in the 1999 Kargil War (5) clearly demonstrated more integration than Pakistan in 1998 (4). Of the losers, Pakistan 1999 would receive the lowest ranking, 1, for the absolute lack of political-military integration displayed by Sharif’s lack of involvement in the decision to go to war. Next, India’s lack of integration between the BJP and the military in 1998 (2) clearly shows less integration than Musharraf’s use of diplomacy and military posturing in 2001-2002 (3).

**Bibliography**


Ganguly, Sumit, and Devin T. Hagerty. Fearful Symmetry: India-Pakistan Crises In


and reform has been and continues to be a powerful tool leaders use to garner political legitimacy, maintain patron-client relations and suppress opposition. This paper argues that the inclusion or exclusion of vying elites into the formal political sphere is a major factor in the land policy formulation process. In Botswana, uniform elite interests in commercial land have centralized decision-making to the higher echelons of bureaucracy. In contrast, in Uganda, competing elite interests in land and the exclusion of elites from the formal political sphere has driven a more pluralistic policy-making process. In both countries, bureaucratizing land management has enabled the dominant ruling class and regime to use land as a legal means of patronage. This is an extension of original fieldwork conducted in Uganda and Botswana.

Rapid urbanization, environmental degradation and increasing land scarcity all pose challenges to traditional mechanisms of land management and amplify the importance of designing sustainable land use policies. Land, particularly in sub-Saharan Africa, is central to people’s livelihoods and serves as a platform for understanding the state and its relationship with communities. As land connects political authorities to the popular masses, it constitutes an integral component of the “patron-client chains that link the national elite to the local level.” Land reform can thus radically reconfigure state-society relations, augment struggles for control over property and resources, and shed light on the salience of political motivations, elite interests and popular pressures throughout the policy-making process.

In postcolonial Africa, conflict over land is rarely about access, it is most often rooted in conflicting and contradictory claims of authority to settle disputes, allocate property, and manage land and its resources. The colonial legacy of legal and institutional pluralism in many African states has magnified competing struggles for legitimate and recognized authority. Historical narratives of who originally had power to allocate and manage land shape contemporary struggles over land and its resources. How leaders respond to land conflict, address complex competing claims to authority over land, and develop and institutionalize land tenure reform remains politically explosive and contentious.

State intervention in land tenure - whether it disrupts, alters, or institutionalizes traditional systems of land use - can consolidate and centralize political control by incorporating or excluding tribal authorities from land management and decision-making processes.

This paper posits that the process of land policy formulation can aid in our understanding of political authority and state-society relations. As both the land policy-making and implementation processes are inherently political, land tenure reform raises a number of questions: whose interests are land reforms servicing? How does conflict in authority over land allocation and management manifest in the public

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arena? Who participates in the policy-making process? Is participation meaningful or superficial? More importantly, whether the significance vested in the control over land has evolved with changing interests can provide insight onto the nature of policymaking and drivers of land reform. The intersection of the politics of policymaking and land reform remains largely unexplored in the discipline despite its ability to investigate broader questions regarding the future of the African state, democratic governance and development.

This paper argues that the inclusion or exclusion of vying elites into the formal political sphere is a major factor in the land policy formulation process. In Botswana, upon independence, traditional authorities and the nascent political elite held extensive economic and social ties to cattle ranching. Uniform interests and the subsequent incorporation of traditional elites into political institutions enabled the development of a cohesive, unified ruling class. Uniform elite interests and the subsequent incorporation of traditional elites into political institutions enabled the development of a cohesive, unified political class that continues to control decisionmaking and policy-making today. As the economic significance of cattle ranching has partly become a legacy of Botswana’s past, a coalition comprising political elites and business elites has emerged as the new dominant ruling class. Uniform elite interests in the commercialization of agrarian and urban land has centralized decision-making to the higher echelons of bureaucracy, and as a result, land policy formulation remains insulated from the public. In Uganda, competing land interests and the exclusion of vying elites from the formal political sphere has driven a transparent and pluralistic land policymaking process. Land tenure reforms initially attempted to advance the economic interests of the political elite, and undermine the benefits landowners and traditional authorities incur from the current land tenure arrangements. But the regime, faced with mounting pressure from traditional authorities and landowning elites located outside its core, has reconnoitered the adoption of participatory and consultative land policy-making processes. However, following the Ugandan Land Act (1998), changing political elite motivations have fundamentally altered the nature of land policy formulation. The government, after establishing its sought-after legitimacy, is now less concerned with sustaining elite alliances and more interested in securing resources for patronage and ensuring regime hegemony. With evolving political elite interests, opportunities for meaningful participation are being increasingly restricted. The implications of the exclusion or inclusion of traditional authorities into the formal political system for land policy formulation has been largely ignored in the literature. The juxtaposing cases of Botswana and Uganda serve as lens for analysis.

**Botswana: Commoditization of Land and its Resources**

Cattle historically served as the principal form of wealth in Botswana. Traditional authorities gradually accumulated the largest herds, utilizing cattle as a tool of patronage to bind the client-patron system together. Since cattle constituted the mainstay of rural livelihoods upon independence, land reforms sought to promote and support growth of livestock industry. However, these land reforms, which have sought to commercialize the livestock industry, has further exacerbated inequality; by 1993, 91.7 percent of the poorest farmers only “accounted for 37 percent of the traditional herd while the wealthiest 2.4 percent held 39.4 percent.” Today, nearly half of rural households do not own cattle.

Although commercialization of land and water resources has been met with resistance in rural communities, Botswana’s land reforms have been met with widespread praise internationally. Despite increasing disparities in cattle holdings and land ownership, Botswana’s system of land tenure and reform is often viewed as a model for the rest of sub-Saharan Africa. Scholars have hailed the country’s development, attributing its success to sound and autonomous public institutions and responsible leadership. Upon independence, a small and united political elite helped develop a professional state apparatus that promoted economic growth and ensured state intervention in the economy was strategically planned and selective. Responsible leadership also has kept corruption and economic mismanagement to a minimum. In addition, Botswana’s bureaucracy...
remains insulated from popular demands and political pressure, which has arguably contributed to its autonomy and strength.\textsuperscript{13} As a result, land reform and policy-making in Botswana is often juxtaposed to its neighbors, where collective decision-making is absent, and policy is often driven by the executive branch to enhance short-term political popularity. The commercialization of agrarian land is argued to have worsened existing inequalities and facilitated the elite capture of wealth. Although it is widely recognized that land tenure reforms have advanced the interests of the dominant ruling class, policies are seen as both developmentally and politically driven.\textsuperscript{14}

**Botswana: From Rangeland to Real Estate**

"In the gate-keeping state the key to controlling resources is to control the state apparatus and, consequently, it is natural that economic and political power should be in the same hands."\textsuperscript{15}

The Tribal Land Act (1968) limited tribal authority and stripped chiefs’ ability to allocate land through the establishment of “land boards.” With the introduction of land boards, chiefs and traditional authorities lost their formal power to manage land. However, the new government appointed chiefs and traditional authorities as bureaucrats and senior civil servants, awarding them decision-making power within the formal political system. The resulting alliance of elites, comprising traditional authorities, educated Batswana, a nascent business class and prominent cattle-ranchers, continue to dominate the higher-tiers of bureaucracy and hold a vast majority of seats in the legislature.\textsuperscript{16} This unification also consolidated elite interests and supported the development of a cohesive ruling class. The legacy of overlapping multiple social and political classes remains today: traditional authorities still constitute some of the wealthiest commercial cattle ranchers. The next generation of elites, comprising high-ranking civil servants whose economic ties were less linked to cattle ranching, helped facilitate the transition from livestock to urban real estate and property. The political, economic and educated elites were thus integral in the establishment of a new real estate and business class. Continual overlap and movement between private commercial industries and state ministries has helped maintain a tight-network of elites that has major policymaking ramifications.

The incorporation and unification of traditional authorities and the political elite affected the development of the Tribal Grazing Land Policy (1975) and continues to impact contemporary land policy formulation. Throughout the development of the Tribal Grazing Land Policy, which made it possible for large-scale cattle owners to buy private ranches, policy was not introduced to the public until after it was developed and finalized. Additionally, policy proved most advantageous to its architects - the traditional authorities and the political elite - who both benefited extensively from cattle ranching and the privatization of rangeland. Despite the diversification of elite interests from cattle ranching to urban real estate in recent decades, centralized and insulated decision-making predominates.

**Decline of Traditional Authority: Building New Institutions for Land Management**

Before colonialism, “land rights among the Tswana people were enjoyed by members of a particular tribe.”\textsuperscript{17} The chief, the political head of the tribe, was responsible for distributing and allocating plots for residential and cultivation purposes to members. Chiefs held an enormous amount of political authority, which was further strengthened during the colonial era.\textsuperscript{18} The expansion of chief power, however, was short-lived.\textsuperscript{19} Upon independence in 1966, an emerging elite, comprising large-scale cattle owners, wealthy farmers and intellectuals educated abroad, formed the new government and leadership class. The passage of the Chieftainship Act (1965), which granted the president the authority “to recognize, or not recognize a traditional power,” drastically curtailed the autonomy of traditional leaders and politicized traditional rule. As Ian Taylor illustrates,

*This at one blow meant that potential opposition to building up a strong state apparatus and organising concerted opposition to the new government was dissolved and the potential site of alternative power removed. Instead, traditional rulers, dependent on the state for official recognition, served as facilitators for the implementation of policy, particularly in*
the rural areas. In this sense, their role within Botswana was re-invented and chiefs became agents of the government at the grassroots level.²ò

While recognizing the cultural significance of chief power and their connection to the peasantry, the political elite incorporated chiefs into advisory positions in public bodies in exchange for the replacement of traditional institutions.²¹

Shortly after independence, the Tribal Land Act (1968) altered traditional mechanisms of land management. Legislation limited chief and tribal authority to ‘quasi-bureaucrat’ positions, giving the Botswana Democratic Party (BDP), the new ruling party, ultimate control over land. The Tribal Land Act “created a new organization - the land board - as the custodian of tribal land allocation, administration and recipient of any revenue generated from such land by its private users.”²² Initially, land boards were comprised of six members: the chief or his deputy as an ex-officio member, two members appointed by the chief, two members elected by the district council, and two members appointed by the minister.²³ Although the chiefs found this legislation particularly controversial as it stripped them of their traditional powers and contributed to the rapid decline of their political authority, tribal leaders ultimately decided to cooperate with the new government and become part of the new system of land boards that had replaced customary institutions.²⁴ With the erosion of chieftainship, policy-making in Botswana’s nascent administration was further centralized: “authority flowed downwards from the central government to the rural masses … [and] insignificant input and influence flowed in the opposite direction.”²⁵ Chiefs were given a symbolic - yet crucial - position at the village level, where the de facto power of district councilors and members of parliament still is not fully realized by ordinary people.²⁶

Prior to the introduction of the Tribal Land Act, chiefs were engaged in negotiation with the emerging new elite class. Chiefs faced the choice of resigning, joining opposition politics or cooperating and becoming part of the system. The nascent elite class sought to use “incorporation and inclusion as a means of building a coalition” of support with the chiefs in order to ensure potential disagreement and conflict was kept quiet from the public sphere.²⁷ This strategy proved effective, leading to the end of real, traditional power that characterized the past and opening a “new chapter driven by conflict, coercion and reluctant cooperation between the new state and the chiefs.”²⁸ In addition, by confining chiefs to “symbolic” positions, the new class of leaders eliminated the chiefs’ power to “compete for authority to allocate resources.”²⁹ However, the incorporation of traditional authorities into the modern state, Hillbom argues, has strengthened the relationship between “old and new political authorities, between large cattle holders and the government” and proved to be advantageous to political and economic elites who are increasingly becoming one and the same.³⁰ Both the bureaucracy and National Assembly, which in the years immediately preceding independence was dominated by medium- and large-sized cattle ranchers, furthered and advanced shared economic interests in commercialization and cattle ranching.³¹

The BDP’s successful utilization of inclusion to co-opt potential dissent is part and parcel of contemporary politics. Future land board appointments have paralleled the governments’ initial aim of incorporating opposition and dissenting interests. Appointments are often from “opposed factions or political parties within the local government, or competing communities or alternative elites as well as the public at large.”³² This tactic has significantly influenced the nature of decision-making around the land question.

**Elite Cohesion and Centralized Decision-making: Rangeland Land Privatization**

Following independence, decision-making was largely controlled by the new united class front, who “all [drew] extensive economic and political gains from cattle ranching.”³³ High-level civil servants, leading BDP supporters, and governmental officials control much of the cattle industry.³⁴ According to Picard (1980), a similar socioeconomic class dominates the lower echelons of local political structures as well. In short, the dominant ruling elite shaped Botswana’s economic development agenda by furthering the commoditization of cattle and land resources and by restricting the policy-making process to the higher tiers of bureaucracy.³⁵

In the 1970s, concerns over land
scarcity, overgrazing and desertification ignited the push for the development of improved systems of land management. Botswana’s National Development Plan (1970 -1975) also reiterated similar concerns over rangeland degradation. Over the next several years, political leaders flushed out several possible land policies: reform could radically redistribute communal land, rapidly privatize all land, or maintain the status quo and provide opportunities for the commercialization of land and bore holes in designated areas within the country. As the first two options would be unacceptable to the elite and rural peasantry, bureaucrats focused on the latter: ensuring the preservation of customary institutions that ensured tenure security while appeasing the growing demand for capital-intensive ranching and privatization. Designing the Tribal Grazing Policy was a two-tier process: At the decision-making level less than 30 political leaders (in and around the cabinet) and an equal number of bureaucrats in three ministries (Local Government and Lands, Agriculture and Finance and Development Planning) formulated the new land policy. At the second level, policy elites, prior to the public announcement of the policy, tried to create a coalition of support among governmental officials while at the same time fending off critics of the proposed policy who substantively challenged the orientation toward commercial ownership was explicit in the grazing scheme. The policy was not publicized until after the 1974 elections and the sensitization campaigns that followed reinforce the policy was already predetermined. An internal government memorandum in April of 1975 captures the concrete nature of the policy: “public discussion is not being undertaken in order to debate the land development policy per se. Rather the position is that we have the policy and a proposition for implementing it.” Local people were involved through the government’s large-scale information dissemination campaigns on the advantages of fencing and private, commercial ranches. Although some government officials collected perspectives and new information about local land use, “only marginal changes were made as a result.” Additionally, this “consultation” piece of the process occurred after the policy had been announced. ‘Dissemination’ as a means of ‘participation’ has emerged as recurring component throughout BDP’s land policy formulation process.

The formulation of the Tribal Grazing Policy reiterates debate and decisions surrounding development and land tenure remain confined to the higher echelons of bureaucracy and dominant line ministries. Opportunities for public participation sought to legitimize and justify land reforms. As the Tribal Grazing Policy demonstrates, reforms were nearly complete when they were finally released to the public, and government-established channels of participation vis-à-vis kgotlas were premised on building consensus and thus rarely shaped or altered policy outcomes. Uniform elite interests in agrarian land and the integration of traditional authorities into the modern state, resulted in the development of a cohesive political-economic elite. This has in turn centralized policy-making, limited opening for public participation.

Land for Real Estate: Policy Formulation and Professional Aspirations

Unifying traditional authorities and the new political elite at independence were their shared social and economic ties to the agrarian economy. Despite changing land use as a result of urbanization, political and economic elite interests in land have remained uniform. Public-private sector cooperation has helped build a dominant ruling...
coalition comprised of the political elite and the urban business class whose interests have significantly influenced the objectives and development of land policy. Policy formulation still remains centralized, insulated from the public and subject to elite domination. As the case of Botswana demonstrates, the diversification of elite interests in land has not led to more widespread participation. Rather, the unification of the political elite and urban business class has ensured the development of policy that continues to service and advance elite interests in the commercialization of land.

The gradual localization of civil service provided opportunities for public sector employment in urban areas, particularly in Botswana’s capital, Gaborone. Private industries and the government, which today employs over half the formal sector, absorbed much of the well-educated and skilled elite class in major urban centers, thus reducing the historical elite dependence on agrarian land. Urbanization in combination with heightened opportunities for formal sector employment in cities has led to a growing focus on the tourism, real estate and property development industries as potential areas of investment. With the realization that maintaining an agrarian base of material wealth was financially risky, civil servants gradually made the transition from cattle ranching to commercial enterprise, helped redirect investment and diversify traditional sources of wealth. Many high-ranking civil servants were encouraged to invest and become shareholders in urban real estate companies. Due to rising value of land and property, particularly in urban areas, elites both within and outside the ruling party sought to “secure a major share of new wealth for citizens rather than letting it be siphoned off largely by expatriate investors.” The redirection of investment and capital accumulation in the 1980s laid the foundation for future collaboration between top-level civil servants and commercial industries, a defining characteristic of policy-making today.

Land policy formulation, initially dominated by the new political elite, wealthy cattle ranchers and traditional authorities that occupied the higher echelons of bureaucracy and held positions on land boards, is now tightly controlled by a nascent public-private coalition comprising real estate barons, business elites, and high-ranking civil servants, all of whom have ties and connections to both the public and private sectors. The University of Botswana Democracy Project, commissioned by American and Batswana political scientists and sociologists, underscores the economic transformation of civil servants and urban elites. A survey conducted by the Project in 1989 found that “70 percent of permanent secretaries did not own cattle or at least they did not perceive of cattle post [sic] their family owned as having any investment potential. Instead most of these civil servants held shares in private companies and parastatals such as Botswana Development Corporation (BDC), Sechaba Investment Trust and Sefalana and commercial banks.” Civil servants are personally invested in the success and growth of the private real estate industry sector “despite the tendency of political leaders to conceal their economic interests.” Movement to and from state land agencies and the urban real estate sector has facilitated the gradual incorporation and institutionalization of the preferences and interests of real estate companies into the public sector. This raises questions about the alleged objectives of land policy and has blurred the distinction between public resources and private wealth.

Since the Tribal Land Act, the composition of land boards has changed significantly. Today, the chief nominates one member to serve on the land board and the Ministry of Lands selects three members from a list of candidates compiled by the village kgotla. The four remaining members are ministerial appointees: one represents the Ministry of Agriculture, one represents the Ministry of Commerce and Industry, and two members are elected from the district council. The current membership on land boards reflects the waning role of traditional authorities, and reinforces that civil servants continue to dominate land-related decisions. This not only privileges bureaucrats to insider information, but senior-level civil servants and politicians often receive preferential treatment in land
allocation and public lending schemes. Problems have arisen in peri-urban areas where the demand and value is particularly high, and its availability is scarce. Land shortages have encouraged individuals to circumvent land boards and the legal system, using the advantages of political influence or monetary power. As urban land had become increasingly scarce, wealthy urbanites, political elites and urban laborers, searched for cheaper housing and residential plots in many of the villages bordering the capitol. In the 1980s, with growing evidence of widespread illegal and unauthorized land transactions in Mogoditshane and other peri-urban villages surrounding Gaborone, the president established a Commission of Inquiry to investigate the problem. The Commission’s findings implicated a number of high-level officials and politicians had been engaged in illegal land sales and speculation. Often it was leading ministers and BDP parliamentarians informally acquiring residential land, allegedly encouraging and pressuring legal owners to sell property.

While conducting fieldwork in Tlokweng, a peri-urban village outside Gaborone, I drew similar conclusions nearly two decades later. Land boards are still accused of allocating land inequitably, favoring those with political and economic capital, and ignoring citizens with few cattle and little political power. The illegal sale of communal land plots in Tlokweng and other peri-urban villages is evident in weekly newspaper advertisements, which continues to be driven by the high demand and low availability of land. If allocated an undeveloped plot, an individual has five years to make improvements and build structures on the land. Unable to complete construction or make investments on the plot, youth have a tendency to sell the land to outsiders, most of whom are wealthier and work in Gaborone. This cycle not only exasperates poverty but perpetuates the elite’s monopoly over urban land: poorer residents sell their plot illegally or legally, wealthy urban residents most often buy the plot, and can afford to make investments and developments to enhance its value. In response to escalating scarcity and the illegal transfer and sale of land in urban areas, Tlokweng Land Board has held a number of workshops and meetings with private sector investors and youth members of the village. While incorporating youth is clearly important, how the presence of representatives from banking and financial institutions - who have clear objectives and priorities - influences these meetings and workshops is questionable. More recently, there have been a number of reported cases where long-time bureaucrats have been allocated prime land at below-market value costs in order to pursue a joint real estate development project. Additionally, as demand for residential land has relatively subsided, bureaucrats who hold shares in financial institutions or real estate companies have been able to qualify and secure loans to finance development projects on commercial land on the periphery of Gaborone.

In addition, the personal career aspirations of civil servants in state land ministries reinforces the development of policies most advantageous to the real estate sector, as “state bureaucrats working in land administration agencies picture themselves working in the private real estate in the future … [so] they tend to make policy decisions with these future roles in mind.” Bureaucrats in state land agencies who envision a career in the private real estate sector build social capital and take advantage of the connections made while working as a civil service with real estate developers and private contractors. Maintaining a cohesive alliance between bureaucrats and real estate developers is mutually beneficial as real estate companies depend on a well-functioning market with clearly defined and harmonized institutions governing land and property.

The movement and overlap between the public and private sphere has impacted the nature of participation. In 2006, the Minister of Lands and Housing, Nonofo Molefhi, held a consultative workshop on land policy. The workshop, premised on local participation and consultation, included “senior government officials, land board members, tribal leaders” and representatives from financial institutions. The composition of participants reiterates that real decision-making power lies with elites located within the political and private sphere. It also reinforces that any resistance to proposed land policies and the further commercialization of land must occur outside formal governmental channels. Government-sponsored workshops on land policy serve as a space for inter-elite negotiation, not popular mobilization.

Despite evolving elite interests, the nature of contemporary policy-making in Botswana remains similar to the process
of land policy formulation at post-independence: negotiation and review continue to be kept insulated from public scrutiny, dialogue takes place within public institutions and formal government channels, and those with most economic power tend to yield the greatest influence throughout the policy-making process. Opposition leader, Dumelang Saleshando, in response to the annual State of the Nation Address, epitomizes the domination of wealthy BDP affiliates in land:

Corruption in land allocation mainly by a clique of powerful individuals with political connections with the BDP is the main problem we have. Our history is replete with examples of documented land scandals from the Kgabo to the Lesetedi Commissions. We all know that the majority of those who were caught with their fingers deep in the till were government ministers and some powerful land grabbers, speculators and developers with links to the BDP and are known to bank roll the BDP campaign machinery during elections.68

Although development planning is no longer as centralized and state ministries have a larger degree of autonomy, decision-making today still services institutional preferences and economic interests of the political and urban business elite. Sebudubudu and Molutsi (2009) capture the nature of policy-making: negotiation is restricted to “a grand coalition of elites at work,” where “voices are heard and bargains and balancing of interests are made.”69 The shift from agrarian land to urban real estate has not fundamentally changed the policy-making process in Botswana. The political elite and urban business class share economic interests in the commercialization of land and institutional preferences. As a result, inter-elite negotiation continues to shape the formulation and outcome of land policies.

Uganda: Land and State Hegemony

Unlike Botswana, which incorporated many traditional authorities into the contemporary system of land management, the Ugandan government remains in constant negotiation with traditional authorities over land tenure arrangements. The ongoing struggle between traditional authorities and the central government has delayed much-needed land reform and sparked controversy throughout the country. Although conflict over land is not new in Uganda, exclusive and competing claims to authority have augmented with population growth and increased land scarcity, particularly in the central region of Buganda. Historically, Buganda was the most dominant and influential kingdom. The British reinforced this distinction during the colonial era, elevating the status of the Buganda Kabaka, the monarchy, as well as other traditional authorities and elites from the region. This has drastically enhanced the bargaining power of Buganda elite post-independence.70

Prior to colonialism, land was vested in traditional bataka or clan leaders. With the signing of the Buganda Agreement of 1900, a total of 8,000 square miles of land in Buganda was redistributed to those who had assisted the British in administering indirect rule. These land allocations created a new form of tenure, mailo, which fundamentally restructured chief-peasant relations.71 Those currently living on mailo land became tenants, and colonial collaborators - which included traditional authorities, chiefs, and elites - who were awarded plots of mailo72 land became landlords. Thus, this agreement not only altered traditional systems of land tenure, but it also facilitated the development of a landlord-tenant hierarchy that persists today.73 In addition, the British tied the power of the Kabaka, the Buganda elite, and chiefs directly to land. Although this effectively curtailed the formal political power of tribal leaders, the Buganda elite class of landlords and traditional authorities continues to be a source of contention for politicians in Uganda.74 Contemporary debates surrounding land reform are rooted in the unresolved issue of mailo tenure.75

Under colonial rule in both Botswana and Uganda, the authority of chiefs and kings was strengthened and checks and balances that had historically curtailed traditional power were diminished. In Botswana, traditional authorities have been included and incorporated into the formal political system to an unprecedented degree. Uganda’s past rules have attempted to suppress the emergence of ethnic politics.76 Chiefs were perceived as a threat to regime hegemony and thus have been historically excluded from the political system.77 Yet, despite varying degrees of inclusion and incorporation, both states have utilized “the powerful instrument of nomination”
to resolve contradictory and competing claims to land. This has indoctrinated a system based on political appointments and patronage, where recognition and rewards corresponded with participation in decision-making and access to resources.\textsuperscript{78}

\textbf{Uganda: From Anti-Sectarianism to Ethnocentrism?}

The Ugandan state, in contrast to Botswana, is characterized as a semi-authoritarian regime. The current government has taken limited measures to democratize, and it has become increasingly clear that the regime has no interest in relinquishing power. Multi-party elections are neither fair nor competitive, and as a result, the ruling party, the National Resistance Movement (NRM), controls both the legislature and executive branches of government. The Ugandan Parliament, which, since the mid-1990s has lost most of its independence due to heightening executive dominance, is responsible for drafting and designing land policy and tenure reforms. Although the international community supports recent land reforms, because policy-making occurs in the legislature, land policies are arguably more prone to short-term popular pressure and political motivations.

When the NRM came to power in the 1980s, its platform was premised on anti-sectarianism and broad-based governance. Determined to build national unity after nearly a decade of civil war, the NRM purported that it would not succumb to nepotism, a defining characteristic of past regimes, and instead argued the movement was grounded on national consensus.\textsuperscript{79} Upon Yoweri Museveni, Uganda’s current president’s ascent to power in 1986, land emerged as a major source of conflict between varying classes and groups. Initially, land policy formulation followed the rhetoric of the NRM at the time: the policy-making process was broad-based and incorporated a variety of stakeholders, traditional leaders, and elites located inside and outside formal government institutions. However, as the focus has shifted to centralizing control and establishing narrow loyal and resource-dependent bases of support, land-related decisions have become increasingly dominated by the executive and space for dissenting traditional authorities and civil society organizations has shrunk.

\textbf{Overview of Land Tenure in Uganda}

Soon after independence, conflict between the Buganda Kabaka, who served as the Head of State and Prime Minister Milton Obote erupted. Obote abolished all kingdoms in 1966, and suspended the constitution. The power of the central government was strengthened and centralized at expense of Kabaka and tribal kingdoms.\textsuperscript{80} Obote then attempted to undermine the power of the Ugandan landlords and autonomous Buganda elite vis-à-vis the introduction of the Public Land Act, which vested public lands into the hands of the state.\textsuperscript{81} However, given the Act did not apply to mailo, freehold or leasehold land, it did not significantly change the land tenure system.\textsuperscript{82} In 1971, Obote was overthrown in a military coup. Soon after, Idi Amin, Uganda’s new dictator implemented the Land Reform Decree of 1975. This declared all land, regardless of tenure classification, public land. With the aim of creating a new land-owning oligarchy in Buganda, landlords and the Buganda elite ignored the 1975 Decree; hence, Amin’s radical reform was also met with limited success as it failed to substantially alter the status quo.

According to Tripp, “[i]nstead of dampening ethnic sentiment … [Obote’s] efforts to destroy Baganda symbols served instead to fuel Baganda ethnonationalism,” ultimately contributing to his downfall.\textsuperscript{83} The failures of Uganda’s past leaders to build Baganda elite alliances and integrate Buganda into decision-making demonstrates the salient threat traditional authorities pose to regime legitimacy and hegemony. Obote and Amin used land reform as way to facilitate state expansion and undermine the power of traditional authorities. Yet, the centralization of decision-making in these military and authoritarian regimes contributed to their own demise.

Today, despite cooperation during the NRM’s ascension to power during the early 1990s, the Buganda-NRM alliance has deteriorated. As the new government grew less concerned with building popular support and alliances, power
became increasingly centralized “in a way that left little room for meaningful power sharing.” Although compromise over the Land Act (1998) was eventually reached, subsequent land amendments have cost Museveni and the NRM legitimacy in the eyes of the Buganda and other tribal kingdoms.

**The NRM: A Broad-based Coalition**

The restoration of Kabaka and the Buganda kingdom was a rallying call of the NRM during the civil war, which helped set the foundation for positive relations with the kingdom and landowners upon the toppling of Obote. Although Museveni and the NRM originated from western Uganda, a number of its founding members were native to the south and the movement later received support from several Buganda monarchs of central Uganda. Once receiving power, however, the NRM distanced itself from its support for the Kabaka in order to preserve its image as an anti-sectarianism movement. Desperate to refrain from seeming embroiled in ethnic politics, the NRM struggled to simultaneously appease Buganda elites.

The NRM quickly realized the cultural significance of kingdoms and the monarchy to both the peasants and traditional rulers. The government first recognized the traditional rulers, but restricted kingdoms to cultural functions. Prior, the Buganda kingdom had acted as a functioning state within Uganda; this fundamentally transformed Buganda to “an institution located outside the political sphere and formal state structure.” This decision not only guaranteed support from the elite class, but also ensured support from the traditional leaders’ followers who deeply valued the symbolic and cultural significance of the kingdom. Lastly, although formal recognition was a step towards appeasing the Baganda monarchists and elites, by confining the kingdom to a “cultural institution” without formal political power, the NRM simultaneously was able to undermine the threat Buganda posed to its own hegemony.

**The Land Act of 1988: Power, Negotiation, and Compromise**

Soon after Obote was overthrown, absentee landlords and the Baganda elite returned and began collecting rent from their tenants. Rural landlords were also concerned about the NRM’s potentially socialist agenda, and sold land - which evicted tenants who had often lived on the land for decades - in fear land would be nationalized. Individuals who had lost land under Obote - through gazetted protected areas or land grabs from the powerful - reclaimed their land with the new government. The NRM rapidly needed to address the state of uncertainty and conflicting claims to land and was faced with a choice: to enact progressive land reform that would support the Buganda peasantry and thus undermine the customary authority of the landlords, or acquire political backing from the regional elites by preserving mailo tenure.

Makerere University’s Institution of Social Research and the University of Wisconsin’s Land Tenure Centre were contracted to conduct a study on land tenure and development. The study set forth several recommendations. First, it stipulated the expansion of freehold tenure and the continual development of a free land market should be introduced as a mechanism to transfer land from unproductive farmers to efficient farmers. The study advised all existing forms of tenure be converted into freehold through a land-titling program in order to develop a uniform and cohesive tenure system. Lastly, the consultants expressed concern over potential landlessness through titling and recommended that citizens without any alternative livelihood should not be evicted off their land.

These findings were met with a number of criticisms. Many Ugandans expressed skepticism over the applicability of the recommendations, as there were severe geographical limitations of the study. In addition, the study was undertaken at the height of the popular donor-driven campaign of privatization and neoliberalism.

Debate over the land question in Buganda and throughout the country was part of the constitutional talks preceding the development of the 1995 Constitution. In 1993, representatives from Buganda were
elected to the Constituency Assembly. These representatives, who formed the well-educated Buganda elite, also comprised the landowning class. During constitutional debates, Baganda representatives alleged its constituents were also supportive of the restoration of mailoland and a federal state. Since the views of tenants and peasants were underrepresented in the Constituency Assembly, the NRM government reconnoitered the adoption of participatory and consultative land policy-making process. Granting formal title to long-term occupants and improving the tenure security of tenants living on mailoland would simultaneously diminish the power of landlords and Buganda elites. Thus, it was crucial for the NRM to include mailo tenants, who advocated vehemently for enhanced tenure security in countrywide debates. Throughout the drafting of the Land Act, civil society organizations also played an important role, representing the opinions of the poor and marginal.

The international community has praised Uganda for maintaining a “relatively open process of consultation” and involving all stakeholders during the Land Act's deliberations. In September 1998, the Ministry held a national workshop that sought to “refine the action plan, build consensus among stakeholders, and raise awareness within the donor community.” Although it was imperative to hold consultations, “it was equally obvious that it would be impossible to secure a consensus.” The Buganda elites, utilizing Buganda nationalism as a popular mobilization strategy, effectively incited the tenants against the Land Act. By turning calls for pro-poor and redistributive policy into ‘radical communist reforms,’ the elite successfully garnered support and won the support of the peasantry. The NRM was forced to concede to the elites, as its legitimacy with the landlords and tenants was now both at stake. Forging an alliance with the autonomous, powerful elites and landowners who also carried the support of the peasantry and tenants was crucial for establishing the new government’s sought-after legitimacy. In a parliamentary address, Museveni underscores the compromise and negotiation that eventually led to the development and implementation of the Land Act:

Faced with such historical distortions one has three options: to side with the oppressor against the oppressed; to stand with the oppressed against the oppressor; or to promote a compromise. If you side with the oppressor we call it oligarchism, counter-revolution or repression. If you side wholly with the oppressed we call it revolution. If you promote compromise, we call it reform. The NRM prefers a reformist approach.

Escalating Baganda disillusionment with the NRM waned with eventual compromise over the Land Act (1998). The Land Act granted the authority of land management to appointed citizens and civil servants, shifting power away from elected politicians and local councilors. Land Committees and Land Boards, a new body of institutions that operated at the parish and district-levels, were established to manage land, resolve property disputes. While the management of land in communal land was decentralized to civilians, “former public land in Buganda” was to be administered “in the name of the Kabaka.” Thus, the Land Act incorporated both civilians and the Kabaka into land management, attempting to balance the needs of the peasantry and simultaneously restore mailo land to appease the landlords. Elite-driven mobilization was also evident during Uganda’s constitutionmaking process. In pursuit of power, elites effectively mobilized constituents “to make the public think as they did about the process and the constitution.” Civilians’ reliance on elites and local political leaders for information and insight does not solely apply to land policy formulation, but policy-making at large.

Changing Political Motivations: Narrowing Alliances and Exclusivity

After attaining legitimacy and accumulating the necessary support base from the Buganda, the salience of preserving regime hegemony through increasingly narrow patronage alliances has become more important than maintaining broad-based support. Political motivations shaped the process of land policy formulation following the Land Act of 1998. A wide variety of actors - including politicians, civil society organizations, customary authorities, cultural leaders, elites and the general citizenry - have access to voice concerns throughout the policy formulation process. Yet, evidence from more recent years indicates local participation...
is of diminishing importance to those in power. Additionally, the Buganda kingdom is less willing to voice criticism as it could jeopardize losing its official state recognition. Changing political elite interests and the diminishing autonomy of the Buganda kingdom is evident through the drafting and development of subsequent land amendments.

Despite building relative compromise over the Land Act of 1998, there has been controversy over subsequent land amendments, most notably the Land Act Amendment of 2007, which was eventually passed in 2009. The Land Act Amendment of 2007 purportedly aims to protect tenants against forceful eviction by curtailing the powers of landlords and penalizing landlords for illegal eviction. Mounting concerns, however, question the amendment’s alleged intentions. The amendment grants presidential and ministerial appointees the authority to resolve disputes over land, thus removing “the power to adjudicate land disputes from the judiciary.” Additionally, the Ministry of Lands is now able to grant long-term occupants title on mailo land, without acquiring consent from the landlord. Skeptics in Buganda as well as in the north and east are worried the amendment will ease the government-backed occupation of land. Baganda landowners are concerned if their power to evict tenants is removed, state-backed investors in allegiance with Museveni will be able to occupy, settle and ultimately take control of their land. More recent proposed reforms indicate the central government is also advocating for the conversion of mailo land to leasehold land, which opponents believe would facilitate the transfer of land from landowners, district land boards to state ministries.

There are a number of noteworthy criticisms surrounding the amendment’s formulation. Members of the Buganda kingdom claimed the first amendment was hurriedly drafted without consultation and “proper procedures.” Two years later, in 2009, policy-making was still characterized as “rushed” and “unfair,” and when the amendment was eventually passed, it was “bull-dozed through a partisan Parliament disregarding the hundreds of memoranda submitted in objection to its provisions.” Civil society organizations held public dialogues about proposed changes in land laws, and included line ministry representatives and members of parliament both from the opposition and NRM, as well as cultural and religious leaders, the press, and the general public in deliberations. Throughout the consultations and heated public debate, numerous groups expressed concerned over several ‘loopholes’ in the proposed amendment, yet these loopholes remained intact in the final amendment. In 2008, the Foundation for African Development, a non-governmental organization, held a national meeting with the aim of bringing all groups together. Although this was the first national dialogue that included line ministry representatives and members of parliament both from the opposition and NRM, as well as cultural and religious leaders, the press, and the general public in deliberations. All participants seemed to agree with one thing; that the proposed changes in the law were rushed and were not backed by a thorough consultative process with citizens. The government representatives seemed to agree with this opinion but unfortunately, the government proceeded to table the bill in Parliament a week later.

Despite mounting resistance to the amendment, the Land Bill was successfully passed by parliament in 2009, securing votes from 112 members of parliament from the NRM and 52 members of parliament from opposing parties; only three NRM members of parliament voted against the bill.

These reforms have conflicted with the interests of the Baganda elite and the monarchy, who have in turn mobilized their constituency against politically-driven ‘land grabbing’ and the further privatization of land in Buganda. Opposition to the recent 2007 land amendment, comprising the peasantry and the elite landowning class, has “mobilized around customary land as a safeguard,” thus reinvigorating the debate over customary law and indigenous mechanisms of land management, arguing these traditional institutions serve as an important way to defend and protect their interests and rights “against an increasingly arbitrary and authoritarian regime.” A survey conducted in November 2008, prior to the passage of the Land Amendment Act, reiterates the success of the Buganda sensitization campaign, finding a majority of respondents were discontent with Museveni’s land policies. Most of this dissatisfaction stemmed from the way Museveni had handled land conflict in the central region of Buganda. Despite growing frustration in 2007 and 2008 over the government stalemate to redress
this discontent, NRM representatives and government officials continued to employ the same rhetoric to justify the proposed reforms: “The land amendment bill creates a mechanism for regulating the relationship between tenants and landlords, thereby protecting tenants against unfair eviction while ensuring the rights of landlords.”

The powerful and autonomous Buganda elite class pressured the NRM to adopt a more participatory process in land reform in the early 1990s. However, Buganda was unsuccessful in striking compromise and preventing the passage of the Land Amendment Act nearly a decade later. A number of factors account for this change. Museveni’s victory in Buganda in the 1996 and 2001 general elections suggests the diminishing salience of forging inter-elite alliances as a means to secure popular support, thus stripping Buganda of their bargaining power which was critical during the restoration process. Museveni has also attempted to confine the Buganda kingdom’s participation to a purely apolitical and cultural role. The monarchy, which has become more dependent on the NRM for resources, is now less willing to challenge the regime as it risks losing “various privileges and sources of government funds.”

Contesting power effectively and making substantial political change requires mobilizing outside the NRM’s entrenched and narrow network. As Bazaara demonstrates, “the broad-based coalition has become a method of co-opting individuals, not a strategy for trying to change political power. To contest power effectively, individuals have to be able to organize outside the NRM.”

The waning autonomy of the Buganda kingdom has cost it its bargaining power. Nonetheless, Buganda leaders and landlords have taken up controversial tactics to raise awareness about the “hidden agenda in the land amendment bill.” These strategies include radio programming to incite Buganda nationalism and fundraisers to support ‘impoverished’ landlords who have “been forced to sell land to the government.”

The Central Civil Education Committee, an awareness and advocacy campaign created by the Buganda Kabaka, was established for the sole purpose of orchestrating popular mobilization against the proposed Land Act (1998) and subsequent amendments. Despite changing political motivations, maintaining popular support has not become irrelevant. More recently the NRM has engaged in similar information campaigns to counter Buganda’s accusations, and Museveni has established a Presidential Task Force and “fellow fighters” that will assist in “undoing the lies told by” the Buganda Central Civic Education Committee. Both elites have used information dissemination and radio programming to compete for legitimacy. Today, the NRM today is seen as abandoning its alliance with both the Buganda peasantry and customary authorities in pursuit of state expansion and enhancing patronage networks.

Implications for Development Planning and Land Policy Formulation

Museveni’s rhetoric of broad-based, consultative reform was shortlived. By the mid-1990s, it soon became “clear the NRM had tightened its grip in a way that left little room for meaningful power sharing.” As traditional sources of patronage dwindled and elite demands on the regime intensified, the NRM’s coalition of support became increasingly narrow. As a result, “the control over and the distribution of privatized land [has] become central to Museveni’s strategy to entrench himself at the apex of Ugandan politics.”

The Land Amendment Act of 2007 grants civil servants and officials from the Minister of Lands the authority to settle disputes, turning the power of land distribution into a privilege granted to political allies. According to Kibirige Mayanja, this would transform land into “a political cake to be dished out to NRM supporters.” Granting the powers of land management to state ministries parallels the state’s efforts to “create vertical linkages of dependency and patronage” as evident with other resource bases. Following the 1995 Constitution and the 1998 Land Act, it is clear political interests vested in land have shifted from acquiring legitimacy in the eyes of the people towards “competition for influence and power which comes with demonstrated control over land matters such as ownership, allocation, and access.”
In addition to building patron networks vis-à-vis preferential land allocation and ministerial appointments, Museveni has been accused of converting public land into freehold tenure, which is then awarded to political supporters and clients. Land, allegedly belonging to the Buganda kingdom, has been privately auctioned and sold to national and international investors, most controversially the sale of Mabira Forest to the Sugar Corporation of Uganda Limited (SCOUL), a private sugar manufacturing company. Controversy over the sale of Mabira and frustration over proposed reforms and the Land Amendment of 2007 has led to a number of highly publicized contestations between the Buganda elite and the NRM. Competing claims to land in the Buganda region has led to popular protest and violent clashes, at times directly targeting the controversial investors. Although the government’s reforms allege to improve tenure security and eradicate the hierarchical landlord-tenant system, peasants have too “begun to support customary institutions given the threats government sponsored land-grabbing has represented to security of tenure.”

In Uganda, while the location of elite interests outside the formal, political sphere can help ensure negotiation, compromise and transparency throughout the drafting of land policies, changing political interests have fundamentally altered the nature of policy-making. The president exerts more control throughout the contemporary land policy formulation as political interests have shifted from establishing legitimacy to preserving regime hegemony. By granting clients and allies the power of land distribution and dispute resolution, Museveni aims to co-opt elites and support increasingly narrow networks of patronage.

Analysis: Land as Legal and Legitimate Tool of Patronage?

The cases of Botswana and Uganda demonstrate how the location and distribution of elite interests shape the land policy formulation process. In Botswana, immediately following independence, the central government claimed ultimate control over land by abolishing traditional institutions of land management and replacing them with land boards. However, traditional elites were appointed to the senior level positions in the bureaucracy and awarded decision-making powers. The unification of traditional authorities and the political class, and the subsequent incorporation of vying elites into the formal political sphere has centralized decision-making powers. The unification of traditional authorities and the political class, and the subsequent incorporation of vying elites into the formal political sphere has centralized decision-making powers. 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Buganda elite effectively mobilized constituents and posed a constant threat to regime legitimacy during the development and design of land policy. It was essential for the NRM to establish legitimacy in Buganda and throughout Uganda. This necessitated that the regime compromise, negotiate, and co-opt the Buganda elite and the popular masses throughout the policy-making process. However, as political interests have shifted from securing legitimacy to maintaining regime hegemony, the nature of policy-making has altered significantly. Land, which can be utilized as tool of patronage, has opened up opportunities for expanding the regime’s resource base and patronage network. Although the government still holds land policy workshops and involves a wide-variety of stakeholders throughout the policy-making process, popular participation carries less weight and influence.

The cases of Botswana and Uganda draw remarkable similarities. In Botswana, counter-pressure and dissenting elites have historically been incorporated within formal, political institutions through “the highly cultivated art of open-ended compromise.” Because policy formulation is a product of inter-elite negotiation, there is limited popular consultation and civilian participation throughout the policy-making process. Inter-elite negotiation in Uganda initially occurred between elites located inside and outside the formal political sphere, driving a pluralistic and transparent land policy formulation process. More recently, reforms have attempted to bureaucratize land management, which would centralize decision-making powers and drastically reduce the autonomy and power of Buganda landlords, economic elites located outside the NRM network. However, tenure reforms would simultaneously enable the regime to award, co-opt and bring in vying elites by awarding allies with the powers of land distribution and land dispute resolution. While it is unclear whether Museveni will use land reform as a way to incorporate the Buganda landlords or further curtail their authority, my findings suggest elites historically located outside the formal, political sphere are becoming increasingly dependent on the center for resources. Thus, land reforms have enabled the ruling political party in both countries to use land distribution as an instrument to coopt and recruit a multiplicity of elites into the government. Bureaucrats, real estate agents, foreign investors, tribal leaders, and ethnic representatives, all “united by their common interest in accessing the state resources,” have received preferential treatment in land allocation and participation, and as a result, gradually become incorporated into the regime’s network. Although NRM alliances have become increasingly narrow, bureaucratizing land management could broaden the regime’s network of support. Shifting decision-making power to presidential and ministerial appointees serves as a way to incorporate landlords and the Buganda tribal authorities into formal systems of land management, and would draw parallels to the elite-encompassing nature of policy formulation and decision-making in Botswana.

In addition, bureaucratizing land management in Botswana has enabled elites, located within allegedly sound public institutions, to use public resources for private gain. Not only does this challenge the conventional narratives about the nature of governance and policy formulation in Botswana, but it also questions the potential of bureaucratic and technocratic land management solutions. Efforts to bureaucratize land management in Uganda have been viewed as a strategic tactic to drastically curtail the power of vying elites, and have arguably turned land into a tool of patronage. If land allocation and distribution are tactics to service political needs, technological training and capacity-building workshops for land board members do little to fundamentally alter the nature of the state.

Lastly, international community has encouraged central governments to incorporate customary institutions into the formal political sphere, often using Botswana as a model. Despite praise over Botswana’s incorporation of traditional chiefs into political system,
Batswana express “the lowest levels of confidence … in their integrity” and only 37 percent view chiefs as free from corruption. This indicates the integration of chiefs into the status apparatus and their unification with the political ruling elite not only influences the nature of policy formulation, but also affects local perceptions of traditional authority. Traditional elites located outside the regime network can serve as a check and balance to the state throughout the policy-making process. With the recognition that there are alternative non-Western paths to democratization, my findings raise the question of whether popular mobilization and participation through informal channels can be more valuable than participation through formal, western governmental institutions. Despite waning autonomy and heightening executive dominance in Uganda, traditional authorities continue to pose a threat to state expansion and recentralization.

Conclusion

Land reform is far from complete in sub-Saharan Africa. Changing land use patterns and evolving elite interests as a result of urbanization, population growth and increasing land scarcity all complicate devising and drafting sustainable and equitable land tenure reform. Resolving conflicting claims to authority remains politically fraught and contentious. How leaders address conflict over land and respond to competing claims of authority has major implications for the land policy formulation process.

Although traditional mechanisms of land management and customary law were not democratic, efforts to bureaucratize land management in both Botswana and Uganda have fundamentally altered the nature of the state. While Botswana and Uganda may introduce land policies that allegedly foster agricultural efficiency and ensure tenure security for the poor, these reforms may nonetheless exacerbate existing inequalities by furthering the legal monopolization of land into the hands of the elite.

Endnotes

16. Taylor (2005), 47.
19. Ibid., 51.
20. Taylor (2005), 47.
23. Ng’ong’ola (1992), 150.
27. Sebudubudu and Molutsi (2009), 21.
28. Ibid.
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31. Ibid., 86.
33. Samatar (1999); Onomo 2010:72
37. Ibid., 17.
38. Ibid., 9.
40. Ibid., 19.
41. Ibid., 26.
44. Ibid.
45. Sebudubudu and Molutsi (2009), 29.
46. Andreas Danevad’s study on the Revised National Policy on Incomes, Employment, Prices and Profits presents an overview on the contemporary policy-making process in Botswana. National Development Plans (NDP), which are drafted every five to six years, serve as the basis for revising, amending existing legislation and creating new policies (Andreas 1993:105; Samatar 1999). Based on the findings and concerns highlighted in the NDP a presidential commission develops a set of recommendations for specific policy revision, which is published through the publication of a white paper.
47. Sebudubudu and Molutsi (2009), 29.
48. Ibid.
49. Werbner (2004), 78.
50. Ibid.
51. Ibid.
52. Ibid., 179.
59. Author interview with University of Botswana Professor, 3 April 2012
60. This time period may have decreased since interview.
61. Author interview with University of Botswana Professor, 3 April 2012
62. Author interview with Tlokweng Tribal Land Board Officer, 12 April 2012
63. Author interview with Tlokweng Tribal Land Board Officer, 12 April 2012
64. Good (1994), 517.
65. Onomo (2010), 79.
66. Ibid.
69. Sebudubudu and Molutsi (2009), 29.
71. In addition to mailo, there are three other categories of land tenure in Uganda: customary land, leasehold and freehold.
72. Mailo tenure is similar to freehold tenure; land is individually owned and held in perpetuity. Mailo landowners have historically extracted rent from tenants and squatters who have no legal entitlement to mailo land. The system of mailo is most prevalent in central Uganda and has been a source of contention between the state, landowners, and tenants.
75. Johnnnessen (2006), 1-5.
77. Ibid.
80. Ibid., 125.
82. Ibid.
83. Tripp (2010), 43.
84. Ibid., 50.
85. Speight (2009), 11.
86. Ibid., 3.
90. Ibid., 14.
91. Ibid.
92. Ibid.
93. Ibid., 244.


100. Tripp (2010), 50.


103. Ibid.


105. Ibid.

106. Ibid. 125.


113. Ibid.


115. Honorable Jimmy Kinobe, State Minister for Youth and Children Affairs. (Quoted in “Uganda; the Land Question, The New Vision, 31 August 2008”)


117. Tripp (2010), 50.


121. Speight (2009), 25.

122. Ibid., 24.


125. Tripp (2010), 50.


127. Ibid.


129. Tripp (2010), 125.


131. Although SCOUL is a private sugar manufacturer owned by Mehta Group, the Government of Uganda holds an estimated 51 percent of shares. Mehta Group is speculated to hold the remaining shares. (See also “Mabira: No Storm in Mehta’s Tea Cup,” The Independent, 21 August 2011).


133. Ibid., 23.

134. Ibid., 21.


Bibliography


Good, Kenneth. “Corruption and Mismanagement in Botswana: A


**Personal Interviews**

Professor, University of Botswana. 3 April 2012.

Officer, Tlokweng Tribal Land Board. 12 April 2012.

**Newspapers Consulted**

The Voice (Botswana)

New Vision (Uganda)

Daily Monitor (Uganda)

BBC News (United Kingdom)
n 2011, the government of France placed a ban on wearing the niqab, the Islamic full-face veil, anywhere in public. This controversial ban sparked a global debate, but France has defended its actions on the grounds that the veil is a threat to national security and contradicts the state’s commitment to secularism. Other proponents of the ban exploit a perceived repression of sexuality as justification for the forced liberation of these women from the confines of their oppressive, religious culture. By examining the various theories and opinions surrounding this legislation, I argue that the idea of sexuality is only considered through a narrow, Western lens and fails to incorporate alternative expressions of sexuality as employed by many veiled women in France and elsewhere.

For a country claiming to be the model of liberty, equality, and fraternity, France has been pulled into the limelight for pursuing a number of policies that have been deemed discriminatory by those in the international community, as well as a smaller, yet vocal, minority in France. Besides the various bans on the Muslim hijab and burqa, France has recently been condemned for the systematic expulsion of the Roma population from its territory. These actions are not only governmental policies being implemented from above, but reflections of the greater national mindset: an overwhelming 70% supported the ban on the burqa and only 31% of surveyed citizens supported anti-discrimination laws.\(^1\)\(^2\) In the 2012 elections, the final race came down to the conservative incumbent, Nicolas Sarkozy, versus the socialist candidate, François Hollande. While Hollande’s victory may allude to a more progressive national ideology, what is troubling is that a full 20% of the population gave their vote to Marine Le Pen, the leader of France’s notorious National Front party.\(^3\) Previously led by Marine’s father, Jean-Marie Le Pen, the party is infamous for its strict anti-immigration stance, anti-Semitism, and general xenophobia. In hopes of recovering voters from this extremist party, Sarkozy’s administration made many controversial strategy decisions that pandered to the far right. Surprisingly, these policies took hold and received relatively little backlash from the remainder of the population who sought a solution, or at least a scapegoat, for their growing economic and social problems.

Immigration in France paints an interesting narrative of its relationship with émigrés. In the early and mid twentieth century, a downtrodden, post-war France was left with a weak labor force, which led the government to import foreign labor. This labor recruitment was directed toward other European nations, like Spain, Poland and Italy, but because of France’s expansive colonial territory, there was also an unregulated influx of people from Algeria. During the period of decolonization, many of those who supported France in the Algerian war for independence relocated to "l’hexagone" with the intention of settling there with their families.\(^4\) Much to the chagrin of the incoming peoples, once the native French population stabilized and there was

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**Voices of La Voile**

*The alter-sexualization of Muslim women in France*

by **Kylie Guiral**

Kylie Guiral is a senior at the University of California, Santa Barbara, majoring in Global Studies and French. She is grateful for the opportunities that inspired this paper, which include taking courses on sexuality and globalization both here at UCSB as well as in France. After graduating in June, she hopes to pursue her passions for social justice, travel, and photography.
no longer a need for foreign labor, the receiving nation began to retrench their hospitable ways. France discouraged immigrants from settling in France or from bringing their families into the territory by implementing a program in 1977 that offered monetary incentives – about 2,000 U.S. dollars – to non-Europeans who voluntarily left the country. Since that time, France has made efforts to render their country inhospitable to those who refuse to fit the mold of the proud Frenchman. The leaders of France have not been shy to implement systems that regulate foreign ideas, cultures, and traditions in the name of preserving a French national identity.

One such policy, recently ratified, is a law that bans wearing the niqab or the burqa in public throughout France. When discussing this new law, one must also consider its predecessor, the equally provocative law of 2004, which continues to outlaw the hijab in all public elementary and secondary schools. This law also prohibits "ostentatious religious symbols," like yarmulke and large crosses, but is understood by the majority to be directed specifically toward Muslims. The headscarves mentioned above are each variations of veils worn by many (but not all) women who practice Islam to ensure modesty, one of the core beliefs of Islam. For some Muslims, modesty can be achieved by wearing loose-fitting, conservative clothing, or simply by covering their bosoms. For others, though, only a veil that covers a woman’s hair, head, and neck, or even her entire face and body, ensures adherence to the Qur'an’s call for discretion. Among Muslim women in the West, the most common type of headscarf is one that covers the hair as well as parts of the neck and forehead, while leaving the facial features visible. The hijab, shayla, al-amira, and khimer all offer varying degrees of coverage, but the hijab is the term most often used in the West when discussing these types of veils. The hijab, along with other "ostentatious symbols of religion," is currently banned in French public schools.

For a smaller minority of Franco-Muslim women, about two thousand in total, their expression of modesty means wearing the niqab or burqa. These veils cover the entire body from head to toe, except for a small opening, or piece of mesh fabric on the burqa, for the eyes. Paradoxically, while these garments are more conservative than headscarves, they are also more conspicuous, drawing considerable attention when worn in the Western world. As of 2011, France has banned all full-face veils, generalized under the term "burqa," in any public space. Laws like those concerning the hijab and burqa are portrayed as protectors of universal, non-biased principles like laïcité and national security, and come with glorified justifications of colonialism like "women’s emancipation." This and other similar laws are actually attempts on behalf of France to purge itself of "otherness" and resist global influence when it appears in the form of immigrants, non-Christian religions, and foreign cultural practices.

The most dispassionate argument in favor of the burqa ban is that of security. It does not implicitly engage culturally sensitive themes like gender, religion, or sexuality, but states matter-of-factly that covering one’s face with the burqa or niqab is a direct threat to national security. Some claim the burqa would facilitate terrorism because an assailant could conceal weapons, specifically suicide bombs, beneath the loose-fitting garb. Others argue that the face-covering veil would make identifying suspects impossible. While there have been instances of criminals wearing burqas to commit anonymous crimes, these cases are in fact few and far between. What this law does not address is the fact that these crimes could also be committed with the help of a ski mask, a motorcycle helmet, or even a fencing mask, all of which are far more common than the full-face veil.
which are explicitly exempt from the law.\textsuperscript{8} These arguments of potential terrorism and increased crime are the grounds on which former president Nicolas Sarkozy pushed the bill though parliament, and they remain the backbone of the dispute. The idea of the burqa as a threat to national security is what holds this law together against the flurry of emotionally charged opposition by remaining the “objective” argument when all others have been exhausted in debate. Before resorting to this, however, a proponent of the bill will usually call on another state-sponsored right: laïcité, or France’s intensified interpretation of secularism.

While both France and the United States claim to adhere to the principles of separation of church and state, the practical application of this secularism, or laïcité, is interpreted differently by the two nations. This is because they each proclaim liberty and equality among their core principals, but the order in which these are prioritized affects the functional structure of laws and traditions. The United States, on one hand, emphasizes liberty over equality, ensuring the freedom to do as one pleases to the fullest legal extent, even if this oversteps what some would consider reasonable limitations. For example, in the majority of states, it is perfectly legal to kill anyone, armed or unarmed, who enters one’s property uninvited.\textsuperscript{9} This prioritization of liberty over equality also allows for a looser interpretation of secularism, which is evidenced by the fact that religion still plays a role in the debate of almost every social issue, to the point where many American politicians call upon God as their witness, their motive, and figurative running mate.

France, on the other hand, has contrasting priorities. Equality is the primary principle that is cited to rationalize their governance and enforce a strict devotion to laïcité. This approach was standardized in 1905 as a way of keeping religion out of public schools and institutions. Not only was the law of laïcité intended to restrict the Catholic Church’s privileged control of the state, but it was also enacted to ensure freedom of religious practice to all.\textsuperscript{10} While attempting to impede the hijab, the French government brandished the law of 1905 as a weapon against the Islamic symbolism that was “polluting” their secular institutions. It was conveniently ignored, however, that French citizens enjoy several federal holidays every year thanks to Catholic celebrations, and that schools and universities generally agree to refrain from exams on Saturdays out of respect to the Jewish Sabbath.\textsuperscript{11,12} It would seem, therefore, that wearing the burqa or the hijab would be protected by the French constitution as expression of religion. When taken out of cultural context, though, the significance of the burqa in France transcends state-sponsored arguments of laïcité and security.

While the burqa law clearly states what is illegal and what is not, the implications behind these prohibitions are open to interpretation. Without a clear understanding of why this ban is legal, individuals have taken it upon themselves to create their own justifications as to why implementing this ban is superior to applying the ideals of multiculturalism or mutual tolerance. These vocal citizens condemn the burqa, and even the hijab, as contrary to the French way of life, calling for Muslims to integrate into French society, specifically by assimilating to the French national identity. Charles\textsuperscript{13}, a 28 year-old student from Lyon, vehemently supported the ban. When asked a question regarding how he felt about the possible benefits of embracing other cultures that could contribute to French society without taking away from French traditions, he did not agree. He equated the minority situation in France to a pre-holocaust Germany, stating that anyone living in France today should look to history and take heed from the Jews who clearly did not try hard enough to assimilate to German culture and, therefore, brought the Holocaust onto themselves. Thankfully, not all opinions are as blatantly intolerant as Christophe’s, and xenophobic mentalities are certainly not exclusive to France, but what is troubling is the normalization of this kind of discourse in French society.

Certain French citizens, many French men rather, are actually claiming victimhood in this situation – almost as though these veiled women are not just a threat to the nation’s security, but to them, individually as Frenchmen. Jaques Myard, a conservative member of the Parliament, claims, “The face is the dignity of a person… When you refuse [to allow] me to see your face, I am the victim.”\textsuperscript{14} Others support Myard’s claims with discourse that condemns women who wear the burqa for being unable to communicate if acknowledged on the street. This suggests that the acknowledgement of a Muslim by a native French citizen should be regarded
as a gift or a privilege, where refusing this generous offering of eye contact is a social faux pas. Ironically, upon arrival to study in France, American students are warned against making eye contact in the streets and on public transportation, as it could "invite unwanted attention." Renaud Girard, chief correspondent for Le Figaro newspaper, states, "People [in France] are very offended to see the burqa. For us, it is really uncivilized; it is rude and impolite. We are for an enlightened society." Statements like these call to mind a troubling mindset, one in which the Frenchman is still the colonial hero, saving these women from, as Girard describes it, their "Taliban way of dressing." This neo-colonial attitude is the driving force behind the argument of assimilation, stemming primarily from native Frenchmen – but these are not the only voices speaking out for forcible integration.

In fact, an impassioned call for assimilation is heard from a surprising source: Muslim women. As stated earlier, not all Muslim women choose to wear the burqa, hijab, or any veil, and many are actually opposed to the burqa. Mona Eltahawy, a prominent columnist on Arab and Muslim issues, is one such Muslim woman who hopes to see the ban extended to other countries as well. She argues that the veil equates piety with the disappearance of women by placing the veiled woman on a pedestal and insinuating that the more one covers, the closer one is to God and vice versa. While she condemns Sarkozy for attempting to conceal the racist nature of the law by passing the bill under the guise of security and secularism, she defends its practical effect: eliminating the burqa from France and liberating the women who were previously imprisoned by the veil. Sonia Kahn shares Mona’s aversion to the burqa; she urges her fellow Muslim women to assimilate into French society, because, "a veiled woman won’t bring people together." The veil, for Sonia, creates barriers between Islam and the outside world. She believes that, as Muslims, she and other women should work to improve the image of Islam in the eyes of the Western world by representing the religion as "encompassing, not excluding." Muriel Salle, senior lecturer at the Institute of Political Studies in Lyon, points out that Mona, Sonia, and other Islamic feminists face a "double discrimination" as women and as practicing Muslims.

This is one of many incongruities that pose a problematic conflict of interest for feminists in France and elsewhere: whether to defend veiled Muslim women against their government’s religious oppression, or liberate them from their religion’s seemingly misogynistic domination.

Salle explains that French and Anglo-Saxon feminists decipher this paradox independently according to their notion of universalism. French feminists believe that when an individual embodies specific markers of sex, religion, or race, she is sabotaging the universal equality of the whole. The veil is used to distinguish the female sex, represent modesty in observance of Islam, and is typically (but not exclusively) worn by minority races. Therefore, it directly contradicts the French feminist ideals, which seek a strong and independent, but ultimately homogenous woman. As a self-described feminist and historian, as well as a French citizen, Salle sees the French feminist view as ineffective: "There are differences that we must take into consideration, and not to do so would be hypocritical. The law says to treat everyone equally, but the reality proves otherwise." Anglo-Saxon feminism, conversely, defines equality as giving universal rights to all, regardless of these markers of individuality. While Salle applauds certain practices like affirmative action and the pragmatism of American feminism, she highlights a key weakness concerning their opposition to the veil – its approach to the issue is rooted in Islamophobia.

This argument is certainly reflected in America’s post-9/11 attitudes towards Islam, but Salle remarks that even deeper hypocrisies exist. Unbeknownst to most who condemn Islam for its "uncivilized" practices, all three major monotheisms call for a woman to be veiled to some degree. In St. Paul’s letter to the Corinthians, he states, "A woman who prays or prophesies with her head uncovered dishonors her head—it is the same as having her head shaved. For if a woman does not cover her head, she might as well have her hair cut off." Salle points out that this oversight reflects the gradual detachment of Western cultures from religion. While she adamantly defends the need to respect the Islamic culture of the veil in France, she believes that this religious disinterest and intensified secularization is, in itself, positive; something she hopes to see spread and "result in a decrease of the veil in Muslim countries."
Because the laws concerning the burqa and hijab were passed on the basis of such open-ended justifications, they have invited excessive international attention from various organizations that take up the cause under the pretexts of their own doctrines. This “free-for-all” means that the issue has taken a life of its own, while the focus is often misdirected depending on who is actually fighting on behalf of the veiled women. These women have become “hyper-visible,” a term used by Paul Amar, to describe small groups of minorities who are pulled into the public eye and scrutinized for a specific aspect of their character or culture. This narrow focus confines the "parahumans" to be analyzed solely through the lens of an external, dominant culture and disregards their existence outside of this superficial obsession, which typically emphasizes their gender, shouldn’t be.

The idea of a veiled woman, in the eyes of the West, is a woman who is de-sexualized. A woman wearing the burqa, niqab, or any veil is apparently unable to fully and freely express her sexuality because of the repressive nature of her racial and religious traditions. From the outside, her sexuality is seen by her own culture as a threat, a sin, and a source of shame. These commonly heard condemnations are flawed, however, because they are based on a very specific, very Euro-centric idea of sexuality. We, as Westerners, impose our ideas of sexuality upon the rest of the world under the assumption that these ideals are universally superior. But when the standard image of Western sexuality is a hyper-masculinized male surrounded by over-exposed women, is it any wonder why "uncivilized" peoples

Rather than the veil serving as a mechanism of de-sexualization, we are witnessing the alter-sexualization of these women who wear the veil of their own accord. From around the world aren’t flocking to adopt this "liberating" way of life? We must look upon our own culture and ask the same questions we are currently demanding of these women. Do we, as Western women, have control of our sexuality? Do we never feel objectified? Are we under the influence of a masculine ideal of femininity, which may, even unconsciously, dictate our dress codes? Both sides of this debate use very specific interpretations of sexuality as justifications for their position. Those defending the veil condemn Western sexuality as a corrupting force being imposed upon the world by neo-liberal powers, who support the ban and claim that the veil forcibly shames, suppresses, and de-sexualizes these women.

Rather than the veil serving as a mechanism of de-sexualization, we are witnessing the alter-sexualization of these women who wear the veil of their own accord. While living at the crossroads of two seemingly opposing worlds, these women have found new, alternative ways of expressing their sexuality that may not conform to the ideas previously found in either French or Islamic culture. Nevertheless, they are exercising a personal interpretation of sexuality’s occupation of the public space versus what is appropriate in private by claiming autonomy over their sexuality; this neither surrenders their womanhood, nor their beliefs, at the expense of external forces. They are speaking out, standing up, and proving the fabric that covers their faces does not silence their opinions. These women are not wearing the veil as a means of containing their sexuality, but they are challenging the West’s narrow representation of sexuality and redefining what it means to be a woman of the modern world.

France is not alone in its efforts to homogenize and de-veil the women in its society. Belgium had, in fact, already passed such a law. Currently, due to the
intensified media coverage of the issue in France, other nations such as Spain, Italy, Denmark, Australia, and the UK are considering similar legislation.\footnote{24} As we have seen, there are many opinions weighing in on the matter worldwide. The most convincing arguments and acts of non-compliance, however, have come from the veiled women themselves: women like Hind Ahmas and Najate Nait Ali, who proudly became the first people to receive a fine for defying the ban just weeks after its implementation.\footnote{25} Though they are few in number, the veiled women who have been reached for comment on this issue are a significant representation of the mere 2,000 women wearing the burqa or niqab in France. While the media onslaught has allowed their voices to be heard, it has also left them overshadowed by those with ulterior motives speaking on their behalf. We must encourage, with discretion to underlying intentions, those who genuinely represent the rights of this hyper-visible minority. This does not mean that one must advocate for the veil per se – only for the rights of the woman who, like any global citizen, wants to be afforded the same ideals of freedom and equality so vehemently encouraged by the Western powers who now condemn them.

Endnotes

1. “CNN’s Jim Bittermann has reaction to France’s proposed public ban of full-face Islamic veils called burqas and niqabs,” CNN. April 11, 2011.
5. McCabe, Kristen, Serena Yi-Ying Lin, and Hiroyuki Tanaka. “Pay to Go: Countries Offer Cash to Immigrants Willing to Pack Their Bags.” Migration Policy Institute.
7. Ali, Dilshad D. “What is the Hijab and Muslim Dress All About?.” Beliebneth.
13. Name has been changed
15. Author’s experience
22. 1 Corinthians 11:5-6. New International Version

Bibliography

1 Corinthians 11:5-6. New International Version
Ali, Dilshad D. “What is the Hijab and Muslim Dress All About?” Beliebneth.
*CNN’s Jim Bittermann has reaction to France’s proposed public ban of full-face Islamic veils called burqas and niqabs.* CNN. Last modified April 11, 2011.


McCabe, Kristen, Lin Yi-Ying Serena, and Hiroyuki Tanaka. “Pay to Go: Countries Offer Cash to Immigrants Willing to Pack Their Bags.” Migration Policy Institute.


