dialogue

Undergraduate Journal
for
Political Studies

Southern Methodist University

Student Forum
John Goodwin Tower Center For Political Studies

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FOREWORD

Tyler Anderson and Melanie Rosin

The 2012-2013 academic year marks the publication of our third volume of *dialogue*. As such, we are beginning to gather momentum. The number of submissions to this volume is higher than in past years, and the quality of submissions mirrors this trend as well. In light of this, our publication committee decided to take a new approach with respect to the papers that we accept. While we published about eight articles in each of our former two volumes, we have decided to raise the bar even higher, accepting only five submitted articles. Ultimately this decision has served to raise the quality of *dialogue* while showcasing some of the best undergraduate works in political science that Southern Methodist University has to offer.

This third volume of *dialogue* explores a variety of interesting and key topics today, from China in the international realm to issues of human rights in the Democratic Republic of Congo. We are so thankful for the hard work and dedication of our contributors, and the unwavering support of both SMU and the Tower Center in this undergraduate journal and our other various works. We are very optimistic about the future of *dialogue*. SMU has provided its students with astounding opportunities in the past, and her future is all the brighter.

We hope that you enjoy this edition of *dialogue*.

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AMERICAN POLITICAL STUDIES

Cross-Party Voting in 21st Century Presidential Primaries: A

Social and empirical analysis

Mark Trautmann

Introduction

Hillary versus Barack. Romney and Santorum. The past two presidential primary seasons have both included drawn-out battles for the nomination of one of the major parties. Is this because the candidate fields have been especially strong? Or is it perhaps because partisan voters have been torn between selecting the candidate who they feel can win and the individual who best represents them? While either of these explanations may certainly be true, there is a much more sinister possibility that has been promulgated by political pundits and the media in recent years. They would suggest that these drawn out nomination fights are the direct result of strategic cross-party voting in primaries by voters of the opposing party.

As primary processes varying from state to state, the waters are already muddied. With campaigns looking to explain their less than desired performances, opposing party figures eager to add to the chaos of a prolonged primary contest, and the media ever ready to grab a headline that will sell more papers or result in more online traffic, it is no wonder that cross-party voting is such a popular phenomenon. But is it real?

In this paper, I will attempt to cut through the clutter in order to examine the effects of cross-party voting on presidential primary results. I will look specifically at states in the Midwest, as these are states that are critical in both the primary season and the general election. Furthermore, it is in this region that much of the hype over cross-party voting has occurred in recent years. Ultimately, this research will seek to demonstrate that while the media places great emphasis on cross-

party voting and its potential to make or break candidates, the amount of cross-party voting that actually occurs is rarely significant enough to cause any considerable change in the outcome of the primary.

In order to prove this hypothesis, I have identified four cases, one from each of the last four presidential elections, that best exemplify the cross-party voting that occurred during these respective primary seasons. These cases are the Michigan Republican Primary in 2000, the Wisconsin Democratic Primary in 2004, the Indiana Democratic Primary in 2008, and the Michigan Republican Primary in 2012. While each of these cases is different, there are similarities among them that allow for simple comparison and analysis. The most important of these similarities is that they are all open primaries that allow for any registered voter, regardless of party affiliation or previous voting history, to vote in the primary of their choosing.

In comparing these four cases, I will first look at the media coverage surrounding the primary and the degree to which it focused on the implications of cross-party voting. I will then turn to an empirical examination of the election data itself, seeking to understand the extent to which cross-party voting actually occurred and whether or not it had a significant impact on the outcome of the primary. The two-fold nature of this analysis will serve to point out the discrepancies that exist between the media hype over cross-party voting and its actual influence in the past four primary seasons, leading to a much clearer and well-reasoned understanding of this phenomenon and its presence in presidential primary elections.

Primaries: Historically Speaking

Before examining the four cases outlined as prime examples of cross-party voting, it is important to understand the landscape by which these events unfolded. For this, it is necessary to look momentarily at the history of the presidential primary process, its origins, and its idiosyncrasies. Understanding this history and the complexities of various states' nomination processes will give background to the story of the last 12 years and serve as a necessary and beneficial springboard for the analysis to come.

The presidential primary sprang out of the Progressive era in the first decade of the 20th century. The Midwest was important from the start with Wisconsin joining Florida, Pennsylvania, and Oregon as a leader in introducing the primary election as a means for delegate

selection.[1] Indeed, even the first presidential primaries in 1912 were hotly contested with President Taft and former President Theodore Roosevelt competing in twelve primaries, half of which were in the Midwest.[2] By 1916 there were 20 primaries, but this was the highpoint of the primary until 1968.[3] It was during this year that the Democratic Party enacted a number of reforms to make the delegate selection more open, and ever since, primaries have again been on the rise, with 42 states and the District of Columbia holding presidential primaries in 2000.[4,5]

While the number of states electing to have presidential primaries has increased steadily since the 1970s, not all primaries are the same. There are four basic categories of primaries, and it is extremely helpful to understand their differences. Cherry and Kroll offer a detailed explanation of these differences.[6] The first type of primary is a closed primary. In these primaries, party members can vote only in the primaries of their own party. Independents cannot vote in these primaries, and party affiliation must be chosen prior to the primary. The second format is a semi-closed primary, which is the same as a closed primary with the exception that Independents can declare party affiliation just before the election and vote in that party's primary races. An open primary is the third format, and in open primaries, all voters are able to choose which party's primary they would like to vote in on Election Day. Finally, a blanket primary is a primary in which all voters get a single ballot with all candidates of all parties on it. Voters then cast a single vote for each office but do not have do vote along party lines. In each of these primary formats, the candidate with the most votes within each party is the winner of that party's delegates.

While understanding these different forms of primaries is certainly interesting, the focus of this paper is on those in which cross-party voting is most likely. Thus, one can logically assume that more cross-party voting occurs in states with open primaries where any voter, regardless of party affiliation, can vote in either party's primary. Conveniently, each of the cases that will be examined—Michigan 2000, Wisconsin 2004, Indiana 2008, and Michigan 2012—was an open primary. This is not to say that cross-party voting does not occur in the other types of primaries, however. In his analysis, John Geer indicates that "even in closed primaries, in which only party members are supposed to participate, self-identified Independents and partisans of the opposition party still constitute a sizable segment of the electorate."[7] Nonetheless, the focus here remains on open primaries.

Appealing to Independents: Michigan 2000

John McCain has always been a maverick. Bucking the Republican establishment throughout his career in the Senate, McCain was not likely to gain much staunch Republican support in his 2000 run for the White House. Nonetheless, he quickly proved a formidable challenge to the presumptive Republican nominee, Texas Governor George W. Bush.

After not entering the Iowa caucuses, McCain scored a resounding victory in New Hampshire gathering 49 percent of the vote compared to Bush's 30 percent.[8] Following this victory, the press immediately began to analyze McCain's appeal amongst Independents and predict his success in future open primaries such as the Michigan contest. R.W. Apple Jr. wrote in the New York Times that McCain was even winning in support amongst Independents 38 percent to 21 percent for Democratic candidate, Bill Bradley.[9]

As the Michigan Primary approached, the calls for cross-party voting became more explicit. The Dayton Daily News reported that Michigan Democratic State Representative LaMar Lemmons was calling on Democrats to vote for McCain as a punishment for Republican Governor John Engler, the head of Bush's Michigan campaign. Even the McCain campaign itself urged Democrats and Independents to cross party lines and vote for him in the Republican Primary.[10]

The results of this primary election are telling, indicating that Democrats and Independents did, in fact, mobilize for McCain. McCain garnered 51% of the vote to Bush's 49%, handily beating Bush in this important primary.[11] Wsws.org noted that McCain surpassed Bush in his delegate count with the win in Michigan and the win in his home state—Arizona. The website indicated that voter turnout was a record high and that Democrats and Independents made up 51% of those who voted while Republicans only constituted 49% of their own primary.[12] Furthermore, William Mayer found that while Republicans went for Bush 64% to McCain 31%, Independents went for McCain 60% to Bush 33%.[13]

Looking at these statistics, it is clear that McCain's early success was largely due to the participation of Democrats and Independents in the Michigan Primary. Indeed, if the Michigan Primary had been a closed primary, limited to only Republicans, McCain would have lost by a nearly two-to-one margin. This surely would have forced him to exit

the presidential race much earlier than he did. Looking back at the 2000 Michigan Primary, it is clear that Kaufmann, et al. correctly surmised, "Open and modified-open primaries may have the potential to wreak havoc on political parties and their tentative control over nominations."[14] In this case, they most certainly did.

The Year of the Incumbent: Wisconsin 2004

While the primary elections of 2000 saw a great deal of publicity for cross-party voting in the Republican primaries, the primaries of 2004 proved a time for testing whether or not Republicans would also cross party lines to vote in the Democratic primaries. Surprisingly, in a year with an incumbent president—thus no primaries of their own—cross-party voting was not widely publicized or promoted by any of the Democratic candidates or Republican Party leaders.

Still there was some mention of rather disorganized but nonetheless existent cross-party voting. Matthew Quinn reported in the Atlanta Journal-Constitution that 16% of those likely to vote in the South Carolina Democratic Primary were Republican, and 17% of likely voters were Independents.[15] Even so, this appeared to be unorganized and haphazard as even the state Republican Party was urging its members to avoid the voting. While John Kerry was the frontrunner, John Edwards, his main challenger, did end up winning in South Carolina by 15 percentage points 45% to 30%.[16] This allowed Edwards to stay in the race, and it caused the Wisconsin Primary two weeks later to be even more crucial to preventing Kerry from securing the nomination.

Looking at the results of the Wisconsin Primary, while Kerry won with 40%, he faced his most serious challenge from Edwards (34%) since losing to him in South Carolina. This challenge was largely due to the higher than average turnout amongst Republicans and Independents who supported Edwards over Kerry.

Table 1: Wisconsin Primary Results Edwards and Kerry 2004[17]					
	Total Votes 489,749	Edwards Votes	Edwards Pct	Kerry Votes	Kerry Pct
Democrat (62%)	303,644	94,130	31%	145,749	48%
Republican (9%)	44,077	19,394	44%	7,934	18%
Independent (29%)	142,027	56,811	40%	39,768	28%

Table 1 clearly shows that while Edwards may have ultimately lost to Kerry, he was able to compellingly challenge him based on the support of nearly twice as many Independents and 26% more of the Republican vote. In fact, had Republicans and Independents not made up 38% of the overall vote, it is unlikely that the contest would have even been close, as a closed primary consisting only of Democrats would have led Kerry to win by nearly 20 percentage points.

"Operation Chaos": Indiana 2008

By now it is clear that some cross-party voting does occur in the battleground states of the Midwest. However, the amount that it occurred and the attention that it was given during the 2000 and 2004 primary seasons was nothing compared to the 2008 Democratic primaries. Senator Hillary Clinton, the expected nominee practically since George W. Bush's reelection in 2004, was swiftly and significantly challenged by Barack Obama, the junior Senator from Illinois and a rising star within the Democratic Party.

On the Republican side, it quickly became clear that John McCain would be the nominee. The Democrats, however, faced a long and bloody battle for their party's nomination. Drawing out through January and February, trading primary wins and swapping super delegates, it was unclear whether Hillary or Obama would come out on top. Obama's support remained high, however, and many observers believed that Clinton had to win Texas and Ohio on March 4, 2008 in order to stay in the race.[18]

On March 3, 2008, conservative talk radio host Rush Limbaugh called on his listeners to cross party lines and vote in the Democratic primaries for Clinton, in a move he dubbed "Operation Chaos," thus prolonging the race and the fight between the Clinton and Obama camps.[19] When Clinton won the primaries in both Texas and Ohio, Limbaugh was quick to claim credit, Obama was quick to blame Limbaugh, and the media began to buzz with the possibility of cross-party votes influencing the result of even more Democratic primaries.

From Marinucci in the San Francisco Chronicle to Hylton/Austin in Time Magazine, journalists were crying of "chaos" and

"spoiled races."[20,21] At the same time, however, they were looking more closely at Limbaugh's claim that he was responsible for the outcomes of these primaries and coming to mixed conclusions. Even academia began to take notice of this phenomenon, with Donovan and Stephenson both examining the effects of Limbaugh's call to action in "Operation Chaos" as opposed to historical trends and other explanatory data such as the increasing inevitability of McCain as the Republican nominee.[22,23]

Rush Limbaugh brought great attention to cross-party voting in presidential primaries, but it did not stop with the primaries that were held in March. Indeed, the Midwest once again provided valuable evidence of this trend with the Indiana Democratic Primary being held on May 6, 2008. In the Hoosier State, Clinton won by a mere 14,000 votes, and with ten percent of Indiana Primary voters identifying as Republican and with those voters swinging for Clinton by eight percentage points, it is easy to see why some cried foul while Limbaugh boasted success once again of "Operation Chaos."[24]

Table 2: Indiana Primary Results Clinton and Obama 2008[25]

	Total Votes 1,278,314	Clinton Votes	Clinton Pct	Obama Votes	Obama Pct
Democrat (67%)	856,470	445,365	52%	411,106	48%
Republican (10%)	127,831	69,029	54%	58,802	46%
Independent (23%)	294,012	135,246	46%	158,767	54%

While it is easy to place the results of the Indiana Primary on cross-party voting, a closer look at Table 2 shows that Obama performed best among Independents. In fact, with a completely closed primary, Indiana Democrats would have chosen Clinton by four percentage points, two points more than the 51/49 split that actually occurred. In this light, Republicans merely prevented non-partisan Independents from swinging the election away from the majority of Democrats' preferred candidate, Clinton.

Democrats Take Their Turn: Michigan 2012

In 2012, it was the Democrats who held the incumbency and had little to do during the presidential primary season. But would they behave as Republicans did in 2004, with fairly minimal cross-party voting? Or would Democrats, still recalling the meddling of the Republicans in the

Clinton/Obama race, exact revenge in the Republican primaries?

As the presumed frontrunner in the 2012 Republican primaries, Mitt Romney was the candidate to beat. While a number of contenders had risen and fallen throughout the campaign, Rick Santorum proved to be Romney's most challenging competitor once the primaries began. However, he faced an uphill battle. As February came to a close, Michigan, the "home state" of Mitt Romney appeared to be a serious bellwether for the remainder of the primary season. If Santorum could win in Michigan, he would simultaneously prove that Romney was not the inevitable nominee and remain in the running to amass the delegates needed for the nomination himself. As Santorum and Romney focused on Michigan, the Democrats had their own end in mind.

Once again, many media outlets were covering the possibility of cross-party voting in the Michigan Primary. Catalina Camia reported in USA Today that the Democratic Party sent an email to voters encouraging them to take part in the Republican Primary.[26] Furthermore, as Rush Limbaugh promoted "Operation Chaos" in 2008, the liberal blog The Daily Kos launched "Operation Hilarity" in 2012, encouraging Democrats to cross parties and vote for Rick Santorum to "keep the clown show going."[27] In an attempt to repeat McCain's success in attracting Michigan's cross-party voters in 2000, the Santorum campaign even embraced this evident ill will by the Democrats claiming it "broadened their base."[28] Michael Falcone reported for ABC News that the Santorum campaign sought any way that it could to beat Mitt Romney, going so far as to send a robo-call to Michigan Democrats the day before the election asking for their votes in the primary.[29]

While Santorum would have liked for the Michigan Primary to unfold as it did in 2000 for John McCain, this primary was very different from the one that occurred there 12 years earlier. Table 3 shows that Democrats did turn out to some extent and those that did overwhelmingly supported Santorum in their strategic voting. Additionally, Santorum held his own with Independents, only losing by one percentage point to Romney among this group. However, whereas in 2000 Republicans represented 49% of the voters in the Republican Primary, in 2012 they were 60% of the electorate. This, combined with the fact that Republicans favored Romney over Santorum by 11 percentage points, led to disappointment for Santorum in his unsuccessful quest to beat Romney in Michigan.

Table 3: Michigan Primary Results Santorum and Romney 2012[30]					
	Total Votes 967,832	Santorum Votes	Santorum Pct	Romney Votes	Romney Pct
Democrat (9%)	87,105	46,166	53%	15,679	18%
Republican (60%)	580,699	214,859	37%	278,736	48%
Independent (31%)	300,028	102,009	34%	105,010	35%

In fact, while initially it was thought that the 2012 Michigan Republican Primary would look like the Michigan contest of 2000, the data more closely resembles the Wisconsin Democratic Primary of 2004. With the primary challenger falling short of an upset yet gaining a significant majority of the cross-party votes, Rick Santorum in effect reprised the role of John Edwards eight years prior. Santorum, too, would soon learn that regardless of how his campaign spun this contest, he was unsuccessful in displacing the frontrunner, and this loss would prove indicative of the challenges yet to come.

Patterns, Projections and Primaries: What does it all mean?

While each of these four cases shows that cross-party voting is real, what are the implications? Can it actually change elections? The answer is clear. While it is possible to change the outcomes of primary elections through cross-party voting, it is very difficult to do so. Indeed, in only one of the four cases examined, Michigan 2000, did cross-party voting appear to tilt the outcome of the primary against the projected outcome had the primary been closed to only partisan members of the party. In each of the other primaries examined, cross-party voting was highlighted by the media, and in some cases promoted by party figures of the opposing party. However, while the data clearly show evidence of cross-party voting, it has generally not proven significant enough to shift elections.

What is even more interesting to consider is the changing motivation behind cross-party voting even during the short timespan of these four elections. In attempting to understand the motivation of cross-party voters John Geer offers the following:

> It is unlikely that independents would "raid" a party's primary to vote for their least favorite candidate to undermine that party's chances in the general election. A more likely reason

for independents (or even partisans of the other party) to vote in a partisan primary is that they found a candidate they would be willing to support in November.[31]

This analysis explains John McCain's primary success among Independents and Democrats during the 2000 campaign, as he was perceived as a candidate who many non-Republicans would, and did, vote for. However, following the rancor of the 2008 and 2012 primaries, it is clear that there has been a shift in the primary motivation for cross-party voting. While the effect of Limbaugh's "Operation Chaos" is debatable, Republicans could have legitimately preferred Clinton to Obama in 2008, the 2012 Michigan Primary clearly refutes Geer's claim. With Santorum, a staunch conservative, being supported by Democrats by a margin of 35% over Romney, it is highly unlikely that these Democrats were crossing party lines because "they found a candidate they would be willing to support in November."[32]

While cross-party voting is here to stay, it may not always be for the same reasons. The 2008 and 2012 primaries indicate that cross-party voting is now a political strategy. Motivating the partisan base of the non-competitive party to cross over and strategically vote in the opposing party's primary, weakening that party's eventual nominee and prolonging the nomination process is the current trend, and this trend is likely to continue in the foreseeable future.

As cross-party voting continues to change, it is evident that the Midwest will remain a critical testing ground for its proliferation and its effects on presidential primaries. It is fitting that this region should be so indicative of the evolution of the primary system, as primaries were present in the Midwest from the beginning. Furthermore, as this region continues to play an important role in the Electoral College, it is certain to play a vital role in the nominating process as well.

While cross-party voting may not easily change the outcomes of this presidential nominating process, it is nonetheless an interesting and worthwhile study. Elections will continue to evolve, and cross-party voting will surely play an important part in understanding campaign strategy and voter psychology. It is this understanding that is vitally important, an understanding that ultimately leads to the more perfect explanation of elections.

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INTERNATIONAL STUDIES

Can China Finally Follow-through On its Commitments?

Christina Almeida

Introduction

The United States feels that China is not properly combating the violation of Intellectual Property Rights and thereby is not following the agreed upon rules of the World Trade Organization with respect to Intellectual Property Rights. The World Trade Organization (WTO), which encompasses the principles established under the General Agreement on Tariffs and Trade, is a legal basis for regime treaties between countries. In order to become a WTO member, a country must agree to abide by a set of clearly defined and agreed upon rules. In particular, part three of the WTO agreement states that the WTO's intellectual property (IP) agreement incorporates rules for trade and investment in ideas and creativity. IP should be protected when international trade is involved. The WTO Agreement on Trade-Related aspects of Intellectual Property Rights (TRIPS) is essential to the insurance and enforcement of protection of the IPR of all countries. TRIPS "stipulates specific obligations related to the administrative and judicial procedures including, inter alia, provisions on evidence, injunctions, damages, measures at the border against counterfeiting, and penalties" in the case of IPR Violations.[1]

After China's accession to the WTO in 2001, the Chinese committed to reform its policies in order to implement and impose WTO rules, including the protection of Intellectual Property Rights. More than a decade later, China is now considered the world's largest infringer on U.S.-owned copyrights, patents, trade secrets, and trademarks.[2] China's continuous IPR violations are due to several "shortcomings" in its IPR regime. The protection of IPR is an elemental WTO commitment and China's record is one of the worst regarding this commitment. Infringement of U.S. companies' IP results in lost sales to China from the United States and other countries, lost royalty payments, and it also presents a great risk to U.S. and Chinese consumers who may unknowingly purchase unsafe, counterfeit pharma-

ceuticals. The level playing field promised as part of China's WTO ascension has not yet arrived, and with its tardy advent, the WTO has failed to make a concerted effort to combat China's evident violation of its own regulations regarding IPR protection.[3]

Resulting from China's consistent disrespect for IPR, U.S. intellectual property-intensive firms have lost an estimated near $50 billion due to China's IPR violations. These same companies reported that better enforcement in China could lead to around one million new U.S. jobs.[4] Because of China's state capitalism and inadequate governance, the consequences of China's failure to abide by WTO regulations is incessantly aggravated by the WTO's comparative inability to efficiently deal with China's "mercantilist state-directed" economy.[5] The Chinese government must take action against violators, and China must be held responsible for its actions—or lack thereof—and adequately be disciplined.

Large and popular companies are the main losers in the battle for IPR protection in China. Due to this dynamic, it is no surprise that sizeable international companies like Apple have faced a myriad of challenges in securing its patents. In fact, the company perfectly exemplifies the exceptionally weak IP protection that is generally afforded to big foreign firms by the Chinese government. Apple continuously files cases of IPR violations in China to no avail. In 2011, the loopholes in the company's IPR protection were highlighted by the opening of a fake Apple store in Kunming, the capital of the southwestern Chinese province of Yunnan. An IP professional, Horace Lam, even commented that with a lot of big listed U.S. companies their "IP protection is a joke."[6] China's lack of IP protection is realized in the form of steep costs to companies because patents can be used without compensation, which allows for the development of its competitors in China. The cost of protecting IPR in China is only a "fraction of that in the west…anybody who doesn't spend $4,000 extending their foreign patents to China needs their head examined."[7] In fact, that same year after a prolonged dispute between Apple and Proview Technology, a Taiwanese-owned company registered trademarks for the name IPAD in several countries before Apple did.[8] The first step in aiding this rampant violation of IPR by China is to identify and then analyze previous attempts that have failed to remedy the situation.

Background & Dissection of the Problem

Throughout the past two centuries, the United States has seen dramatic shifts in foreign trade and global economic policies. Since the Great Depression, WWII, and the Cold War, the U.S. has wholly embraced the liberalization of trade. After the Great Depression and WWII, Americans became convinced that free trade would promote economic growth, social stability and instill confidence in a free-market system based on fairness, transparency and the rule of law. Inspired by these shared beliefs, U.S. policy makers forged a bipartisan consensus towards trade liberalization by building on the momentum of the Bretton Woods conference, which formed the General Agreement on Tariffs and Trade (GATT) in 1947. Even through the Cold War, Presidents such as John F. Kennedy and Ronald Reagan continued to promote free trade by enacting significant tariff cuts and trade expansion. Traditionally, the U.S. has utilized a multilateral approach with respect to trade. However, despite the commitment to multilateralism, the U.S. has begun to pursue bilateral trade agreements with other countries. Bilateral negotiations and discussions concerning IPR between the U.S. and China date back to the mid 1970's. Nevertheless, as time has passed, the U.S. and other countries remain disgruntled by China's slow or non-existent progress in implementing the rules and regulations pertaining to IPR. The U.S. even threatened China with enormous trade sanctions under section 301 of the US Trade Act of 1974, pushing China to sign a "memorandum of understanding on IPR protection," yet China continued to fail.[9] Evidently this threat did not frighten China enough to cause them to do something about the violations.

Chinese local protectionism and corruption are two large supplementary problems for the defense of IPR. Under local Chinese government, IPR infringers feel safe enough to ignore IPR laws passed by the country's central government and/or the international community. Large-scale corruption in China makes IPR infringement an appealing option for local officials. It is due to this misconduct that counterfeits bypass the customs. Furthermore, local coordination amongst varying government IPR enforcement authorities is almost non-existent, making preventative actions against IPR infringement all the more difficult. Chinese enforcement officials, especially local ones, are often not qualified and do not have the skill or comprehension to follow through on complex IPR protection policies. In essence, there

is a manifest lack of transparency, as governments are still unwilling to "provide detailed information about IPR enforcement activities and IPR infringement damages."[10]

The TRIPS Agreement was a precondition for accession to the WTO, and China worked to upgrade its protection of IPR in order to abide by TRIPS standards. China was finally granted membership although many doubts continued to circulate about China's capability to comply with TRIPS. Shortly thereafter, China enacted a long list of laws, rules, and regulations on IPR in accordance with the TRIPS protocol; however, vagueness in the legislation linked to IPR protection led to complications in the enforcement process. In 2002, a study was conducted by Keith E. Maskus for the World Bank on China's pre-WTO entry compliance with TRIPS that pointed out at least "twenty-two areas where China fell short, suggesting that China needed to make substantial legislative changes to comply with the TRIPS norms."[11] The Chinese government is too dependent on administrative IPR enforcement, and thus only a small amount of IPR infringement cases are properly dealt with by the judicial system. From 2001 to 2004, Chinese administrative organs allegedly reviewed 169,600 cases of trademark and regulation violations while only 286 cases were actually transferred to judicial forums.[12] Effectively, the country's actions illustrate and depict the extent to which the lack of strong judicial support and influence can adversely affect the efficiency of IPR enforcement.

China faces several challenges after becoming a WTO member as it continues to undermine IPR protection under the TRIPS Agreement of the WTO. In the early 2000's, the U.S. and China dealt with IPR violations through lawsuits handled at the local level in China. When an IPR infringement dispute occurs:

> The infringed party can launch a lawsuit against the infringing party at the special IPR tribunals of the courts in China. China's court structure consists of four tiers: the Basic People's Court at the district level, the Intermediate People's Court at the city and prefecture level, the Higher People's Court at the provincial level and the Supreme People's Court at the national level.[13]

In order for the infringed party to win, they must prepare a painstaking amount of evidence. If the plaintiff wins and the case is serious enough

to constitute a crime, the punishment can include a fine, detention, or a fixed-term of imprisonment of at most seven years.[14]

In the past, the United States and China have dealt with IPR infringement in many ways. Locally, they have worked bilaterally through the use of judicial and administrative enforcement mechanisms. However, several other strategies have been endeavored, such as the U.S.-China Joint Commission on Commerce and Trade (JCCT). The JCCT was established in 1983 as a government-to-government consultative mechanism and was instituted with the intent to fashion a medium for settling trade disputes and discussing bilateral commercial opportunities. Beginning in 2003, President Bush and Premier Wen restructured the JCCT, requiring that it hold annual comprehensive meetings. The JCCT also involves a variety of ongoing dialogues that take place throughout the year, which typically include an array of topical issues increasingly of chief concern such as intellectual property rights. The JCCT is a process, and through it "the United States sought resolutions to particular pressing trade issues while also encouraging China to accelerate its movement away from reliance on government intervention and toward full institutionalization of market mechanisms."[15] Another method for the assessment of WTO member compliance is the Transnational Review Mechanism, which is a multilateral apparatus used in international relations with China. Meetings took place annually for the first eight years, after China became a WTO member, in front of 16 WTO committees and councils with a final review in its tenth year. China agreed to this special WTO system, which requires an annual review of the efforts that it has made to comply with its commitments to the organization.

Starting in 2005, China's progression towards market liberalization began losing momentum. Speculation began to warrant concern from the U.S. that the Chinese government policies reflected that it had still not completely embraced the WTO principles of non-discrimination, market access, and transparency. It was placed on the Special 301 "Priority Watch List," which means that China is monitored under Section 306 of the Trade Act.[16] Along with placing China on the Priority Watch List, on which it currently remains, the U.S. created an in-depth strategy (including possible use of WTO mechanisms) to address China's inefficient IPR enforcement regime. Through this strategy, the U.S. "sought China's agreement through the JCCT process to take a series of specific actions designed to fix many of the China-related IPR problems, among other things."[17] Unfortunately, this strategy did not

prove to be effective.

Recent U.S. Policies

In the past five years, the U.S. has attempted to employ a multitude of varying strategies and tactics in order to combat IPR violations. In 2007, the U.S. filed a WTO case against China, focusing on flaws in the Chinese legal regime for protecting and enforcing copyrights and trademarks. However, the case did not provide "sufficient factual information" for criminal prosecution and liability.[18] Currently, one of the major tools of U.S. Foreign Policy towards China (and other countries such as Sweden) is the ability to file a case against a WTO member that it believes is in violation of a rule. The WTO refers to these as "dispute settlements." The system works on detailed and clear rules with timetables for completing a case.[19] Despite the aforementioned, the filing of dispute settlements is seemingly rendered ineffective due to the fact that most cases take too long to go through the process and because the WTO is prohibited from restricting trade.

Presently, the overall picture of our relations with China remains complex. One method of dealing with the IPR infringement issue is seizing counterfeit items at the border. U.S. Customs and Border Protection's (CBP) seizure of data provides insight into the U.S.' Chinese imports. CBP reported that China was the source of 79% of all U.S. Customs seizures in the fiscal year 2009, while Hong Kong was the source of another 10%. Similar to previous years, footwear and apparel made up the bulk of these seizures.[20] The CBP and General Administration of Customs (GAC) strongly encourage brand owners to record their sales in their databases in order to aid in the detection and seizure of counterfeits. There are limited U.S. receipts of royalties and license fees from IP-sensitive services exports to China, which reveals a discrepancy in comparison to the rest of the world. The disparity can largely be attributed to IPR infringement and market access restrictions in China. In 2008, receipts of $2 million from China for certain copyrighted materials were a small part of the total $1.5 billion in receipts from the rest of the world. In some instances, the U.S. Department of Justice has prosecuted cases involving theft of trade secrets that have resulted in substantial fines and imprisonment.[21] The bigger the royalty and license fee flows, the stronger the IPR protection becomes.

Current U.S. Policies

In 2010, the U.S. attempted to work bilaterally with China to remedy the continuing IPR protection problem. The U.S. has been "frank in expressing its view that the two sides need to redouble their efforts going forward."[22] Moreover, the U.S. has continued to reach out to the WTO. Last year, the U.S. focused on "outcome-oriented" dialogue at all levels of engagement, while simultaneously taking real steps to protect U.S. rights under the WTO when China's actions have been alarming. In 2009, U.S. President Obama and Chinese President Hu orchestrated another apparatus aimed at formulating the highest-level bilateral forum between the two countries to date. The high-level bilateral forum is referred to as the U.S.-China Strategic and Economic Dialogue (S&ED). The formation of the S&ED represented a pivotal step in advancing a "positive, constructive, and comprehensive relationship between the two countries." [23] The S&ED takes place annually and examines strategic and economic paths. In the economic field, U.S. and China agreed on four promotional pillars, which established the foundation of their economic engagement over the course of the administration.[24] Despite China's repeated anti-piracy campaigns and an increasing number of civil IPR cases heard in Chinese courts, overall piracy and counterfeiting levels in China remained unacceptably high in 2011. The "U.S. industry estimates that levels of piracy in China across most lines of copyright products except business software ranged between 90% and 95% while business software piracy rates were approximately 80%."[25] These numbers are way too high and it is time for the U.S. to provide sustainable guidance and support for this emerging yet extremely powerful global market.

Analysis and Conclusion: What Should We Do?

If China can decrease IPR violations, both the U.S. and the Chinese economy will stand to greatly benefit. Patrick G. McLennan from the University of Denver and Quan V. Le from the Department of Economics at Seattle University examined the relationship between intellectual property rights and the growth rate of per capita GDP from 1996-2006 in a study that surveyed 71 countries. With software piracy data as their proxy for IPR violations, they found that countries with "increasing rates of software piracy have lower growth rates," and that "states with strong commitments to enact policies to protect intel-

lectual property rights are able to achieve higher growth rates."[26] In a conclusion to their study, they note that since 2003 China's piracy rate has dropped ten points (on their scale) due to "stronger enforcement actions and government-driven agreements with original equipment manufacturers (OEMs)," which is certainly a positive.[27]

According to the International Data Corporation (IDC), China has added over 800,000 jobs to its IT sector and 220,000 of those new jobs are attributed to lower government software piracy. The reason for this phenomenon is that, as the violation of IPR decreases, more Multi-National Corporations (MNCs) are willing to invest and do business in China. China's position on IPR is currently one of the biggest barriers to market entry for MNCs, thus incentivizing them to defer from engaging in business relations within the country. With increased MNC investment, local (domestic) companies will become progressively more multinational, thereby mitigating incentives for them to use pirated software and encouraging the use of legitimate technology.[28] Ultimately, this will lead to an increase in jobs, and, in turn, the process will yield higher economic growth. In this scenario, both the U.S. and China win.

Although China has emerged as one of the world's leading powers, it has become increasingly dependent on the U.S. in order to sustain its growing economy. The Chinese economy has increased its dependence on the United States recently according to Beijing and Washington trade figures. China's trade surplus with the U.S., through the first 11 months of 2011, was $272.3 billion—a 7.9% increase from 2010. The Commerce Department predicts that China's surplus against the U.S. will reach over $300 billion for 2012. Therefore, if we assume China's December surplus this year is zero, then 175.6% of China's overall trade surplus last year will be due to sales to the U.S.[29] Simply put, China needs the U.S. to buy their exported goods. Beginning in 2009, China became the U.S.' second-largest single-country trading partner based on two-way trade and account for 14.5% of U.S. global trade. Reported by "the Chinese Ministry of Commerce (MOFCOM), the United States was China's fifth-largest FDI provider in 2009, accounting for 4% of total FDI."[30] Considering our long relationship with China and their increased dependency on U.S. consumption of their goods, negotiating with China would be a fairly reasonable task.

Before any negotiations or policies can be implemented between China and the U.S., the U.S. must come to an agreement with the WTO—explaining the situation, the plan, the potential positive

outcomes, and concluding what exactly the U.S. can do as far as concessions and punishments. If the U.S. can garner the full support of the WTO, then the first policy recommendation I suggest is that we offer China a fixed amount of time to correct their IPR infringement problem, offering concessions if it reaches the agreed benchmarks and penalties if it fails to do so. Small steps are essential, as this is not an issue that can be fixed overnight. In order to offer a realistic amount of time, several factors must be considered. Somewhere around five years is a rational amount of time for China to reach its first agreed upon benchmark. The U.S. should offer China a tariff reduction on Chinese imported goods as an incentive for China to strengthen its IPR enforcement regime. If China can significantly lower its rate of IPR infringement within the outlined five-year period, the U.S. should agree to lower U.S. tariffs on Chinese goods by up to 5% or in proportion to how positive the changes in Chinese IPR violations are and depending on what the WTO will allow.

The rate of IPR infringement can be measured through data collected annually from U.S. intellectual property-intensive firms, which previously reported huge losses due to China's IPR violations. If they continue to undermine IPR protection rules under the TRIPS Agreement of the WTO and the violations continue at their current rate or increase within the five year benchmark, the U.S. will directly punish China through a significant increase in tariffs, thereby lowering U.S. consumption and devastating their progressively dependent economy. To further evaluate China's progress, the U.S. can conduct a similar study comparing to the one previously discussed, using different forms of IPR infringements like software piracy as a proxy. Chinese local and central government officials need to understand the positive correlation between increased IPR protection and high economic growth. I also suggest that the findings be publicized in China in an attempt to further our goal. Granting people access to this information will not only increase public awareness surrounding the issue but will also allow the U.S. and China to gain support in the plan to stop IPR violations. Depending on how fast China can decrease IPR violations, it has the potential to witness the creation of over two million new jobs, which could feasibly contribute almost $70 billion in tax revenues to governments worldwide in less than five years.[31] This outcome is extremely beneficial for both countries.

Lastly, the U.S. must consider exactly how China can successfully increase the protection of IPR. First, legislation linked to IPR

protection must be more detailed, and as it becomes clearer and more concise, the enforcement of protection will become easier to execute. Second, China must better organize its government from higher level to lower level officials and call for full cooperation amongst all of its citizens. The local and centralized government officials must come to a greater level of collaboration through improved communication and by sharing a common goal to better their economy and foreign relations, particularly the protection of IPR. This new cooperation will discourage local protectionism and root out some of the corruption. If all goes as planned and IPR violations decrease, the Chinese and U.S. economies will prosper. China will have no other option but to trust the U.S. and our new policies because it cannot sustain growth without the U.S.' consumption of their goods (which would drop with increased tariffs). Within five years, China could have even more U.S. consumer spending due to decreased tariffs, millions of new job opportunities, and most importantly, the U.S. could stop losing jobs and money due to China's IPR theft and recognize the direct monetary gain from tax revenues. Both the U.S. and China will experience high economic growth if this new policy agreement is correctly implemented.

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Cooptation: The Backseat Driver of Competitive Communism

Candace Warner

Introduction

Since the opening of China to global markets in the 1980s, the Chinese growth story has challenged traditional assumptions of the compatibility of Communism and the market economy. China has recorded astonishing gains over the past decades, surpassing Germany in 2009 as the world's top exporter,[1] yet "its politics have remained virtually stagnant" with regards to the structure of its ruling Communist regime.[2] Even recently, scholars have stipulated that, "the emergence of democracy is endogenous to the process of economic and social development—there is a simple, linear progression toward modernization that ultimately culminates in democratization."[3] China's regime is perhaps more accurately referred to as an authoritarian one rather than Communist, but it is certainly not democratic in the Western sense of the word.

Chen Yuan, a leading state-banker has claimed, "we are Communists and we will decide what Communism means."[4] In fact, it has been this very attitude and the Party's ability to adapt that has allowed it to coexist with a market-oriented economy for so long. When China first opened its markets to the world in the 1980s, the state was heavily involved in development efforts, and "because promoting economic growth was a key criterion for evaluating the work performance of local [communist party] officials, many were eager to cooperate with the entrepreneurs who could provide that growth."[5] Party members have gone above and beyond in that respect, as members of China's private sector with close party affiliations have enjoyed preferential tax treatment, the ability to purchase former state-owned resources such as land and factories at bargain prices, and have been given preferential or exclusive access to licenses and permits that provide a strong competitive advantage to select firms. The party has also been lax or at best, inconsistent, in enforcing certain laws and regulations that would affect the profitability of many Chinese businesses, particularly those

regarding labor laws and minimum wage requirements.

Teresa Wright notes that "when the state controls key economic resources, individuals and groups that depend on the state for their material livelihood have an interest in perpetuating the political status quo" and that "the political consequences of material dependence upon the state are magnified in countries entering the global capitalist system relatively late," as is the case with China.[6] Thus, the Party's ability to retain loyalty because of its control over productive resources and citizens' material well-being has been critical to market-oriented economic development without the expected evolution towards democratic rule. This paper seeks to analyze the present short and mid-term impacts of the CCP's cooption strategy on Chinese competitiveness and in part explain China's anomaly of Communist one-party rule supervising a market-oriented economy using the automotive industry as a case study. The paper ultimately finds that while cooptation was critical in incubating the Chinese economy in its early transitional stages and promoting the country's rapid economic growth throughout the 1990s, these same cooptation strategies have fostered the perpetuation of structural inefficiencies and development patterns that, if uncorrected, could threaten the sustainability of China's current growth trajectory.

Early History: The Nature of Chinese Cooptation

A. Defining Cooptation

Before delving into the core of our discussion it is important to first define the concept of cooptation. Cooptation in the context of international business and policy is the extent to which domestic business is owned, operated, or controlled by the government either de jure, through formal contracts and legislation or de facto through informal networks and critical relationships. More recently, the Party has favored the inclusion and recruitment of entrepreneurs and businessmen, though many find that fostering informal networks with party members can garner the same preferential treatment as formal personal party membership. As Bruce Dickson explains "cooptation facilitates adaptation by bringing in new elites who invigorate the party with new ideas and new goals" and keeps the interests of the party and those elites aligned.[7]

CCP cooptation strategies also extend to more formalized

means of control such as direct ownership stakes in joint ventures and jointly owned enterprises as well as through the presence of leadership and management positions reserved for members of the Communist Party for publicly traded companies in which the state holds a stake. As Richard McGregor describes, "Wall Street bankers scratched their heads over how to describe the role of a firm's Party Committee," and prospectuses (the preliminary document to an IPO describing a company's structure and important characteristics) for Chinese companies generally do not mention the committee at all.[8] Whether formal or informal, the most critical aspect of Chinese cooptation is the state's control of productive resources and the dependence of its citizens on the state for enhancing their material well-being.

B. History of the Chinese Auto Industry: Dependence on Joint Ventures (JVs)

The modern Chinese auto industry can be said to have originated in the 1980s after the central CCP emphasized economic development and growth as a critical priority. Economic performance and perceived development in the decentralized local branches of the CCP became an important decision factor in determining party member promotions. As a result, many localities chose the auto industry as a means of developing their regions or departments and individual party members enjoyed direct personal benefits from the short-term performance of local economies, often driven by key state-owned enterprises (SOEs) like the automotive companies. Many small automotive factories began to develop at the local level and the number of automotive firms in China increased from 53 in 1976 to 114 in 1985.[9]

But without consumers to sell passenger vehicles to or a market to provide incentives for innovation, car designs and manufacturing had not changed in China since they had first been introduced by the Soviets in the 1950s. Emerging from the Maoist period, Chinese auto manufacturers still lacked technology, capital, R&D capabilities, and managerial know-how to successfully compete in the global economy. The auto industry was recognized as particularly crucial to the Chinese economy because of its multiplier effect on other industries including steel, petroleum, glass, and electronics.[10] Also important was the articulation of a new policy goal by the central CCP to create state-led national champions to compete internationally.[11]

To achieve this, the government removed existing bans on new investment in passenger car production though mandated that all

foreign investment be in the form of joint-venture (JV) SOEs with foreign ownership interests capped at 50%. In this way, the Chinese government was able to access technological expertise in design and production as well as management expertise from foreign firms and use these capital inputs to jumpstart a domestic auto industry. The first of the JVs came in 1983 when Beijing Jeep Co. of Beijing Automotive Industry Co. (BAIC) joined with American Motors Co. (later taken over by Chrysler). The second JV was started in 1985 and was formed between the Shanghai Automotive Company and Volkswagen AG and remains the largest international JV in China as of 2008.[12]

The CCP was not only able to ensure that Chinese business retained a share in the profits and Chinese entrepreneurs were involved in the decision-making by mandating JVs but also reserved the right to match foreign candidates with Chinese partners providing the CCP with an additional means of industry control. This practice is inconsistent with WTO regulations and was dropped in 2006, though the state still reserves the right to issue partner recommendations. According to Dr. Matthias Holweg, throughout the 1980s and 1990s "almost all international partnerships that were centrally supported were the 'Big Three, Small Three & Mini Two' companies," while some small locally or regionally supported small enterprises also entered into agreements with international automakers.[13]

C. Corruption: The Cost of Doing Business

Before moving on to an analysis of the CCP's cooptation strategy's effects on competitiveness, it is important to first take a step back and understand some of the behavioral norms inherent in CCP internal interactions. Though a government body, the CCP is composed of a network of individuals, each with their own vested interests influencing the way in which CCP policies are implemented at various levels of government. Corruption has been endemic in the CCP nearly since its rise to power in the 1950s and this has not changed with China's modernization. China ranks 75th out of 183 nations in the 2011 Corruption Perception Index, and analysts note that "in China, greater economic freedom has failed to bring along a framework that has hindered corruption."[14]

Corruption is an important factor to take into consideration in this analysis of the CCP's influence on Chinese global competitiveness because "from a theoretical viewpoint, corruption…is generally

viewed as an additional cost of doing business or a tax on profits," which would imply that a country with high levels of corruption would experience lower levels of efficiency and competitiveness.[15] While this is debatable, it is mentioned here to put the following analysis in context of institutional norms that have been transmitted from the CCP to the Chinese business environment. This transfer of corrupt practices is both exacerbated and complicated by the cooptation efforts of the CCP: not only does it give entrepreneurs more access to state resources and give rise to more opportunities to bribe or manipulate state officials, often business entities are the state. Kellee Tsai notes that "capitalists have never had better access to the political system in PRC history," which today occur through both formal party membership and informal personal networks.[16]

It is also worth noting that in terms of conventional wisdom suggesting that high levels of corruption prevent meaningful economic development, China has disproved traditional assumptions enjoying some of the most astounding economic growth of the century while also consistently ranking as a nation with fairly rampant levels of corruption. In fact, according to a 2007 study, China "appears to be the most significant outlier" in the group of countries studied, comparing each country's score on the Corruption Perception Index (CPI) to its annual GDP growth rates.[17] This could in part be explained by the decentralized nature of the CCP structure, which has caused important frictions in the implementation and effectiveness of the CCP's cooptation structure which is discussed in subsequent sections.

A working paper on the subject claims that "setting up the provision of government goods and services in a competitive environment reduces the damaging effects of corruption and promotes growth. In large and diversified countries this can be achieved by encouraging inter-regional economic activities and lowering the costs (and bureaucracy) of relocation across regions and entry barriers for firms and agents."[18] Therefore, while the decentralized nature of the CCP has contributed to inefficiencies and has proved harmful to some core areas of Chinese competitiveness, it is also important to consider that the interparty competition created by the CCP's decentralized structure may in part have mitigated the overall effects of corrupt institutional practices.

Picking Winners: Interparty Competition

A. Local vs. Central Backing

One of the legacies of the Maoist central planning era was the government's role in determining the price of automobiles and tariff levels not only at a national level, but the ability of local governments to place tariffs on inter-provincial trade as well. As recently as 1994, the Chinese government issued the Implementation Policy of the Motor Industry which set annual output, called for the creation of 3-4 large independent car makers, and through the 1990s tariffs remained as high as 80%-90%.[19] Additionally, during the post-Mao era, new authority granted to local governments through decentralization efforts meant that local governments "competed to establish manufacturing firms and erected inter-regional trade barriers to restrict imports of auto vehicles from other locations in China," giving them enough flexibility in policy to effectively determine the prices of vehicles in their jurisdictions.[20] Further hampering effective implementation of a unified policy is the number and diversity of stakeholders in the industry as "some auto producers are owned by the central government while some of the major auto firms are owned by municipalities" while others remain privately owned.[21]

The absence of market-determined price mechanisms to mediate between demand and supply and reflect true costs of production enabled small-scale auto factories to survive with the help of local governments despite their inability to capture the scale advantages of larger firms. This inhibited the development of only a few large-scale Chinese firms that might otherwise have been able to compete with foreign manufacturers by taking away market share and productive resources. In 2010, Chinese government officials stated that "unchecked expansion of China's auto industry encouraged by local authorities could harm the wider economy" and that while the Chinese auto industry remains highly fragmented, the central government continues to push for mergers and acquisitions in the industry in the hopes of supporting the emergence of a few leading national firms.[22] Researchers find that "local governments may make decisions for their own benefit rather than following the national auto industry policy, except for items which are classified as "requiring central government approval" and that "the performance of state-owned auto firms …is highly influenced

by local institutions."[23,24]

However, findings in the same studies also indicate that the central government retains a substantial amount of control over municipal action and business management through personnel appointments and managers. The divergent interests between the central state and the various municipalities have arisen in part because of the evaluative criteria used for promotions within the party. A study of 1,588 political leaders across China found that promotion criteria varied by region and party organization which could lead to inconsistent matches between incentives and central party policy.[25] In other words, leadership performance that is rewarded through promotion and party recognition at local and district levels may not lead to long-term results desired by the central party. For example, as the CCP policy shifted to emphasize development in the 1990s, municipal leaders were rewarded and promoted for economic performance in their region. In many cases, municipal sponsoring of an automotive company (large or small) could lead to substantial economic gains in the short term though the measures taken to achieve short-term growth may have come at the expense of effective national policy implementation and the long-term profitability of the municipal firm.

Without cooptation by the state, it is likely that many of these smaller enterprises would not have survived because of their inability to achieve the large economies of scale needed for profitable automotive firms. These enterprises would have either gone out of business, or been acquired by an emerging national leader. A similar process took place through the development of the American automobile industry, which experienced substantial consolidation as more efficient firms prospered and those that were not able to keep up with competitive pressures either went out of business or were acquired by emerging giants. This is the natural process of market selection in which the most competitive and efficient firms succeed.

However, in the case of the Chinese automotive industry, state sponsorship of specific companies makes it more difficult to distinguish competitive companies from noncompetitive ones. This hurts the competitiveness of the industry as a whole as it causes frictions in implementation of central party directives and allows noncompetitive firms to steal market share and take productive resources away from potentially competitive firms. The larger number of unconsolidated producers also makes it more difficult for the central party to regulate output and utilization rates, as overproduction poses a significant

potential threat to automakers' profitability and Chinese auto competitiveness as a whole.[26]

B. Recent Change: Private Sector Pulls Ahead

Despite the preferential treatment of state-backed firms, several private players have not only been able to survive in the current regime, but succeed. Most notable of these private companies was Greely, a "financially small" and "little known" manufacturer but one that had "demonstrated respect for intellectual property" with "highly developed manufacturing technology" qualities relatively unusual for a Chinese automaker.[27] This made Greely an attractive candidate for the acquisition of Volvo from Ford in 2009. In 2009, Greely was China's second largest private enterprise auto company, yet it had less than a 3% market share.[28] Greely is a prime example of the challenge faced by the CCP between welcoming fresh new talent in the auto industry through private enterprise and continuously endorsing less efficient state-backed giants. As G.E. Anderson notes, "an enduring policy dilemma is finding the right balance between SOEs, which are effective agents of state directives, and private companies, which are far more efficient uses of capital and generate far more employment."[29] Volvo was Greely's third international auto related purchase, but one of the biggest takeovers in the Chinese auto industry to date. Importantly, all international transactions require central government approval, which put Greely on the radar and signaled the beginning of another change in CCP policy as the CCP grudgingly adapted to these new competitors.

By the end of the 2000s after China's entry into the WTO, China's central government, "having been practically antagonistic toward the independent" had "changed its tune" and even granted certain private enterprises access to subsidized credit, previously exclusively enjoyed by SOEs.[30] This is an important sign of CCP adaptation and cooptation of private business: although Greely is technically an independent private enterprise, the granting of subsidized credit is another form of cooption dependent upon CCP party relationships designed to give Greely a vested interest in supporting the regime. When negotiations on the deal began, much speculation surrounded the ability of Greely to afford the deal as financial assistance from the central party was not anticipated for a private enterprise. Nonetheless, negotiations proceeded and Greely was able to secure a tacit head nod and financial

assistance in the form of subsidized credit from the CCP.

This shows that while in the past the CCP has been reluctant to support private enterprise, this adaptation in its cooptation strategy suggests that the CCP is still bound to the slogan coined by Deng Xiaoping "development is the only hard truth" and is not opposed to rewriting the rules to accommodate newer, more competitive players– so long as they support the regime. This also should not necessarily be seen as an extreme deviation from the evolution of cooptation tactics throughout the 1990s as SOEs and TVEs were transformed into JVs and, in some cases, even private enterprises when CCP members held large ownership stakes in what were previously collectively owned enterprises.[32] Thus, this pattern should more be seen as a continuation rather than deviation and attests to the adaptability of the party's tactics.

This in turn suggests that though cooptation in the past has proved inefficient and in some cases, detrimental to Chinese competitiveness, it is the method of implementation of cooptation, not the practice itself that determines its efficiency. Though "it is a small independent firm that engineered China's only successful takeover of an internationally significant carmaker," Greely may not be the last if the CCP chooses to extend additional aid to other successful private enterprises. In this instance, cooptation was able to enhance Chinese automotive competitiveness by supporting a viable startup company. Though an encouraging sign, it is still important to keep in mind that as the CCP co-opts new cutting-edge players, CCP involvement in their development paths may provide crutches in the form of special assistance for these startups that allows for the proliferation of inefficiencies in the future. This could cause long-term detrimental effects on these companies' competitiveness by giving them a cushion that mitigates market-driven incentives and the immediate need to adapt to changing conditions and consumer demands.

Innovation or Lack Thereof

A. Intellectual Property Rights (IPR) and Joint Venture Dependence

Chinese auto industrial development policy emphasized technology transfer, not organic development. As a result, today nearly 90% of China's high-tech exports are generated by foreign-invested firms in partnerships with state-owned enterprises.[33] In part, this is due

to China's later entry into the global system in the 1980s as compared to the entry of Japan and South Korea in the 1960s. Because of the later entry, China was less able to protect its domestic market since its need for technology was more dire due to higher technological barriers in the industry and in part because as a newly emerging post-Communist society, "the task of catch-up development was paired with the task of dismantling an inappropriate and highly inefficient socialist industrial structure while at the same time ensuring the continuity of Communist rule."[34]

In 1987, one of the early JVs that took place in 1985, Guangzhou Peugeot, went bankrupt because of problems that arose in the partnership. Guangzhou's lack of manufacturing expertise and access to qualified suppliers posed a problem, however, the more critical issue was Peugeot's reluctance to build its more technologically advanced vehicles in China due to fear of the loss of its Intellectual Property Rights. This angered the Chinese government and eventually led to the closure of operations. Historically, IPR violations were "openly sanctioned by the government, and copycat designs were even available in official component catalogues."[35] While open violations are now rare, particularly since joining the WTO, the damage that these early infringements created has been substantial. Not only have they fostered distrust internationally but they have also created a business environment in which it is uncertain that innovation will be rewarded because of an inability to insulate new designs and technologies through IPR. As a result, the incentives for investment in both the development and implementation of new designs have been reduced, retarding innovation in the industry.

Recognizing the intentions of the Chinese government, foreign partners in the past did not share their most cutting edge designs with their Chinese partners. Instead, many partners early on factored in the potential of IPR violations and technology transfer as a cost of doing business in China. Exacerbating the risk was the fact that through the complex government-engineered JV structure, foreign companies would often find themselves sharing the same Chinese partner with global competitors. Bearing in mind the CCP's strategy to endorse the chosen "Big Three, Small Three & Mini-Two" national champions, this left a limited number of ideal Chinese candidates for the CCP to match foreign investors with. Not only did foreign competitors on occasion share the same JV partner, but Chinese supplier networks are also shared and suppliers commonly sell the same components to other

manufacturers, giving rise to another opportunity for technology transfer and making foreign companies more loathe to share top technology. This implies that though technology transfer did and has occurred, it has not served to make the domestic Chinese market internationally competitive since it has not resulted in access to the most leading-edge technologies.[36]

It is important to view early IPR infringements under the umbrella of cooptation because it was through tacit support of the CCP regime that these infringements occurred, as the state supported its own short-term interests of technology acquisition at the cost of enforcement of international law, international reputation, and as we shall see, the creation of sources for domestic Chinese innovation. In more recent years leading up to and following China's WTO membership, IPR enforcement has evolved and improved under directives of the central leadership. Prior to 2003, no legal judgment had been reached in a Chinese court in a suit brought by a foreign company. In 2003, the first legal judgment to be reached in court was a case brought against Greely by Toyota, claiming trademark infringement occurred with the use of Greely's emblem, which closely resembled that of Toyota. Unsurprisingly, Greely won the case.[37] However, despite the adverse ruling for Toyota, the fact that the case was heard and formally given a judgment in the Chinese legal system represents an important step. Chinese automakers are also using an increasing sense of rules consciousness and rising enforcement of IPR to their own advantage. In 2004, GM accused Chinese manufacturer Chery of copying a GM model without paying any royalties. However, in January 2002 Chery had filed a design patent for the car in question which was approved in January 2003, before GM requested an investigation by the National Ministry of Commerce and the National Office for Protection of Intellectual Property Rights, a case that was still pending in 2008. Whether Chery copied the design or not, the fact that Chery had filed for a patent in China before GM complicates the case, and this type of manipulation may be an indicator of yet another adaptation of the party's cooptation strategy in its hand in IPR enforcement rather than a genuine crackdown. Note that GM pursued enforcement via administrative means, while Toyota sought redress through litigation, an important distinction.

In his book Piracy and the State, Martin Dimitrov examines the complex and evolving landscape of Chinese IPR enforcement. Dimitrov finds that while the Chinese state has the ability to enforce

IPR, enforcement is often weak because IPR agencies generally operate under conditions of decentralization and overlapping jurisdictions. This means that not only does this prevent effective oversight of bureaucratic discretion but also that inter-bureaucratic competition can cause some agencies to shirk enforcement duties when faced with potentially controversial decisions. Complicating IPR enforcement and exacerbating bureaucratic issues is the fact that China has three types of intellectual property rights (patents, trademarks and copyrights) with four channels through which to pursue enforcement and five types of enforcement measures, including fines and incarceration. Dimitrov finds that litigation provides the highest quality enforcement, but that this is also coupled with and potentially made possible by a low volume of suits brought before courts. This complex web of bureaucracy and enforcement means that not only are foreign companies put at a disadvantage in seeking enforcement due to lack of familiarity with the system, but also that more channels of party bureaucracy provide additional opportunities for cooptation strategies to adapt and continue in a more discrete manner.

Cooptation through control of the legal system could continue at the local level whether or not the central party seeks to genuinely enforce IPR because of the decentralized nature of the IPR enforcement network. Arguably, if innovation is truly a priority for the Party enforcement of IPR should be a critical focus in order to spur incentives to invest in R&D. The development of a new car model can cost upwards of $1 billion, and without guaranteeing that a company will retain exclusive rights to their new technology, even if only for a specified period, R&D incentives are almost nonexistent which hurts Chinese innovation and competitiveness.[38]

Another important characteristic of the CCP's early JV model was determination of domestic partners for foreign automakers seeking entry to the Chinese market. In partnerships and mergers in developed markets, partners select one another based upon the potential for synergies and complementarities in company structure that make it more attractive to exchange technology and market insights. However, the inexperience of their Chinese counterparts did not place foreign and domestic partners on equal footing. As a result, Chinese companies were largely relegated to the role of a global "processing factory" because of China's vast supply of cheap labor.[39] However, while it does serve to foster employment and attract foreign capital, China's intermediary role has meant that "China has not been able to realize

the qualitative gains of economic development, increase profits for enterprises, raise income for laborers, or expand its enterprise globally" with few exceptions.[40] According to some estimates, "as much as 50% of the profit of every foreign car built in China flows out to the foreign company that designed it."[41]

The establishment of this JV structure early on institutionalized the development of detrimental practices in Chinese JVs in two ways in addition to low realizations of investment return: the first was the lack of investment in product development capabilities within these JVs, exacerbating Chinese dependence upon foreign designs, while the second was the use of the local Chinese partner primarily as a processor or production base, purely to gain access to cheap labor costs and the growing Chinese domestic market. Though similar, there is an important distinction between the two: the first has negatively affected the ability of the domestic Chinese market to innovate in terms of design and technology while the second affected the development of managerial talent and transfer of industry best practices that affect automakers' ability to make strategic decisions in a competitive environment and also results in lower profit realization for Chinese firms. As a result, "SOE partners have been largely captives of their JVs and have so far failed to generate their own technology, designs and brands as was the intention of state planners."[42] In a recent survey of Chinese and U.S. manufacturers by Industry Week, 54% of Chinese companies cited innovation as one of their top objectives, while only 26% of U.S. respondents did.

Another problem preventing investment in R&D has been the issue of the incentive structure for managers of large state-owned firms. As Anderson explains, "the bosses of state-owned Chinese firms treat their jobs as stepping stones to higher political office, moving on to a senior party role after five years or so. Thus, their motivation is short-term empire-building rather than fostering research and development to lay the foundations for long-term success."[43] In addition, in research conducted by Margaret Pearson and Yukyung Yeo, as recently as 2008 "one senior SAIC engineer contended that SAIC's president has little interest in developing the firm's own technology, and only tries to achieve rapid growth in order to impress the central leadership, because such growth would help his chances of promotion to an even better position."[44] According to the same SAIC engineer, "because developing a firm's own technology and commercializing it in the market requires at least eight years in the auto industry," SAIC top

leaders prefer forming JVs with foreign investors that may "provide them with advanced technology."[45] However, as already noted, the folly in the managers' dependence upon foreign firms for technology is that the technology is not internationally competitive. Thus, a key tool of the party, personnel appointment, is in fact contributing to decision making that emphasizes short-term results at the expense of long-term success and international competitiveness.

Promotion of successful leaders has also served to create a talent vacuum, by which foreign partners have little incentive to train skilled managers that will be promoted out of reach as a result. It also means that talented managers sponsored by the state do not remain in the positions in which they are able to produce the most value for long. This in turn serves to hurt Chinese auto competitiveness by misallocating human capital resources through a political structure, as opposed to allowing competitive forces in the job market determine placement and mobility.[46]

B. Talent Dearth

CCP cooptation strategies as illustrated by the automotive market have also had farther-reaching implications across China as a whole. Industry dependence upon a vast supply of cheap labor and little demand for R&D has created an undersupply of positions for skilled workers, particularly those with science and technology backgrounds. In addition, while a purely private, market-oriented economy would determine demand for skilled workers that could contribute both to innovation in R&D as well as those with managerial talent, the influence of the CCP's cooptation strategy and the distorted performance incentives for promotion has distorted the number of available positions from what their numbers would likely be in a purely market-driven industry. Statistics show that in the foreign auto industry, 30% of employees have a higher education background while China's auto industry has a mere 15%.[47]

In 2011, experts at an auto expo held in the Northeastern province of Jilin claimed that "for China's auto industry to become more advanced it must break through the talent shortage bottleneck to boost technological innovation."[48] At the same conference, the Vice Chairman of the Society of Automotive Engineers of China claimed that China still lagged "far behind" auto manufacturers in Europe and the United States and that the "root cause of all [weaknesses in the

automotive industry]…is the talent shortage," a sentiment echoed by the executive vice president of China Machinery Industry foundation, who claimed what China "urgently needs is technology, but the key to technology is the talent that masters the technology."[49] In 2007, China ranked 34th in terms of competitiveness, despite the fact that the aggregate number of China's R&D personnel ranked first globally and gross expenditure and total spending on enterprise R&D ranked 6th. China's patent output rate, a measure of innovativeness, only ranked 23rd globally and 17th in basic research to enhance long-term economic competitiveness.[50] This could be due in part to the newness of efforts to increase R&D as it takes time for gains from such investment to be realized.

Perhaps more telling is that in total, of all Chinese students who study abroad only approximately 36% of students return to settle in China, while 90% of PhD students who majored in science and engineering and studied in the U.S. have chosen to remain in the U.S.[51] Experts agree that "by all accounts, China's human resource in aggregate is substantial, but its human capital continues to suffer huge deficits" in large part because of the underdevelopment of knowledge-based industries and lack of job prospects for college grads. Despite efforts through the 1990s to increase higher education in China resulting in 19% of the population under the age of 30 holding a college degree, employment prospects for students are bleak.[52] In 2012, 25% of recent college graduates were unemployed. However, a large number of those who did find employment are not utilizing their college degrees: 25% of migrant workers in 2011 had college degrees suggesting a serious underutilization rate of a university education. This also serves to raise the cost of a university education because of the increased uncertainty that students will be able to secure a well-paying job upon graduation that will allow them to repay student debts. In light of these circumstances, many students find that they have better employment opportunities abroad.[53]

The problem of Chinese talent loss is not one limited to the automotive industry, nor is it one that it can be said Chinese cooptation was a primary cause of. However, because of the dependence upon foreign design fueled by the JV structure, it is a problem that is only now becoming increasingly viewed as a critical threat to the industry. In this way, CCP cooptation strategy contributed to practices that delayed the realization of the importance of creating incentives to keep China's best talent dedicated to furthering Chinese competitiveness.

This has distorted the structure and development pattern of the Chinese labor market, skewing the supply of jobs toward those that are labor-intensive and resulting in the underdevelopment of knowledge-based sectors that are critical to long-term competitiveness. Though the CCP may have provided educational opportunities for its human capital base, without effectively providing opportunities for employment and incentives to remain in China, the nation continues to suffer a net negative flow of skilled labor across its borders becoming a supplier of talent to the rest of the world at its own expense.

Economic Inequality and Domestic Consumption

A. Inequality Inhibits Chinese Consumerism

In a study performed on the Chinese auto industry in 2005, researchers found that Chinese plants produced only one-fourth of units per labor hour that Japanese plants produced, and approximately one-third of US and European competitors.[54] And yet, "in terms of indexed labor cost per unit [China] still outperformed the other regions" leading to the conclusion that "although far less productive, the low labor cost per hour compensates for this deficiency."[55] Perhaps even more concerning is that Chinese plants delivered 13 times more defects to consumers as compared to American plants and 18 times more than Japanese plants, largely due to the lack of modern manufacturing methods. However, Chinese plants are able to compensate for these deficiencies with CCP support that perpetuates low legal minimum wages and often is complicit in perpetuating illegal working conditions by rarely enforcing labor laws. It is often easier for Party officials to ensure wages are kept low as a means of cost-savings rather than to risk promotion and positive earnings figures by investing in productivity-enhancing technologies. Teresa Wright notes that "the profits reaped by many private business owners have derived from the low wages and exacting working conditions, the satisfaction of which would eat into profits," thus creating an environment in which Chinese business owners "owe their material prosperity to their dependence on the state" and "sit atop a highly unequal distribution of wealth, at the bottom of which are the employees on whom their profits depend."[56]

The cost of China's massive growth born by the laborers that give China its comparative advantage has been steadily increasing over the years. Chinese workers' wages have grown more slowly than

productivity for all but the last two years of the past three decades, which means that until two years ago workers have received a steadily declining share of what they produce.[57] In the first decade of Chinese development from 1978 to 1988 economic inequality in China more than doubled.[58] The trend has only increased with continued Chinese growth. In 2011, 10% of households received 57% of total income, owned 69% of total savings and controlled 85% of total assets. Interestingly, the average savings rate for the top 10% of households is an incredibly high 60% while low-income households have "negligible" savings rates.[59]   These circumstances have contributed to a relatively low level of consumer spending in China, which reached a mere 37% of GDP in 2011. This is roughly half the level of consumer spending in the U.S. and two-thirds the level in Europe.[60]

Despite gains in automobile sales and other consumer items the ratio of private spending to GDP in China has "actually fallen relative to Chinese spending levels of a decade ago."[61] Increasing consumption is frequently pointed out as the key to reducing China's reliance on exports and foreign investment. However, most analysts agree that "income inequality is the key reason for China's low consumption rate"[62] and express concern that "inequality will hinder future growth because it undermines consumption, constrains development in poorer regions and generates social tension,"[63] all factors that undermine CCP regime stability.

It has also been suggested that CCP corruption and cooptation of business has also been is to blame in rising inequality due to the fact that the party does not distribute profits from production equally throughout the population, but engages in "cronyism" through informal networks that ensures China's well-connected elite, comprising approximately 10% of the population, reap and retain most of the benefits of China's growth.[64]

In a 2010 Credit Swiss report Professor Wang Xiaolu examines the growth in unreported "grey income" or "shadow income" of Chinese households. Based on a survey undertaken in 2009, Wang found almost 1.5 trillion dollars in grey income unreported in the official household income numbers and that roughly 60% of this grey income accrued to the top 10% of households. In terms of rates of income growth the same study concludes that while the income of normal households grew by 8%, income of the top 10% could feasibly have grown at rates as high as 25%. Wang further suggests that this data implies a Gini coefficient of greater than the currently estimated .47-.5.[65]

The biggest consumption growth in consumer goods in 2010 were in jewelry, furniture, cars, and construction material, all items related to spending of the upper class.[66] While this bodes well in the short term for the auto industry and other luxury consumer industries, in the mid- and long-term the lack of a Chinese middle class to promote a stable source of domestic demand will severely hurt these industries. The automotive industry has already begun to recognize this as an imminent challenge as export growth slows and producers turn to the large base of potential consumers in the Chinese population.

B. Utilization Rates and Growing Glut Potential

Growth in the automotive markets for most well-developed nations has slowed as the markets become saturated and consumption rates are increasingly driven by the replacement of currently owned vehicles. In part, it was a desire to tap into new growth potential that motivated many foreign manufacturers to form JVs with Chinese automakers. International markets in many developed nations are already saturated, making developing countries one of the most promising sources of growth as their consumer base increasingly gains access to disposable income. Despite the enormous potential consumer base, Chinese automotive manufacturers currently have on average the lowest utilization rates in the industry as compared to American, European and Japanese manufacturers which hurts production efficiency. Overproduction and oversupply present a real threat to the Chinese auto industry.[67, 68]

In order to combat low consumer demand, the CCP has stepped in and pushed through a variety of measures to stimulate consumer spending over the past few years, including tax breaks and subsidies. Industry analysts say that Chinese automakers have been "relying on surging sales growth to offset profit margins that are falling because of rising competition," but also stress that this cannot sustain the industry long-term.[69] Profit margins in China are also substantially lower than those in the U.S. and Europe due to a preference for low-cost vehicles. Moody's outlook for growth in the global auto industry predicts that "global auto industry in 2013 will be constrained by sluggish demand in Europe and weakening sales in China" and also cites overproduction as a concern for automakers across all regions.[70] Specifically, the report expresses the concern that in 2013 "margins will remain under pressure because of overcapacity and low demand," which will hurt

Chinese automakers more than their American and European counterparts because of their greater dependence on volume to compensate for low margins on low-priced vehicles.[71]

Chinese industry leaders as well as key politicians are calling for automakers to keep "cool heads" and not to expand capacity too quickly for fear of exacerbating the glut potential.[72] However, the fragmented nature of the industry and the various state ownership forms at the local level as well as the increasing presence of private auto manufacturers in the Chinese industry reduce the likelihood that national directives will be followed. Locally state-sponsored firms, headed by CCP leaders with performance-based promotion incentives will have a strong desire to see strong sales growth, which can be best accomplished in the short-term by cutting prices and pushing volume. The same might be said of the small private automakers seeking to maintain market share. This in turn forces the national champion firms to respond in kind, causing the competition to intensify, further exerting downward pressure on margins with a limited domestic consumer base. The irony is that the CCP's cooptation strategy has influenced most of the factors contributing to this situation: from limited consumer demand due to the proliferation of low wages to the survival of inefficient firms now flooding the market.

Conclusions

The Chinese auto industry has developed hand in hand with the Chinese Communist Party, building a unique symbiotic relationship that has fostered mutual dependence between the party and emerging business elite. It can be argued that without the high level of CCP involvement and its active role in fostering domestic growth, China would not have been able to achieve its astonishing economic gains over the past few decades both in the automotive sector as well as across the nation as a whole. However, the CCP's stringent attempts to maintain control of the Chinese automotive industry have also led to the development of institutional norms and mixed incentives schemes that have proved detrimental to long-term sustainable growth.

But though the CCP's cooptation strategy has contributed to emerging threats to the Chinese automotive industry and the economy as a whole, it has also shown a remarkable ability to adapt to changing circumstances and address challenges as they arise. It can be argued that "the CCP's virtually unchallenged rule since the early 1990s is

the result of its adaptation to rapidly changing economic and social circumstances."[73] New support of private enterprise, increasing enforcement of IPR, new and substantial investment in R&D capabilities and educational initiatives over the past few years are all signs of the CCP's continued dedication to responding to economic challenges quickly and as effectively as possible. Perhaps some of the biggest challenges that face the CCP are also those that threaten the effectiveness of its cooptation strategy implementation which include bureaucratic and administrative frictions, competition and divergent interests at varying levels of the party hierarchy, ineffective incentive schemes and rising corruption within the party that has manifested itself throughout Chinese society in the form of growing inequality.

In a 1999 survey nearly 60% of Chinese respondents agreed with the statement that "the most important condition for our country's progress is political stability" and in similar surveys, 48% of respondents chose economic growth as an important criterion for good government.[74] Casting Western preconceptions of good governance aside, by these standards the enormous growth of the Chinese economy over the past few decades has attested to the party's ability to deliver results and has also led to general, if less-than-enthusiastic, support from most of the Chinese population. For private entrepreneurs in China "the authoritarian state is not seen as an enemy that must be weakened, but rather as an ally that will aid in pursuing and protecting the interests of private capital."[75] However, sacrifices on the part of private capitalists and the party will need to be made in order to transition the Chinese economy into a self-sustaining, but integrated steady state in the global economy that will also require yet another sharp adaptation of CCP cooptation strategy. Deng Xiaoping's goals of economic development at all costs served well in the first few decades of Chinese growth, but the new regime will need to begin to take on the responsibility of more mature decision making if China is to sustain and improve its level of competitiveness in the coming years. Instead of development at all costs, the party will need to adopt an approach that weighs the costs in terms of benefits not only of its various economic policies, but also the cost that it is willing to pay for support from various demographic constituencies in the Chinese population. A realignment of its priorities and a change in its temporal horizons for decision making will be necessary to ensure continued Chinese competitiveness and economic growth.

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Sexual violence in the Democratic Republic of congo

Katie Schaible

Introduction

The ongoing conflict in the Democratic Republic of Congo has left the rest of world standing by in shock and confusion. Nobody can quite conceptualize how the DRC ended up in one of the worst humanitarian crises the world has ever seen, to the extent that it is known as the "world capital of rape, torture and mutilation."[1] This paper attempts to analyze how underdevelopment leads to conflict as well as how conflict leads to underdevelopment. Why is the DRC so far behind much of the world in terms of economic development? Why is the government unable to provide basic social and health services? Why does conflict persist, having claimed the lives of over 5.4 million people despite international intervention? And why are some of the worst human rights abuses in the world being continually committed against the women there? In addition, this paper provides recommendations as to how the international community should proceed in bringing an end to the conflict, stabilizing and strengthening the government, punishing the perpetrators of sexual violence, and bringing economic, social, and legal opportunities to a population that has been simultaneously affected by poverty, conflict, disease, and horrific human rights abuses.

Development Theories Overview

Economists and development experts have long searched for the ultimate cause of underdevelopment, the explanation for the disparity of wealth between the global north and the global south, and the reason why some countries experience increasing economic growth while much of the world continues to live on less than two dollars a day. Clearly, a simple and easily accessible answer does not exist. There is no blatant cause-and-effect chain that explains why the globe is categorized into first-world and third-world, developed and develop-

ing.

Although no absolute cause has been identified, many varying theories exist. These theories generally fall into two broad categories: geography and institutions. Still, no theory is comprehensive enough to apply to each situation or developing country, and each has at least one outright exception. Despite their inability to provide complete answers of causation, these theories are still worth examining for their ability to provide examples of correlation.

The geography theory was made popular by economist Jeffrey Sachs, who argued that a landlocked country with a tropical climate is at a severe disadvantage in terms of economic development. Sachs discovered a correlation between income levels and geographic factors, such as location and climate. Nearly all developing countries lie near the equator where the climate is hotter, periodic torrential rains exist, and tropical diseases are widespread. These "geographic disadvantages" inhibit income growth "through their effects on transport costs, disease burdens, and agricultural productivity."[2]

Economist Paul Collier echoes the geography theory, stating that 38% of the world's "bottom billion" live in landlocked countries. Collier argues that because of the need for transportation systems to get goods to the market, landlocked countries are inherently dependent on their neighbors. Although the landlocked theory is often easily refuted by pointing out the wealth of another country in the same locational situation, such as Switzerland, Collier suggests that it is actually being "landlocked with bad neighbors" that presents the challenge, not just being landlocked. In nearly every country surrounding Uganda, for example, conflict exists. This severely limits transportation infrastructure and therefore Uganda's access to markets. Switzerland, on the other hand, is surrounded by its market, its "good neighbors." This is why, according to Collier, most of the landlocked countries in which 38% of the bottom billion live are in sub-Saharan Africa.[3]

Most development theories outside of geography pertain to human influences in the form of institutions. These hypotheses take into account history as well, especially the effects of colonization, the slave trade, and conflict on institutions. Daron Acemoglu, a proponent of the institutions hypothesis, argues that "some societies have good institutions that encourage investment in machinery, human capital, and better technologies, and, consequently, these countries achieve economic prosperity."[4] He also points out that colonization itself provides a sort of natural experiment for the effects of institutions on economic

development. For example, countries where European colonizers set up purely extractive institutions, such as the Belgians in the Congo, slave plantations in the Caribbean, and forced labor in the mines of Central America, remain unable to develop today, even after gaining independence. On the other hand, countries where Europeans set up good institutions, characterized by protection of private property and constraint on elites, such as Australia, New Zealand, Canada, and the United States, have experienced substantial economic growth.

Good institutions are defined by more than just enforcing property rights and constraining the actions of elites but also by providing "equal opportunity for broad segments of society so that individuals can make investments—especially in human capital—and participate in productive economic activities."[5] This notion of equal opportunity also encompasses access to credit and education. Domestic institutions are deep determinants of long-term economic growth; therefore, if a historic event, such as the slave trade, permanently affects these institutions, it affects the future development of the country.[6]

The idea of institutions as a contributor to growth also brings about the debate surrounding corruption: whether or not it inhibits economic development. While good governance and economic policies do indeed promote economic growth, there is generally about a ten percent ceiling to this growth rate; no matter how "good" a country is, it simply cannot grow faster than that. However, bad governance and economic policies can cause destruction at a much faster rate and with longer lasting consequences. Therefore, "the implementation of restraints is likely to be even more important than the promotion of government effectiveness."[7] This idea coincides with the World Bank's "minimal state" theory—popular in the 1980's—in which a country focuses more on avoiding bad governance than necessarily promoting good governance. Especially in situations where the government is less than ideal and the development issues expand beyond the scope of government improvement, supporting efforts at local change is a better approach. When a culture of corruption infiltrates every level of society, all the way down to local institutions, a bottom-up grassroots approach is an alternative to imposing good policies.

While no single theory provides a complete explanation for the differences in prosperity between countries, each offers insight into specific situations. Whether or not correlation suggests causation, it is valuable to discover which correlations exist. Besides, in striving towards successful development policy and ultimate poverty eradica-

tion, a one-size-fits-all approach will most definitely fail. Instead, any approach able to achieve sustainable success must be clinical, unique to a particular situation, and certainly complex, as complex solutions are required for complex problems.

The DRC's State of Development

The Democratic Republic of Congo (hereafter referred to as the DRC), located in central Africa, is the second largest country on the continent in terms of size and the fourth largest in terms of population. It has one of the richest mineral endowments in the world, as well as "an extensive network of navigable waterways, a vast hydroelectric potential, [and] the second largest rain forest in the world."[8] The DRC is neither landlocked nor lacking in natural resources. Despite all of this natural wealth, however, the DRC remains one of the poorest and least developed countries in the world. Clearly, the geography hypothesis does not apply here. Something else must have gotten it to where it is today. Something other than location and resource abundance must have contributed to a Human Development Index (HDI) score—which takes into account health, education, and income—of only 0.286 in 2011, ranking it 187 out of 187 countries—at the very bottom.

In terms of the Millennium Development Goals, the DRC is off-track when it comes to eradicating poverty and extreme hunger, promoting gender equality and women's empowerment, combating HIV/AIDS and other diseases, and ensuring environmental sustainability. They are digressing when it comes to achieving universal primary education, reducing infant mortality, and improving maternal healthcare. Although the Congo War technically ended in 2003, the country remains in a conflict-like state, especially in the eastern provinces of North and South Kivu. Official combat has ceased, but "extreme violence, mass population displacements, widespread rape, and collapse of public health services" continue.[9]

Unlike other conflicts in central and sub-Saharan Africa, the Congo War was not limited to civil war, but involved at least six other African countries. This is why the Congo War is sometimes referred to as "the first African world war."[10] A mortality survey conducted by the International Rescue Committee (IRC) reports that an estimated 3.3 million people have died between 1998 and 2004 as a consequence of the Congo War, making it the world's deadliest conflict since WWII. A more recent study estimates that the total death toll thus far is actually

5.4 million.[11] However, unlike WWII, civilians have been predominately affected, sometimes indirectly but oftentimes intentionally, such as with the use of sexual violence as a weapon of terror. Civilians have also been targeted in attempts to destroy opposing groups' senses of identity and dignity.[12]

All of these factors contribute to the DRC's current humanitarian crisis, one of the world's worst. The Congo War left a legacy of corruption, ethnic differences, political chaos, financial mismanagement, poor living standards, and human rights violations. State building has proved a struggle, partly because the state was never fully established to begin with. On top of all this, fragmented war efforts put immense pressure on public spending, sinking the economy into hyperinflation. In fact, per capita income fell from about $300 a year at the time of independence from Belgium in 1960 to $85 a year at the turn of the century.[13] The correlations between the Congo War and the country's current state of underdevelopment are undeniable, which is why it is necessary to understand the war itself.

Background to the Conflict

Prior to independence in 1960, the Democratic Republic of Congo was a Belgian colony. The colony was founded upon natural resource exploitation, particularly that of copper. The crisis of the Congo's economic development can be traced back to these extractive institutions, as well as the patrimonial system established by King Leopold II. He exploited the country as if it was his own personal property, a precedent for later corruption.[14] This sort of economic dependence on natural resources established under colonial rule "combined with the absence of a democratically accountable regime during the independent era, caused the weakening and fragmentation of the Zairian state." Over time, almost all economic activities shifted into the "shadow economy," further illegitimating the state's authority. Millions of people were literally living off of an "informal and illegal economy."[15]

After 1960, external interest in extractive sectors persisted, significantly shaping the DRC's political landscape in its earliest stages of independence. The first "Congo crisis" occurred when the mineral-rich southeastern Katanga province attempted to secede. Belgium quickly resituated troops in the DRC to protect their economic interests. The United States' interests also came into play in a time of Cold War sentiments. Recently democratically elected prime minister, Patrice

Lumumba, was assassinated in 1961 with the complicity of both the United States and Belgium, who felt that their political and economic interests were at risk.[16]

From that point on, economic interests continued to play a role in conflict in the DRC. Even if rebel groups entered into the war for political or security reasons, they ended up viewing the war as an opportunity for exploitation and economic gain. Extensive violence against civilians began to coincide with competition over natural resources and trading routes, undermining "already weak state institutions, as well as law and order more generally."[17] What developed was a complex, multilevel conflict involving many states and belligerent groups, characterized by illegal activities, corruption, impunity, and abuses against civilians.

Sexual Violence as a Weapon of War

The conflict in the DRC is not the first time sexual violence has been used as a systematic weapon of war. Similar tactics were used in Europe and Japan during WWII, Bangladesh, the former Yugoslavia, and neighboring Rwanda during the 1994 genocide. These situations were not left unnoticed or unpunished: following the rape of Nanking, in which approximately 20,000 women were raped during the first month of the Japanese occupation of Nanking, perpetrators were prosecuted in a war crime tribunal; in 1949 at the Fourth Geneva Convention, wartime rape and enforced prostitution were prohibited; and in response to the conflicts in both Yugoslavia and Rwanda, the International Criminal Tribunal recognized rape "as a means of ethnic cleansing and genocide."[18] Despite international attention and condemnation, rape as a weapon of war continues and has the potential to increase, especially as conflicts of the 21st century continue to "occur in villages more than battlefields and affect civilians more than armed combatants."[19]

Unlike these other situations, however, conflict in the DRC has been ongoing for over a decade. Even in the brief moments of relative peace between various armed groups, the impunity and sexual violence continues without any sort of accountability. This "brutality unleashed against women and girls" has been referred to by Human Rights Watch and others as "the war within the war."[20] Rape as a form of warfare is "inexpensive to implement, effective over large areas, and does not particularly endanger the attackers."[21] Therefore, even during times or

in places where the shootings have stopped, "the battleground is often women's bodies."[22] The numbers are inconceivable: in South Kivu province alone, 27,000 sexual assaults were reported in 2006.[23] Never before has there been such ongoing and extensive targeting of women. The Democratic Republic of Congo is undoubtedly the rape capital of the world.

In the case of sexual violence, combatants are the perpetrators and innocent civilians are the victims. This targeting of civilians is characteristic of most modern conflicts, especially those in economically underdeveloped countries. In fact, "in wars in developing countries, 90% of casualties are civilians."[24] Systematic sexual violence can tear apart an entire village, causing community-wide psychological trauma and social and familial deconstruction. Communities are left terrorized, humiliated, and demoralized. Survivors of sexual violence often must endure stigmatization and exclusion from their families. Women avoid seeking medical and legal aid out of shame. They are commonly kicked out of their homes by their husbands or families and considered unclean, especially those suffering from sexually transmitted infections or diseases. Because of this stigmatization, women not only lose their dignity and identity, but their community and support system as well.

Rape in the eastern parts of the DRC, particularly in the provinces of North and South Kivu, is known for its extreme brutality. This sort of abuse goes far beyond sexual penetration by one person. Rape with extreme violence (REV) involves gang rape, torture, forced incest, genital mutilation, and rape by crude objects such as sticks, tree branches, or broken bottles. Family members are forced to watch or participate in the rape of their mothers, sisters, and wives. Oftentimes, women are abducted and held in captivity as sex slaves for weeks, months, or even years at a time. They are taken into the forest where most military groups reside, tied to trees, and regularly beaten and gang raped. The perpetrators do not discriminate based on age; victims of sexual violence range from girls as young as age three to elderly women up to age 80. No one, men, women, nor children, remains unaffected.

Militarization of Rape

One of the defining characteristics of the highly complex conflict in the DRC is the number of warring groups involved. This is not

a two-sided war, but encompasses government militias from both the DRC and Rwanda as well as multiple rebel groups. Members of these military and paramilitary groups have been repeatedly identified as the principal offenders of rape. Combatants are the "main and frequent perpetrators of sexual violence" against civilians.[25] In fact, according to a study conducted by Malteser International, 94 percent of interviewed South Kivu inhabitants claimed that the rape they witnessed had been perpetrated by a member of a paramilitary group.

Researchers and scholars have been unable to identify a concrete reason as to why the use of sexual violence as a weapon of war has become so engrained in the identity of military groups. Debate exists around whether or not this treatment of women is cultural. Denis Mukwege, gynecologist and founder of Panzi Hospital, argues that the effectiveness of such widespread and continual sexual violence relies on "the perception, deeply embedded in patriarchal societies, that women's sexuality is a prefecture of male ownership" and is therefore the cause of gender inequality and the way women and their bodies are objectified. Many Congolese aid workers, however, deny this idea of cultural embedment, arguing that if it were a "product of something engrained in the way men treated women in Congolese society," it would have shown up long ago.[26]

Culture is dynamic, however, and because this conflict has continued for so long, perceptions, ways of life, and cultural norms are shifting. Heavily armed groups that have been terrorizing eastern Congo for over a decade "have made warfare a livelihood and survive by raiding villages and abducting women for ransom."[27] Brutality towards women has become an expected norm. Children growing up in times of conflict will learn to accept this impunity and treatment of women as a part of their culture and closely associate it with the role of the military.

However, it is also argued that this treatment of women has been brought in by non-domestic rebel groups. The Congo War was never a civil war; referred to as "the first African world war," outside groups have been involved from the beginning, originally attracted by the DRC's incredible abundance of natural resources. In fact, "members of paramilitary groups originally from Uganda and Rwanda have destabilized this area over the past 10 years in a quest for gold and all the other riches that can be extracted from Congo's exploited soil."[28] Also, following the 1994 genocide in Rwanda, a Hutu paramilitary organization known as the Interahamwe, the perpetrators of the slaugh-

ter of one million Tutsis, fled to neighboring Congo and has since remained. Because sexual violence as a weapon of terror was widely used during the Rwandan genocide, it may have spilled over into the DRC through these extremist Hutu militias. These militias are also known for kidnapping people and enslaving them for months at a time, turning the men into porters and the girls into sex slaves, a practice also used during the Rwandan genocide.[29] Since the conflict began, groups have broken off of the Hutu militias and created their own rebel groups, such as the Rastas, "a mysterious gang of dreadlocked fugitives who live deep in the forest" and commit some of the most vicious attacks.[30]

Tutsis also form their own rebel groups. One in particular is commanded by Laurent Nkunda, "who claims that they are simply protecting Tutsi civilians from being victimized again." However, women have reported rape committed by members of these groups as well.[31] Clearly, the use of sexual violence as a weapon of war is not limited to a certain type of group. Hutus and Tutsis alike are responsible.

The use of sexual violence is not limited to just foreign rebel groups either. The Congolese Army itself, which continues to be grievously uncoordinated and ineffective, is among some of the worst offenders when it comes to rape.[32] This greatly exacerbates the climate of impunity and undermines any sort of legal justice, accountability, or national and political solidarity. The weakness of the Congolese Army leaves rebel groups in eastern Congo largely unthreatened.

Other more recent rebel groups, known as the Mai-Mai, are considered to be "homegrown." They are led by warlords or tribal leaders and may have originally formed to defend their local territory from Rwandese invasions or other Congolese armed groups. They have also turned to exploiting the war for their own advantage, however, through looting, which is often accompanied by sexual violence. These groups were strongest years after the war officially ended, evidence that their true intentions lay outside of the politics of the war itself. Their presence remains in the provinces of North and South Kivu as they compete for attention from the government in an attempt to be absorbed into their army. One way to achieve this attention is increased use of sexual violence.

Because military groups, foreign and domestic, rebel and government, Hutu and Tutsi, are the ones committing such atrocities against women, civilians are left entirely undefended. Women are left to depend on the international community for protection. As long as

the presence of impunity remains prevalent, all military groups will be feared rather than trusted by civilians.

Health Consequences

The health consequences of rape are numerous. They range from minor genital injuries, damage to the pelvis, broken bones, and burns to more serious and enduring effects, such as fistulas, severed limbs, sexually-transmitted infections, or complete destruction of reproductive organs from being shot or stabbed in the vagina following a rape. Women's sexual functions and reproductive capacities are compromised; subsequent infertility is common. In addition, the psychological effects of rape are deeply complex and difficult to treat; they can potentially last a lifetime or lead to suicide. Sexual violence against women has undeniably created a public health crisis, especially in an environment in which public health care is lacking or absent altogether.

Health care services that could potentially benefit rape survivors do exist. For example, tetanus and hepatitis B vaccinations and post-exposure prophylaxis (PEP) for HIV-transmission can prevent possible infections and the development of disease. However, these treatments are only effective when initiated or administered early. Emergency contraceptive pills can also inhibit unintended pregnancies, but only when taken within a few days.[33] Oftentimes, women do not immediately receive health care; they either refrain from seeking help out of shame or are prohibited by lack of transportation. Women may walk for days at a time to get to the nearest hospital or health clinic, and on the way, they are vulnerable to additional attacks.[34]

According to some estimates, the military forces in the DRC have the highest rates of STIs of any military group in the world.[35] This data, however, is difficult to collect and often unreliable. Regardless of the statistics, the risk of HIV-transmission through rape is legitimate, especially in cases of gang rape. Transmission of other types of infections, such as syphilis, can occur as well. At any rate, rape and sexual violence create the same risks and concerns as any unprotected sex: unintended pregnancy and sexually transmitted diseases.

A health problem that is somewhat unique to cases of REV is fistulas. A fistula is "an abnormal communication between the vagina and the urinary tract (usually the bladder), or between the vagina and the alimentary tract (usually the rectum) or both, [and leads to] un-

controllable leakage of urine or feces or both through the vagina." [36] Fistulas are principally caused by obstructed labor, oftentimes in rural regions of the developing world in which women have limited access to any sort of maternal health care, or in very young women whose pelvises are not fully developed. However, fistulas can also be caused by violent rape, known as traumatic gynecological fistulas. These injuries lead to social exclusion and deep shame; women are essentially unable to continue with any sort of daily routine and carry about a constant stench. Fistulas usually require complex, and oftentimes multiple, surgeries. Sexual functions and childbearing capabilities are permanently compromised. Fistulas are serious injuries whose physical and psychological effects last a lifetime.

      Apart from all of the physical consequences of rape, negative psychological effects are common. Around half of rape survivors experience some degree of Post-Traumatic Stress Disorder (PTSD), whether immediately following rape or sometime later in their lives. In addition, rape survivors may suffer from eating disorders, depression, and anxiety.[37] Expulsion from their homes, communities, and usual support systems only exacerbates these effects.

Social Burden

      Whereas many of the health consequences previously discussed are a result of underdevelopment (lack of public health care services and infrastructure), the social consequences of sexual violence are a cause, serving to further slow down or inhibit development. As the conflict continues, impunity and stigmatization of rape victims become more and more socially and culturally acceptable. Mass rapes are no longer just a weapon of war, but have "metastasized into a wider social phenomenon," to the extent that "brutality toward women [has] become 'almost normal.'"[38]

      As previously discussed, REV leads to a breakdown of familial and community cohesion, especially when committed in public. It destroys the identity not only of the individual, but of the entire community as well. Societies become dysfunctional, and reintegration can be difficult because of "prevailing social norms." This stigmatization is so pervasive that victims of rape are not only considered "damaged goods," but "enablers" and "traitors," as well. According to Malteser International, 12 percent of rape victims were expelled from their homes in 2005, almost always by their husbands. Children born after

rape are also considered "taboo" and receive little socio-economic or psychological support.[39]

Many women in the DRC actually serve as heads of households, having been widowed because of the conflict and forced into the position without any previous experience or preparation. After being raped, their means of production is destroyed because of social stigmatization, leading to a reliance on food aid and subsequent cyclical poverty. In this state of helplessness, many women and girls resort to "survival sex, which makes them particularly vulnerable to sexual violence," adding to the health and social burdens they already deal with. Chaos, uncertainty, unemployment, and poverty continually increase in a never-ending cycle.

Ultimately, sexual violence affects much more than the individual lives of victims, but "undermines national, political, and cultural solidarity." The nature of sexual violence, used as a weapon of terror and perpetrated by every kind of military group, "confuses the loyalties of all survivors and the identities of subsequent generations."[40] This sort of dismantled and unsettled environment is not at all conducive to development.

Current Approaches

The following approaches provide illustrations of humanitarian responses to a conflict that has overtaken a country and greatly affected its civilians.

Case Study: Dr. Mukewege and Panzi Hospital

Dr. Denis Mukwege is a world-renowned Congolese gynecologist and founder and medical director of Panzi Hospital in Bukavu, South Kivu. In comparison to surrounding areas, Bukavu has remained relatively secure in recent years, making it an ideal location for women to seek refuge and treatment. Since Dr. Mukwege founded the hospital in 1999, he and his staff have treated over 30,000 survivors of sexual violence.[41]

Dr. Mukwege, now age 56, originally wanted to establish a maternity hospital; the provision of specialized services for victims of sexual violence began as a "sort of accident," in response to the conflict. "We were faced with atrocities I could not even describe, and we had to react as human beings. We couldn't stand by and watch,"

Mukwege said upon remembering the hospital's beginnings.[42] Now, the 400-bed hospital takes in an average of ten new women and girls daily, and Dr. Mukwege performs at least six rape-related surgeries per day.[43] It is a well-known referral hospital, receiving severe REV cases from smaller centers.[44]

Panzi Hospital is the best-funded hospital in South Kivu, receiving financial support from the European Union, Communauté des Eglises de Pentecote en Afrique Centrale (CEPAC, the largest democratically governed church network in the DRC), the European Commission for Humanitarian Aid (ECHO), USAID, and external NGOs and private groups such as the Fistula Foundation. Because of this support, the hospital is able to provide its services completely free to all women. Apart from medical treatment, these services include psychological screening and counseling, spiritual therapy from a hospital chaplain, domestic reconciliation, literacy classes, and economic empowerment through microfinance and the teaching of various skills.[45]

Despite the abundance of financial aid, the hospital is constantly in need of money and supplies and sending women back home before full recovery due to the lack of space and the daily stream of new arrivals. Dr. Mukwege realizes that what the hospital needs, however, is not more money. He argues that "the paramount need is not for more humanitarian aid for Congo, but for a much more vigorous international effort to end the war itself."[46] Mukwege does so much more than provide women with medical treatment; he has become a strong advocate for peace, justice, and women's rights. In fact, he has been awarded the UN Human Rights Prize, the Olof Palme Prize, and the Clinton Global Citizen Award, and he has been suggested for the Nobel Peace Prize.[47] He has even collaborated with UNICEF and Eve Ensler (founder of the V-Day Movement) to spread awareness about sexual violence in the DRC across the world.[48]

In September of this year, Mukwege gave a speech at the UN calling for peace and justice. He denounced the DRC's sixteen years of conflict, highlighted Rwanda's role in the killings and mass rapes in eastern Congo, and urged the international community and the DRC alike towards "action to arrest those responsible for these crimes against humanity and to bring them to justice." This outspoken advocacy may have been what caused four armed men to enter his home on October 25th, holding his family at gunpoint and killing his security guard in an "attempt to terrorize and possibly assassinate him."[49]

Dr. Mukwege is an incredibly skilled surgeon. He could easily

leave to work in a safer, more developed country to enjoy a better income and standard of living. However, Mukwege has chosen to stay in the DRC and speak out against conflict, injustice, and sexual violence and serve the women of his country.

UN Failure

Because the DRC's government is clearly unable to assert any sort of control over conflict situations or pose a threat to intruding or internal rebel forces, the United Nations did what they thought was an obvious solution by sending in a large peacekeeping force. However, Congo is considered to be the UN's "crowning failure." This force is not lacking in experience or funding, yet it still "seems to be failing at its most elemental task: protecting civilians."[50] It is not entirely clear why the UN has accomplished so little despite investing so much, but it can be generally attributed to the sheer complexity of the conflict itself. Without incredibly strong and organized management and clear communication, any effort is bound to fail in such a politically and economically complicated environment.

Another reason for failed efforts at maintaining security is the lack of infrastructure. There is no cell phone service or electricity in many of the areas where sexual violence is most prevalent. The UN is making efforts towards installing solar-powered high-frequency radios in some villages so that the peacekeepers can actually know when there is an attack. One of the UN's biggest embarrassments occurred in 2008 in Kiwanja, when 150 civilians were massacred near a United Nations base, simply because the peacekeepers were unaware.[51]

Whatever the reason is for the UN's inability to protect civilians and maintain security, their failure alone is not the reason for the DRC's humanitarian crisis. Even if the peacekeeping forces were able to maintain a sense of stability and protect villages vulnerable to looting, abduction, massacres, or mass rapes, the conflict would persist. The presence of the United Nations' blue helmets, regardless of its effectiveness, will not bring an end to a conflict, reconstruct a war-torn country, or regenerate traumatized and poverty-stricken societies.

Recommendations

Clearly, neither the DRC's government nor the international community has devised or implemented a successful post-conflict development plan. Humanitarian efforts have been insufficient. The DRC remains the rape capital of the world and at the bottom of the

Human Development Index rankings. Poverty, disease, and conflict are as present as ever.

Current approaches have only succeeded in alleviating immediate problems and focusing on short-terms concerns. These approaches have served only to treat symptoms rather than discover the root of the disease itself and promote holistic healing. While providing innocent civilians with care and protection is absolutely necessary, it does nothing to actually prevent these civilians from continually needing that care and protection in the future.

Bringing an End to a Conflict Far Past its Time

In order for the DRC to see widespread economic development, it must first see peace. This will require more than official peace accords; the formal agreement ending the war in 2003 was obviously ineffective as the violence and clashing of rebel groups and militias continue. Peace will require coordinated, vigorous international efforts, including the DRC's government, surrounding and donor governments (particularly Rwanda's), the Security Council, UN agencies and commissions, and humanitarian and advocacy groups. International media regarding the conflict and sexual violence in particular should increase drastically. Global awareness of the issue will be the biggest predecessor to cooperation towards peace.

In more practical terms, in order to actually bring an end to the conflict, these combined efforts should encourage leaders in conflict areas and the surrounding regions to "take responsibility and act to end the atrocities."[52] The biggest reason for continual impunity is the lack of accountability. Rebel groups and other militias need to see that there are real consequences for the abuses they commit against civilians. The international community needs to put pressure on Congolese president Joseph Kabila to arrest leaders wanted by the International Criminal Court for war crime charges. Also, pressure should be put on Rwanda, a country "so widely admired for its good governance at home that it tends to get a pass for its possible role in war crimes next door."[53]

Financial and human resources should also go towards supporting a working judicial system that ensures the protection of witnesses, addresses impunity for sexual violence, and meets the international standards for due process.[54] Again, impunity continues because of the lack of visible or enforced consequences. Victims of sexual violence

need to be able to trust in their governments, even at the most local level, to provide them with legal aid so that they might institute proceedings against perpetrators and see justice served.

Ending the conflict once and for all will also require monitoring of mineral trades. Armed rebel groups and militias are financed by this illegal exploitation and sale of minerals. If a mechanism for monitoring and tracing mineral trades existed, warlords could "no longer buy guns by exporting gold, tin, or coltan."[55] Without their financial fuel, armed groups would be forced to disseminate.

Sexual Violence: Prevention and Treatment

In addressing the issue of sexual violence specifically, there is not one single answer for combating such a blatant disregard for human rights. Bringing an end to the overall conflict would certainly help, but as mentioned earlier, once the shootings stop, the rapes do not.

Although sexual violence has become somewhat of a social norm, it is not irreversible. Culture shifts in stages alongside political and economic changes, and therefore has the potential to shift again for the better. Putting women in positions of leadership and allowing them to have a voice is one way to achieve this. Women in public positions and in the media should be able to speak freely against oppression and encourage women's empowerment as a means of development.

Anti-stigmatization campaigns are also essential in ridding a society of impunity. With this sort of increased awareness about sexual violence as a human rights abuse, rape victims will no longer be blamed or viewed as unclean. As long as this stigmatization still exists, perpetrators of sexual violence will not be justly punished, undermining an already weak legal system. Anti-stigmatization campaigns will also further the shift towards a culture in which innocent civilians affected by the conflict are viewed as just that: innocent.

Although the ultimate goal is to bring an end to sexual violence altogether, it will still exist even when the DRC sees an end to conflict and progress in economic development. Therefore, developing the best care and treatment of survivors is still absolutely necessary. Skilled physicians, surgeons, and other health personnel are necessary to build up local groups and health centers with the necessary infrastructure, equipment, supplies, and logistical resources. Another requirement for

the adequate treatment of survivors of REV is physicians trained in special sensitivity and patient-provider interaction. Because psychological trauma almost always accompanies this sort of physical injury, patients must be treated in a specialized, holistic manner. In addition, health centers should offer confidential HIV counseling and testing. The ideal treatment approach should comprise "health care, psychosocial care, safety and legal aid," each aspect complementing the others.[56]

International agencies and humanitarian groups should come alongside local health centers, enabling them to provide this sort of care through training and resources, as opposed to entering in and establishing their own centers. Outside groups can also help by conducting research to develop the best practices and approaches in dealing with the sexual violence so unique to the DRC.[57] Finally and most importantly, "trust building and networking are preconditions in addressing this public health problem."[58] Sexual violence leads to the deconstruction of communities; the cycle must be broken and communities must once again find social cohesion so they can battle this inhibitor of development.

Reconstruction of a Torn Society

Post-conflict reconstruction (PCR) is an expensive and time-consuming task and demands immense foreign aid. State building often requires complete government and macroeconomic reform. In theory, successful implementation of a democratic election would help the government move towards solidarity and legitimacy. However, the historic 2006 election that cost over $500 million was unable to bring an end to Congo's "various wars and rebellions and its tradition of epically bad government."[59] The country remains separated and conflicted and the government unable to effectively control renegade forces.

Although policy reform at the highest levels is most necessary for economic development and PCR, supporting local efforts at change should also be incorporated into development efforts. This is where outside NGOs and humanitarian groups can come in. Because the effects of the conflict are most felt at the community level, much of the reconstruction and development must occur from the bottom-up and not just the top-down. While the government struggles to establish peace and financial reform, local communities can work towards better education and health systems, setting the stage for countrywide reform

of these public needs.

Finally, at the most basic level, improving infrastructure should be at the top of the agenda for PCR. As earlier mentioned, one of the biggest problems survivors of sexual violence face in receiving health treatment is that they simply have no safe way of getting to a clinic or hospital. Without proper transportation systems, communities are isolated and more vulnerable to attack. Also, in the case of the UN peacekeeping forces, the lack of communication systems makes protecting civilians a difficult task. Were donor governments and NGOs to heavily invest in infrastructure, many of the problems inhibiting economic growth would be solved.

Conclusion

The Democratic Republic of Congo is stuck in a series of never ending cycles: conflict causes underdevelopment and vice versa; sexual violence leads to a destruction of communities, which are then even less able to protect themselves against further sexual violence; abundant natural resources attract outside groups which then become financially dependent on illegal mining to fund their war efforts. Poverty, conflict, and disease all serve to exacerbate each other, leading to a seemingly endless downward spiral further and further into the world's worst humanitarian crisis.

There are many approaches to solving these problems, and each has seen varying degrees of success or failure. Before any sort of successful approach can be developed and initiated, however, there must be widespread international awareness that these problems actually exist. Many people dismiss the DRC as another African state consumed by "civil war," which is far from the truth. People become indifferent to statistics about mortality and rape rates, or willingly harden themselves against them. It is obvious that development and PCR efforts in the DRC will require a collaborative effort, so until everyone is aware of the depth and implications of poverty, conflict, and sexual violence in the Congo, efforts will continually fail.

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Iraq, democracy, and the united states

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Democracy Demanding Definition

The value of Democracy with a capital D is, if always a topic of discussion, never a topic of reconsideration in classical Western studies. Very few seriously want to return to the 13 original colonies or the Hapsburg monarchy. Though its value is now discerned and fixed in the historically-verifiable progress of freedom, its definition and qualification continue to elude even the best lexicographers and the best political theorists. A long and at times nauseating history of pre-fixes such as "popular," "formal," and "organic," (terms arising particularly in late 20th century Europe) has further problematized the work of qualifying what democracy means. In a 1991 attempt to define the word, Philippe C. Schmitter and Terry Lynn Karl centered on certain procedures and principles at the very heart of the "demos" in "democracy." Recognizing various types of democracy and taking into consideration the differences related to countries' socioeconomic conditions, they nevertheless define a "modern political democracy" as "a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives."[1] This is not to say, of course, that democracy is synonymous with frequent elections, nor to say that democracy serves merely to offer citizens a choice between parties; no one could or should agree to such a reduction. Indeed, recognizing the minimalism of their working definition, Schmitter and Karl turned to Robert Dahl's famous description of "polyarchy" for supplementary conditions, three of which pertain closely to the events and circumstances in the Middle East that inspired and constitute the broader topic of this paper and which are therefore enumerated here:

1) Citizens have a right to express themselves without the danger of severe punishment on political matters broadly defined.

2) Citizens have a right to seek out alternative sources of informa-

tion. Moreover, alternative sources of information exist and are protected by law.

3) Citizens have the right to form relatively independent associations or organizations, including independent political parties and interest groups.

To this whole introduction we should certainly add the disclaimer that liberal democracies are not an inherently better economic or administrative species of government, nor are they necessarily more orderly or stable. To the contrary, they have been known to behave in pronouncedly less open and less structured ways than other kinds of regime. Errare humanum est.

All of that established, we would like to borrow a leaf from Amartya Sen—the 1998 Nobel Prize winner in Economics and one of the founders of the Human Development Index—when he argues in favor of democracy as a universal value. Sen emphasizes the relatively recent introduction of democracy into the mainstream, calling our awareness to the very few (and the even fewer successful) democratic antecedents to the United States as well as to the only very recent era of decolonization. He thereby highlights a troublesome, contemporary, and in some ways decidedly Western mode of thought, namely the taking for granted that all nations are "fit for democracy."[2]

If Sen, similarly to Schmitter and Karl, qualifies the skeletal definition of democracy as involving not merely majority rule and regular elections but "the protection of liberties and freedoms, respect for legal entitlements, and the guaranteeing of free discussion and uncensored distribution of news and fair comment,"[3] he does so to proclaim precisely that fit-ness of all geographies, all cultures, and all societies for democracy. In other words, if Sen urges universal promotion of democracy, it is not because it is an inherently better regime but because, unlike other regimes, it is an inherently more adaptable one; it can arise anywhere, and anywhere it does arise, he argues, it tends to foster freedom and international cooperation.[4]

Islamic vs. Muslim Democracy: Assessing the Spectrum of Arguments for Democratic Potential in Muslim Nations

Amartya Sen's claim is hampered by the democratic experience (or lack thereof) of the Middle East's Muslim nations, an experience

which has elicited a polarized spectrum of responses (see Figure 1). We investigate that spectrum piece-by-piece in this portion in order to inform our bifurcated policy proposal and present the very real uncertainty at the heart of the debate.

<p align="center">*The Left: A Western 'No'*</p>

In The Clash of Civilizations, which must be by now one of the most loved and hated texts in all of political science, Samuel Huntington asseverates that the clash between Western civilization and Middle Eastern civilization will be (and now is) "the latest phase in the evolution of conflict in the modern world."[5] Quoting Saddam Hussein, Ayatollah Ali Khamenei, and King Hussein of Jordan, referencing Islam-related conflict after Islam-related conflict, Huntington warns, with a rhetoric of accumulation, against a fundamental divide "between the West and the rest" – predicting that the rest will refuse the West, or in other words, that democracy will not, cannot suit the needs and cultures of the Middle East.

Bernard Lewis, to his credit for a scholar often lumped into the old-guard, Orientalist camp (in Said's sense of the word), identifies and develops upon a mistake that finds root in the colloquial confusion of the words 'Muslim' and 'Islam(ic).' In What Went Wrong: Western Impact and Middle Eastern Response, the Princeton scholar proposes a history of the Islamic world since its fall from liberal and technological superiority in the Middle Ages to the current day. He concludes with a segmented diagnostic to the following question:

> If Islam is an obstacle to freedom, to science, to economic development, how is it that Muslim society in the past was a pioneer in all three, and this when Muslims were much closer in time to the sources and inspiration of their faith than they are now?... For those nowadays known as Islamists or fundamentalists, the failures and shortcomings of the modern Islamic lands afflicted them because they adopted alien [read: Western] notions and practices. Those known as modernists or reformers take the opposite view, and see the cause of this loss not in the abandonment but in the retention of old ways.... A more usual approach ... is to discuss not religion in general, but a specific problem: the place of religion and of its professional exponents in the political order.

> For these, a principal cause of Western progress is the separation of church and state and the creation of a civil society governed by secular laws.[6]

Lastly, almost as an after-thought, Lewis adds one more category to his diagnostic, the importance of which will be stressed and developed in a later portion of the proposal:

> For others, the main culprit is Muslim sexism, and the relegation of women to an inferior position in society, thus depriving the Islamic world of the talents and energies of half its people, and entrusting the crucial early years of the upbringing of the other half to illiterate and downtrodden mothers. The products of such an education, it was said, are likely to grow up either arrogant or submissive, and unfit for a free, open society.[7]

It should be duly noted that, starting with a (naïvely) optimistic 1994 essay entitled 'Turkey is the only Muslim Democracy,' Lewis has shifted his opinions over considerably from earlier, Huntington-ian leanings. More recently (2008), he has been quoted saying:

> What is important in Iraq is not that it's being ruled by the Shiites [rather than Sunnis], but that it's being ruled by a democracy, by a free, elected government that faces a free opposition. It proves what is often disputed, that the development of democratic institutions in a Muslim Arab country is possible. A lot of people say, No, it's impossible. It can't work. They can't do it. Well, it's difficult, but it's not impossible, and I think Iraq proves that.[8]

Lewis, in other words, has come to recognize that the gap between compatibility and incompatibility is a matter of the will and perspective of Muslim people, not of a fixed, cultural or religious predeterminism: 'the choice,' Lewis is now often quoted as saying, in the language of referendum and popular sovereignty, 'is their own.'[9]

Borrowing Huntingon's quip for the title of his book-length essay The West and the Rest, Roger Scruton—an academic factotum, known for operas, treatises on beauty, and contributions to the Palgrave Macmillian Dictionary of Political Thought—recognizes

the importance of but, like Lewis in his later work, departs from the alarmism of Huntington's thesis. For Scruton, fundamentalist reject of democracy and all things Western is itself a product of the West, more particularly of Western globalization. Islamism (i.e. Islamic fundamentalism in its political manifestations), he states, "is not a cry of distress from the 'wretched of the earth.' It is an implacable summons to war, issued by globetrotting middle-class Muslims, many of them extremely wealthy and most of them sufficiently well-versed in Western civilization and its benefits to be able to exploit the modern world to the full."[10]

The Centre of Hope

We come then to the central and most optimistic camp of thinkers whose book-titles, unlike Benjamin Barbers' Jihad vs. McWorld or Huntington's Clash, avoid all confrontation of West with Middle East and rather make an effort at blurring or erasing differences – e.g. Asef Bayat's sociological study Making Islam Democratic or Sayed Khatab and Gary D. Bouma's Qu'ran-driven study Democracy in Islam. Of this large collection of scholars, which includes the giant John Esposito and Colorado's Nader Hashemi, we will concentrate in this portion on the thoughts of Noah Feldman, Vali Nasr, and Robin Wright. The first two scholars are largely in agreement over what they perceive to be the pragmatic necessity of democracy in the Middle East.[11] Authoritarianism has never evolved and, Nasr's thesis concludes, simply cannot evolve with sufficient speed or flexibility to match the growing size and breadth of demand put upon it by a globalizing population, especially one whose youth is as consummately interested in and active on the Internet as that of the Middle East.[11] To argue, however, that western liberal democracy is a unique antipodes to Authoritarianism and the only available form of government for a revolutionary people is somewhere to doubt the political creativity of that newly empowered people. It is akin to saying of the Founding Fathers that they only had the choice between a constitutional monarchy and an absolutist, because those were the regime paradigms in existence. In After Jihad, Feldman wisely puts forward that "Islam will play a different part in each place, and democratization will proceed—if it proceeds at all—differently each place we look."[12] He adds, however, that "in a world where activists use satellite televisions, the Internet, mobile phones, and text-messaging, Islamic democrats in one country can learn fast

what their counterparts elsewhere are doing."[13]

Indeed, nearly all scholars in this camp agree that wherever democratization does end up taking root in the Middle East, it will do so rejecting the two theses of Muslim extremism on the one hand and of Americanization on the other. In her well-titled Rock the Casbah, Robin Wright surveys and interviews various activist and cultural leaders in the Arab world, many of whom share that opinion of reject and optimism. It manifests itself, as Wright presents it, "in comedian's jokes and sermons from young satellite sheikhs, in playwrights' plots and poetry contests, in underground music clubs and women's self-empowerment sessions, in new comic book superheroes and hip-hop songs,"[14] in other words, in the cultural sphere, where ideas must find solid grounding if they are to translate into national policy.

The Right: a Middle Eastern 'No'

Part of the difficulty in discerning the far right bound of the debate on the feasibility of liberal democracy in the Middle East is its language. Much of it is in the original Arabic (often in dialect) and if translated, let alone summarized, then often adapted. A second part of the difficulty comes with distinguishing scholars of Middle Eastern heritage but Western training (Omid Safi, Reza Azlan, Edward Husain, to name a few) from those raised and trained in the Middle East. Too much focus on the former can seriously imbalance a reading of the debate towards believing in a liberal-leaning situation "on the ground" that is not corroborated by more than a very recently outspoken minority of activists. Too much focus on the latter leads to a seeming connivance with the clerics and oligarchs.

Broadly speaking, few scholars, but for an extremist conservative subset (usually either loosely or intimately associated with a terrorist organization, e.g. Abu Musab Zarqawi[15]), are ready to openly dispute conditions of mere feasibility. Few are willing to asseverate that democracy is not and never will be possible. Many will admit feasibility but, like Edward Husain, continue to express reservations at proclaiming the Arab Spring the equivalent of the American Revolution. Some, like Tariq Ramadan, cast aspersions against advances in democracy by charging state actors, principally the U.S., with acts of neocolonialism.[16] The most important collection of scholars for our purposes, however, comes from the Muslim Brotherhood on the one hand and the Association of Muslim Scholars on the other, for whom

Sayyid Qutb and Harith al-Dhari will serve as respective synecdoches. Qutb is the Brotherhood's foremost theoretician, an Egyptian whose degrees from the United States did not convince him that a secular democracy implied a higher standard of morality, let alone of life. He is most famous for his theory of jahiliyya, which might until recently have been translated as "the 'state of ignorance' that refers to the Arabs before Islam. In Qutb's view [however], jahiliyya is not 'a period in time, but a condition that is repeated every time society veers from the Islamic way whether in the past, the present or the future.'"[17] If Qutb's relations with Egypt's first president, Abdul Nasser, went sour after the latter's rise to power, it is not because of the coming of democracy but because of the coming of secularism, which Qutb saw as incompatible with a just society, especially a Muslim one.[18] If Qutb touted Sharia law as the only incorruptible premise on which a society could be built, his followers (from Qutbist scholars in the universities to Osama bin Laden) saw it as sufficient reason to refuse democracy as yet another extension of Western power and therefore un-Islamic (jahiliyya). Qutb's own views, however pacific and moderate they very well may have been, get lost in the translation that Qutb-inspired terrorism has effected, much to the chagrin, no doubt, of a more moderate Muslim contingent for whom Sharia law and democracy are not inherently opposed. The effort at resolving that divorce is, in a sense, the conflict of Egypt in the present day and we can only wait and see who, between Amartya Sen and Sayyid Qutb, will prove the better prognosticator. Harith al-Dhari, the current chairman of the Association of Muslim Scholars (ASM) and, according to some, the spiritual father of the Iraqi Insurgency, was educated in Cairo and may well have read Qutb's most important works during his time there. This would explain on the one hand his disgust for the US occupation, and on the other his hatred of Al-Qaeda, the terrorist organization that putatively claimed the lives of 50 of his relatives. The occupation, al-Dhari maintains, is itself the impediment to proper self-governance,[19] and as such, the Sunni AMS refuses to help draft the new constitution—it instead continues to advocate armed resistance against the occupier in the hopes of forming a pan-Iraqi nation, formed against the common invader.[20] As it was for Qutb, the disagreement is not with democracy itself as a form of government, but rather with its most important instantiation, the U.S., of whom al-Dhari says (recalling Roger Scruton's statements on the irritant effect of the West in the Middle East): "As long as the Americans are in Iraq, there will be violence."

Turkey as Democratic Model: Question Marks on Exemplarity

Having established that spectrum, we assess now the historical model that informs much of the hopeful Center's rhetoric—Turkey. While an intensive study of the nation's democratic politics would be illuminating, the scope of this study forces limitation. As such, this section will focus on topics pertaining to the era of political Islam that began in the 1970s and reached critical mass in 2002 with the election of the Justice and Development Party (AKP).[21] The major issues currently faced by the Turkish democracy—issues that also affect many Middle Eastern countries—include the role of Islam in politics vs. state-led secularism and freedom of speech, especially in light of the Kurdish issue. Both of these issues help to better explain the successes and failures of Turkish democracy. They demonstrate, quite crisply, that Turkey is a young democracy of only 62 years and an imperfect one at that, despite Bernard Lewis' best wishes. Relative to the Middle East, which includes the former EU-hopeful as a result of Prime Minister Erdogan's (re)positioning of the country, the Turkish democracy is the elder statesman and is thus perceived, locally and globally, as a model. The purpose of this section is to establish that Turkey could become and can be interpreted currently as that model, but that the path is fraught with difficulties and spectres.

Islam and Politics

Islam entered the political sphere in Turkey with the 2002 election of the AKP to power, with Recep Tayyip Erdogan as prime minister and Abdullah Gul as president. Both of these leaders were active members of past Islamist parties, a fact that frightened supporters of Kemalist secularism.[22] The leadership of the AKP has placed great importance, however, on stressing their participation in the existing system, as Erdogan made sure to declare: "we are one of the mainstream parties such as the DP of Menderes or the AP of Demirel."[23] Former leaders of political Islam, headed by Necmettin Erbakan in the 1970s, opted to isolate their parties from the state institutions: "we are not one of those who represent the system."[24] The two capital reasons for the AKP's moderation of stance are the looming threat of secularist military intervention and the Turkish accession bid.[25] While both of these points deserves in-depth analysis, for the purposes of this section it

suffices to say that they have provided negative and positive incentives (respectively) for the AKP's political tempering. This is an important lesson for other Muslim-majority democracies. The rejection of Islamic-minded parties from participation radicalizes them, while inclusion of moderates through incentives mollifies the system. The rise of the AKP is then, all in all, a positive sign for Turkey and for other Muslim countries as they seek to incorporate Islam into politics.

Freedom of Speech

The Kurdish issue and freedom of speech at large constitute a major inhibition to consolidated democracy in Turkey at present. The Organization for Security and Co-operation in Europe (OSCE) reported in April, 2012 that there are 95 imprisoned journalists in Turkey,[26] many of whom have been jailed for discussing sensitive issues, often anti-governmental.[27] One of these problems is the repression of the Kurds by the Turkish government. Turkey's human rights issues regarding the Kurds were one of the main reasons against EU accession in the early 1990s.[28] And while there have been improvements, the situation is far from settled; Turkey notoriously continues to repress and exclude the minority Kurds. Consolidated democracies, however, are formed, at least in part, to protect the rights of minorities by inclusion in the political process. That Turkey has failed to do so is a virulent stain on its democratic track record. Other Middle Eastern countries face similar situations: Iraq, Syria, and Iran also have Kurdish populations; Egypt and Lebanon similarly have strong Christian communities, and almost all Middle Easter countries are faced with Sunni-Shia splits. It is and will remain a perennial challenge to incorporate these often hostile groups into consociational politics in these nations' democratic futures.

Iraq — Out of the War, into the Reconstruction

Having established a crisper outline of the democratic experience at its most exemplary in the Middle East with the history Turkey, we turn to the recent history of Iraq in order to investigate those forces that permit or hamper the advancement of democracy after the Reconstruction.

Iraq's democratization process began after the United States' invasion in 2003, entitled Operation Iraqi Freedom. The name defines

the mission: save Iraq from its oppressive dictator and establish freedom in the country. Ten years and $60 billion later, we realize that this goal has been more difficult to achieve than American leadership had expected.[29] The Iraqi democracy project, we maintain, is very much a flawed one. This section will examine some of those flaws. Naturally, we do not write having expected an instant and perfect recipe for democracy in Iraq, but by highlighting a slew of current problems, we hope to demonstrate the project's systemic weaknesses. Each of the following issues threatens to derail the democratization movement and could lead the country back into dictatorship, or even divide the nation.

Sectarianism — Three, but not Company

One of the most troubling issues for Iraqi democracy is the intensifying sectarianism in the country. There are three major groups in Iraq currently: the Shi'a majority, the Sunnis, and Kurds. The widening divide between these sects began in 2005 after the first democratic elections in Iraq.[30] These elections were split along religious and ethnic lines, according to Toby Dodge, because of the closed list electoral system—a system by which "voters could only choose from a comparatively small number of multi-party coalitions… [that] left voters unable to decide between [political parties], let alone vote for individual politicians."[30] Sectarianism became the defining force in domestic politics, as politicians could appeal to an easily distinguishable group. For example, it was relatively simple for Shi'a politicians to mobilize the religious network of Shi'as in the country. The same was true for Sunnis, and Kurds likewise had always had a strong political network in the north of Iraq.

The sectarian nature of politics has also been exacerbated by the de-Ba'athification program (the Ba'ath party was the Arab nationalist ruling party under Saddam Hussein). This U.S.-supported program bars former Ba'ath party members from engaging in politics and has become a means for incumbents to remove political opponents, however experienced. Dodge notes that sectarian parties have come out unscathed from these purges, but that cross-sectarian coalitions have seen many of their candidates banned.[32] Politicians have thereby intensified sectarianism in Iraq and made it a defining force in domestic politics. This phenomenon decreases political contestation points and codifies party platforms, an inhibition to effective democracy.

American Withdrawal

Perhaps more than any other event, Obama's troop withdrawal from Iraq has the potential to destabilize the country's nascent democracy. While security in Iraq has been improving, especially since the highly successful "surge," there is always the potential for the remilitarization of politics.[33] The impending power vacuum in Iraq left in the wake of American forces will then have to be filled, and quickly, in fact, no later than 2014. The Iraqi leadership, in other words, must be willing to continue to compromise and cooperate to ensure that party lines do not become too solidly drawn because the prevention of militarized politics depends on the continuation and perseverance of the current peaceful system. The upcoming 2013 governorate (or provincial) elections and 2014 national elections will be hugely indicative of the future potential for strong democracy in Iraq, not to mention peace.

In Short

The nascent Iraqi democracy is clearly far from well-established, but there are positive signs. Media in Iraq has grown rapidly since the fall of Saddam, political parties have shown a willingness to work within the political system, and security is becoming better in the country.[34,35] Significant problems will have to be rectified for democracy to work, but there are some positive signs for the Iraqi project—there have been, to borrow the slogan of Stuart Bowen, the Special Inspector General for Iraq Reconstruction (SIGIR), plenty of lessons learned.

Policy 1—Premise: Muslim Democracy Infeasible

Pointing to a long history of geopolitical violence and internecine conflict, most political scientists arguing against the feasibility of a liberal democracy in Iraq (Huntington as well as Sayyid Qutb) need not look far to find confirmation of their theoretical work. A policy proposal for US-Iraqi relations under the premise that democracy categorically cannot be brought about, then, is somewhere a giving-up on efforts at reconciliation, both globally between the West and the Rest and locally between the Sunnis, Shi'as, and Kurds in the wake of and power vacuum left by Saddam Hussein. Perhaps the best way to reframe and rewrite the U.S.'s mission in Iraq would be to call it a

movement away from reconstruction and nation building, to deconstruction and peacekeeping. Recognizing the material realities of such a retooling, the United States would have to deal with spontaneous but ever-present eruptions of violence between parties fighting for control in Iraq. As these conflicts have become increasingly sectarian since the US invasion of 2003, one policy for the US becomes clear if grim.

Divide the Country — a Solution Known to Fail

If the U.S. were to realize that a unified Iraqi democracy is unlikely, the main objective would reduce to enforcing a tenuous peace long enough to permit the growth of autonomous and economically self-sufficient states. These self-sufficient states, divided by major ethnic/religious groups in Iraq (Shi'a, Sunni, Kurdish), would be created from the ashes of modern Iraq—three discrete, independent countries. This would, of course, involve imposing border recognition via military intervention, which would almost assuredly exacerbate anti-American or generally anti-Western sympathy. Roger Scruton has argued, as we cited earlier, that Islamism is in large part born as a reaction to excessive Western presence (c.f. the sectarian civil war following the 2005 Iraqi elections) and he would no doubt be once again proven correct. This re-bordering would also be extremely costly, most importantly in human capital, and would remain susceptible to failure and bloodletting in the long run; borders are, more often than not, lines simply waiting to be crossed. Moreover, in a future pregnant with violence, should the energy market find no sound alternative to oil, there would be an inherent temptation for later leaders of the U.S. to side, for obvious economic reasons, with oil-rich Kurdistan, at the expense of all amicable relations with Turkey and most of the Middle East—a gambit no peace-loving nation should dare to take.

Policy 2—Premise: Muslim Democracy Feasible

Under the more optimistic premise, and the one that the U.S. has in fact, and we think wisely, for the last seven years been working towards effectualizing, we would again suggest an important retooling. Efforts at imposing stability through military means and what we might call "direct" political reconstruction will reach their generally laudable end with Obama's decision to withdraw troops from Iraq. SI-GIR in a 2012 Quarterly Report to Congress heralds, for instance, the

transferring of the Baghdad Police Academy Annex from U.S. jurisdiction over to the Iraqi Ministry of Interior.[36]

With more such transferals in store as the nation readies itself for its third set of democratic elections, the time, it seems, has come for the U.S. to change its approach from hard power to soft power. It must recognize, as Noah Feldman has emphasized and Robin Wright has illustrated, that the flower of democracy will differ in shade and form according to the soil in which the seed is planted. The youth of Iraq (an age group generally between the ages 18 and 35 and composed in no small part of University of Baghdad-educated women) is caught in the vectors of extremism and Western occupation and has already begun to define its hopes for the nation in a vocabulary that rejects both forces. The rap and hip-hop artists that have quickly become the Middle East's counter-jihad poets and authors are promoting a hybrid message of Western capitalism/consumerism (not to mention Western art form), traditional Muslim grounding and pride, and (to no one's surprise) common sense.[37] The U.S. must determine its foreign policy as a function of that fact, reading Iraq's desire for autonomy and individuality as a more genuine sign of nation building success than would seem the creation of a minion-state. We divide this proposal then into three subsets—a women-oriented socio-educational effort, an entrepreneurial and independent media initiative, and the creation of a Muslim parliamentary body.

Women & Education: Cascading Solutions

Mrs. Laura Bush, wife of the former U.S. president, recently visited the Southern Methodist University (SMU) campus to celebrate International Women's Day. Her talking points centered on the great success of the Bush Institute's first generation of Women's Initiative Fellows, a group of fourteen Egyptian women, selected to augment their corporate network, take business classes at SMU, and enjoy the benefits of mentoring by successful American entrepreneurs—all ultimately to return to Egypt and there bring to fruition the entrepreneurial projects they had begun.[38] This sort of direct and powerful intercession, the Institute believes, will help raise the nation to its feet, economically and socially, through the agency of women. The hopes of the Institute are that empowered and successful Egyptian women will pass on the message of 'rugged individualism' and civic initiative to their offspring, and plant for themselves this tenet into the hearts

of coming generations, what Laura Bush has called, using a different metaphor, a cascading effect. If these notions recall Bernard Lewis' critique of Muslim sexism, the whole idea is best summed up by the Egyptian poet, Hafez Ibrahim: "When you educate a woman, you create a nation."

Our recommendation for U.S. Foreign policy then would be either to follow in the Bush Institutes' footsteps and establish government-sponsored fellowships of the sort (for business education and higher-level studies especially) to be made available to Iraqi women; or to promote and incentivize those NGOs and organisms already performing similar operations to go to Iraq. The US Agency for International Development (USAID), though largely successful in and commendable for its efforts towards women's education in Iraq, has only covered basic literacy and numeracy.[39] It is our opinion that higher-level education for women will need to become more of a commonplace in Iraq before empowerment can translate into power. To that end, we would also add the furthering of existing exchange programs between the University of Baghdad and American universities such as the Iraqi Young Leaders Exchange Program (IYLEP).[40]

Entrepreneurship and Independent Media

With the reported return of big agriculture in Iraq, and the predictably strong benefits of oil,[41] it is time for Iraq's trade sector and job sector to revamp. The term is used not imprudently to suggest a heavy emphasis on the youth, who have been, as both USAID[42] and Robin Wright[43] separately report, hugely and despairingly unemployed (+25% of Iraqi men under age thirty were out of work in 2009). USAID has been at the heart and center of financial development, especially micro-financing, in Iraq and it reports (as of March 2012) an increase of 1,000 jobs in the last quarter of 2011—a difficult number to applaud or criticize. More encouraging is the U.S. Embassy's Youth Initiative Program which funds 18-35 year olds in search of a first job or a way to launch a business. "In order to become eligible for these loans," USAID clarifies, "individuals undergo a rigorous selection process that includes five days of general business training, three days of private consultation, and analysis of the business plan by a Business Review Panel." If Iraq is to diversify its trade portfolio and enter a more competitive and globalized market, stabilizing its novel politics with its economics, it should come as no surprise that we advise

greater subsidization of such programs, both by USAID, whose current attention is divided between agriculture and entrepreneurship, and by the U.S Embassy to Iraq.

We have mentioned in passing the extent of media growth in Iraq, and if we mention it again it is to cover, though briefly, the excellent work brought forth by independent media entrepreneurs and IREX (an international non-profit). Though their SIMI Project (Support for Independent Media in Iraq), which was funded by the U.S. Department of State's Bureau of Democracy, Human Rights, and Labor is now closed,[44] IREX continues to work with the Iraq Media Network (IMN—Iraq 's public radio channel) under the aegis of the British government and intensively with independent media under the aegis of the same U.S. Department of State Bureau. IREX's primary concerns for Iraq are that "while violence and security persist as primary concerns, corruption, the small amount of professional and critical journalism, limited citizen-state dialogue and a lack of faith in the government hinder the development of an environment that encourages a more open, pluralistic democracy with a government responsive to needs of the public."[45] Though throwing money at something is never a solution, it seems the focused and organized efforts already exist to set Iraq's issues of independent mediacy aright—the funding, however, persistently dries up, stifling budding progress on which a democracy, by "polyarchic" definition, depends.

Muslim Parliament à la Libanaise

We propose lastly, most crudely, and most ambitiously, a Muslim Parliament or Congress for Iraq where the tribal and religious contentions of the different factions which frequently spill over into the realm of the political can be resolved (with hope) more efficiently and in a non-violent and procedural manner. The need for such a Parliament is born of the frequent religion-based switches of power, Sunni to Shi'a and back again, that have plagued the nation's stability in the past and, we think, will continue to impede political, that is democratic progress until communication and dialectic come to the fore in Iraq. The two previous portions of the proposal play critical roles in the success of such a Parliament, in so far as women needs must be represented, stalwartly and intelligently, and the goings-on within the Parliament must likewise be presented and diffused to the nation's televisions, newspapers, and blogs.

A democracy is by nature and principle a team effort, and if the judicial, legislative, and executive branches can be (as they are everywhere there is a democracy) subject to supermajorities, the Muslim Parliament must not be. We propose then that its representatives be drawn according to and in proportion to national demographics as tallied in a yearly census conducted by a neutral, non-state arbiter (e.g. the UN, the Arab League, or a private firm). This will ensure against jeopardizing of the census, and in turn against unfair over-representation of a constituency in matters of great religious, tribal, and political sensitivity. The powers of this Parliament should involve rule-making, the ability to amend proposed legislation, and the ability to institute and enforce a well-defined and majoritarian veto. We leave out greater details in the Parliament's regulation partly out of authorial prudence (we recognize our young hairs) but vouch once again for its crucial importance to a budding democracy, one whose not-so-distant past is a might more than troubled by religious and tribal conflicts, inter- and intra-national, troubles whose resurgence would surpass the abilities and maturity of a young government.

Final Policy Proposal

We have examined, up to this point, optional policies for the United States dependent on the outcome of the Iraqi democratic project. While this paper could end here, with two possible scenarios and the proposed American responses, we have included this section as a venue for educated prognostication and even some hope in the legitimacy of democracy as a regime type for Iraq. We project that democracy in Iraq, though presently weak, will continue to develop and prevent the country's collapse into intense civil war. Assuming that the democratic project does not fall apart, the question of U.S. foreign policy arises and we phrase it thus: what is the U.S. to do to encourage not merely the sapling of a democracy in Iraq but to promote its full and autonomous growth? Can policy measures be taken to encourage democracy after American occupation?

"Smart" Power Approach

We have used the language previously but make it here explicit: nations engaging in international politics generally use two major types of power—hard and soft. Ernest Wilson III defines power gener-

ally and then the more specific hard and soft powers in the following way:

> "Power is the ability to influence another to act in ways in which that entity would not have otherwise. Hard power is the capacity to coerce them to do so. Hard power strategies focus on national intervention, coercive diplomacy, and economic sanctions to enforce national interests...Soft power is the capacity to persuade others to do what one wants."[46]

The United States, quite obviously, used hard power to overthrow Saddam Hussein, militarily stabilize the power vacuum, and establish the groundwork of a democracy in Iraq. Its blatant use of hard power has, according to Joseph Nye, ruined the potential for soft power not only in Iraq, but the Muslim world, indeed the world as a whole. Nye cites polling data that shows popular support for America fell from 75 percent in 2000 to 15 percent in 2004.[47] It demands little stretch of the imagination to realize it will be difficult to persuade others to fall in line with American interests when very few people have a positive view of those interests in the first place, or reasons to reconsider their opinions in the second.

Power itself, then, requires a reframing. Wilson advocates for what he calls "smart power"—"the capacity of an actor to combine elements of hard power and soft power in ways that are mutually enforcing such that the actor's purposes are advanced effectively and efficiently."[48] We advise the U.S. to adopt this form of influence as quickly as possible in order to establish democracy in Iraq with the greatest ease and the least bloodletting. In fact, we sorely wish the U.S. had considered the option much sooner and present one case among many in which smart power would have been, no tongue in cheek, quite smart. During the period following the 2003 Invasion, reconstruction efforts were spread out among several disparate organizations that very rarely communicated. The Department of State (DoS) and the Department of Defense (DoD) fought for control of reconstruction efforts in Iraq under the Bush Administration, with the DoD eventually gaining the upper hand.[49]   At ease with hard power, the DoD approached the matter completely differently than the DoS, which frequently uses more soft power. The competition between departments and between powers resulted in a confusion of signals, a sort of efficiency-cancelling noise from which early reconstruction efforts

gleaned only waste, debt, and setback.

It seems evident to us, then, that a policy of cooperation and communication, both within the American administration and between the Americans and Iraqis, should be a given. Interests need to be harmonized so that both sides can cooperate to achieve satisfactory outcomes, but currently the United States' interest is in establishing, and practically imposing democracy in Iraq, while Iraqi leaders' interests remain simply about achieving and maintaining power. According to smart power doctrine, the best approach would be for the U.S. to demonstrate that democracy is the best tool for Iraqi leaders to achieve power and peace, and then promptly take its bow from the political stage. In order to rediscover strength and stability in a war-torn nation, each camp, Iraqi and American, will have to tune its interests and its song to the music of the other.

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