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PERSPECTIVES ON
DEVELOPMENT
An Exercise in Worldmaking

The International Institute
of Social Studies
Best Student Essays of
2010/2011





PERSPECTIVES IN DEVELOPMENT
An Exercise in Worldmaking

Best Student Essays of 2010/11

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- All the ISS students for making this year a great one in every possible way.

Fabio Andres Diaz

Editor



Foreword

It is an honour and privilege to be invited to write the opening words of this collection of essays which already represents the sixth edition of *An Exercise in World Making*. It offers a diversity of perspectives from the 2010-2011 batch of MA students of this institute, the International Institute of Social Studies of Erasmus University Rotterdam. As Rector of this institute, I am proud of this collection of student essays.

In a world that has been shaken to the core by the recent financial crisis and where climate change, environmental degradation, issues of food security and of human security are of major public concern and could potentially have a huge impact on the global order, it is refreshing to examine the contributions in this book, all of which offer valuable insights into these global issues and related matters of concern, such as gender, poverty and - not least - governance.

These essays also illustrate how a diverse student body originating from more than fifty countries, and with diverse professional and educational backgrounds, critically explores current practices and theories of international development and arrives at new and promising insights for the future. In the essays, every student, each in their own way, clearly demonstrates the relevance of the study of political, economic and social developments in Africa, Asia, Latin America, North Africa, the Middle East and Eastern Europe, in addition to new developments in North-South and South-South relationships. Altogether, these essays represent a choice of ISS' interests.

This collection could also be considered as representing, or rather heralding, the beginning of yet another addition to - and thus

enhancement of - the ISS global network of innovation and knowledge production in international development. The 2010-2011 student batch will soon become our next batch of alumni. They will fly out around the globe and continue to pursue their ambitions with respect to international development in a variety of professional positions. But they will also remain in touch with the institute, feedback on our activities and collaborate with ISS' staff to shape our future work.

Students form the core of ISS, the centre of our knowledge community in global issues of international development, social justice and equity. All of them have their personal ambitions to fulfill and combine that in a meaningful way with duties to science and society. They learn not to take any statement as truth before they themselves have examined it from every possible angle. In other words: they challenge their teachers and push us forward. Students are the future of ISS and this collection of essays bears witness to that.

Professor Leo de Haan

Rector



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1

Introduction

JOHN CAMERON

It is an honour and a privilege to be asked to write an introduction to this excellent collection of essays by the 2010/2011 'batch' of ISS students. I am sure the process of selecting these papers was extraordinarily demanding and there were many other candidates who were reluctantly not included. It was a pleasure to read the thirteen essays and I recommend them as a set to everyone who wishes to comprehend the scope of the current discourse on international development.

I am not offering summaries of the essays here – the titles are self-explanatory as guides to their contents. I decided to use this opportunity to offer some reflections on the state of the art in international development thinking that the essays stimulated.

The topics covered reveal the great range of concerns that characterize the current international development discourse. The topics include some that can be seen as perennial such as 'aid', poverty and land 'reform'; others that entered the development discourse in the 1970s and 1980s such as gender and political ecology; and those that have come into the discourse in the 1990s such as international migration, religion, rights and violence. To the credit of ISS and its students, the collection of essays demonstrates that no aspect of human life is excluded from the Masters' programme today.

So what are the ingredients of the glue that binds these various elements together to create a unified discourse on international development?

Analysis: all the papers display analytical strengths in terms of constructing well connected arguments leading to appropriate

conclusions. The writers have clear normative positions on the subjects they are addressing. But even when addressing very sensitive subjects such as corruption, piracy, post-conflict reparations, risky sexual practices, and religion, the writers seek to persuade readers by the strengths of their arguments and avoid polemics.

Critical thought: all the essays engage with their subjects in a spirit of uncovering the deeper assumptions that underpin any element of complacency in more conventional positions on the issue. Eco-labelling is not a 'solution' to unsustainable extraction of marine resources; anti-poverty policy targeting is not necessarily efficient or effective; the struggle for women's rights has been a linear process of success after success from generation to generation.

Evidence: contexts are described carefully in terms that give readers a strong sense of accurate evidence. Whether describing the structure of local government or tensions in a feminist movement, the writers convincingly invite readers into the context of the research, even if that context is totally outside the readers' experience.

Exploring disciplinary frontiers: the international development discourse is essentially inter-disciplinary. All the essays explore frontiers between the conventional academic disciplines. Ethnographic insights are important in order to understand the performance of local government; sustaining marine resources and understanding the economic impact of oil reserves requires understanding of how institutions actually work; a conceptual framework drawn from ecology can help understand the cultural values of young people.

Intersectionality: human identity is treated as multi-dimensional and complex. People are never presented as two dimensional cut-outs. People committing acts of piracy have families; people accused of war crimes need to be included in re-building processes; young people need jobs as well as education on lower risk sexual behaviour; people have ethnicity, gender, and generational aspects to their identities.

Misrecognition: people make errors when speaking of the values, motivations and aspirations of 'others', especially powerful people speaking of the less powerful. Such errors inevitably lead to unintended consequences which the essays forensically expose. 'Aid donors' hamper sustainable development; an apparent single issue campaign against water privatisation is shown to be the tip of a much wider social movement;

having oil reserves carries a curse; giving people land titles can increase livelihood insecurity; well-meaning institution building fails to achieve either sustainable fishing or transitional justice; migrant domestic workers do not need ‘protection’.

Modesty: claims to have added to knowledge in the essays are appropriately moderate. Three thousand words essays cannot close discussion on the controversial issues that the essays address. In cases where institutions are still young (such as in sustaining marine resources, international criminal law, new local government or land titling structures), the essays acknowledge that it is too early to draw any firm conclusions about their future performance. In other cases, such as poverty targeting versus universal provision, further evidence is needed before any judgement between the alternatives in specific contexts is possible.

Professionalism: professional and attractive presentation matter in convincing a reader that a subject has been addressed seriously. All the essays engage impressively with relevant academic literature in terms of citing and referencing. Lengths of sentences and paragraphs are sufficiently short for intelligibility and sufficiently long to avoid undue fragmentation. The divisions into sections give the reader moments to pause and reflect on the points made in the previous section. In some of the essays, diagrams and maps are used well to illustrate relationships.

Respect: all the authors demonstrate admirable respect for the people who are the ultimate subjects of the essays. The current international development discourse has largely escaped a previous tendency to treat the majority of people as objects to be manipulated by a minority which ‘knows’ better. This is perfectly reflected in the essays whether the subjects are people who work as domestic workers or fish or commit acts of piracy on the seas; farm the land; are recipients of ‘aid’; struggle for justice and more open, accountable deliberative processes; have differing religious faiths; are trying to work out what to do with their sexual desires.

As a final thought, the authors of the selected essays certainly have gained my respect and I congratulate them on their excellent work!

2

Local Economic Development in Villa El Salvador

JUAN CHAVEZ RAMIREZ
(Peru)

INTRODUCTION

“Place matters in economic development” (Helmsing, 2005: 1) seems to be the new premise of the current theories of local and regional development. Authors like Cooke & Morgan (1998: 17), Porter (1998: 78), Kitson *et al.* (2004: 991) and Helmsing (2007: 1) agree that certain set of factors, actors and interrelations are needed for the development process to happen, in terms of innovative capacity, competitive advantage, regional competitiveness or economic development.

Helmsing (2003: 67) mentions two “set of forces” that have changed the rules of the game in the last decades. The first are the structural adjustment policies that in the developing countries had several consequences. In the case of Peru, authors like Vincent (2010: 66) mentions the neoliberal turn of the country’s policy framework leading to the decline of the welfare state. This gave place to a market-driven paradigm with deep consequences in the local economy. The wager was that a free market would be more efficient, leading to economic growth and a better distribution of wealth. As we know, the history has been different.

Under this paradigm, those who had a head start were able to consolidate their position in the global economy. This advantage is related to the second “set of forces”: technological innovations. Improvements in this area allowed some players to distance from their competitors, increasing the gap between the “most developed” and the “least developed” countries. While the latter were waiting for the

markets to do their magic, the former were creating a strong institutional milieu, good business environment, stronger social capital, etc.

The lessons learned were that the best way to develop was through a synergy between local actors within a governance framework in order to build a competitive advantage that enables the locality to produce, innovate and market a set of products that represent good value and therefore increasing the quality of life of the population (Helmsing, 2005: 5; J. Guimaraes, personal communication, 2011).

This paper will exemplify some ideas that are present in the debates over local economic development, competitiveness and governance, through the analysis of a successful case of local economic development in Peru. Special attention will be given to the history and other wider processes, as the conditions for local economic development are considered to be path and context dependent.

VILLA EL SALVADOR: A BRIEF HISTORY¹

The origin of Villa El Salvador (VES) is part of wider phenomenon of internal migration in Peru, which was a response of the population to the lack of opportunities in the rural areas.² Before the 70's, the territory where VES is now located was a dessert called Hoyada Baja de Tablada de Lurín, where population, basic services and infrastructure were absent. The process of occupation was long and turbulent, with

¹ Villa El Salvador (VES) is an urban district at the south of Lima province, Peru's capital. It is located at 30km from the city's centre and throughout the Panamericana highway, which go across the country's coastline and is one of the main roads of the country. In 2007, the population registered was around 381,790 (5% of Lima province) and its population under the national poverty line is of 21% (INEI, 2007). Nowadays, the World Bank considers VES as a successful case of local economic development (World Bank, 2011). Other recognitions are the Award Príncipe de Asturias de la Concordia (1987) and others given by the United Nations and UNESCO.

² During the 60's, Lima was a recipient of a large number of migrants from the rural areas, attracted by the services and opportunities that offered the "big city". These migratory waves were the main forces that contributed to the expansion of Lima city, giving place to emergent districts like Comas (north cone), Lurigancho-Chosica (east cone) and VES (south cone).

several confrontations with the police and the public authorities. Finally, negotiation took place thanks to the intervention of the church (Municipality of VES, 2011).

After initial tensions, the government authorities decided to support the settlers of VES. From an initial number of 80 families in the first mobilization in 1970, the scenario in 1971 was a group of 9,000 families, strongly organized in order to resist the attempts of eviction by the police forces (Municipality of VES, 2011). Collective action together with the support of the church was critical to persuade the government to address the demands of these families and finally recognize the foundation of the district in May 1971.

At this point, according to Favreau *et al.* (2002: 1), the central government played an important role by recognizing property rights to the new settlers and facilitating the transportation of materials for the first “houses”, which initially were mat huts. This stage was critical for the future of VES, because the central government, considered a reformist at that time, proposed a participative urban planning that included the participation of the church, political parties, left movements, professionals, civil society organization and the new settlers (*ibid.*). This initiative was somehow innovative considering the patterns of urban expansion of Lima, where the lack of planning have resulted in a very disorganized city that contrast widely with the grid- pattern of VES.

The result of the planning process was a district organized in 1,300 blocks, making up 110 residential units. Each unit has its own centre, with a small plaza, sport facilities, school and other communal facilities. This layout contrast with the other districts of Lima, characterized by a centralized design where all the governmental offices are clustered (Kliksberg, 1999: 91). This decentralized scheme favored the organization of associations, cooperation networks, collective action and the preservation of a sense of community. The settlers brought the latter from their places of origin, where communal organizations and collective action were common features.

Based on this distribution, the residents established their own representative organizations called CUAVES, which means Autonomous Urban Community of Villa El Salvador. Additionally, sectorial committees were formed to address specific issues considered relevant for the local development process, like health, education, basic services,

production, commercialization, among others (Estatutos CUAVES, 1973). The numerous needs suffered by the settlers, the participative tradition of their place of origin, the urban distribution, and the results obtained through collective action, strengthened the organization of VES and legitimized it as a vehicle for development. Klikberg (ibid.) offers a list of the main achievements of the collective action in VES:

- 60 communal houses, 64 schools and 32 libraries were built,
- 41 services centres (healthcare, nutrition units, drugstores),
- Roads,
- Forestation program of half million trees.

The national decentralization process in 1983 meant the devolution of political powers to the local governments. Since this year, VES started to elect their own representatives, who shared the principles of cooperation and collective action that gave birth to VES. The first mayor of VES was Michel Azcueta, a leader that guided the settlement process of VES since its origins. This common ground, together with a clear sense of political will, permitted the organization of a mixed commission conformed by the newly elected authorities and the representatives of the CUAVES.

In this commission, power was shared between both actors, mayor and CUAVES, as the former recognized the latter as a legitimate organization (Favreau, 2002: 2).

It is important to acknowledge that VES had an organizational structure that emerged from the preexisting social capital and that was supported by the urban planning. The organization by residential units was a bottom-up structure that matched with the top-down structure promoted by the new decentralization process. In this sense, the mixed commission reinforced and empowered the existing authorities, now in a formal structure. The result was a configuration of governance where all local actors were involved in the planning, decision-making and implementation, according to the definition of Pieterse (2000: 4).

One of the first achievements of this organization was an Integral Plan for the Development of Villa El Salvador, that in 1999 had its first 10-year version with principles of strategic planning (Favreau, 2002: 2). For this, the municipality realized several workshops and consultation processes for the prioritization of projects and initiatives. These efforts

were innovative considering that the participatory budgeting in Peru was implemented in 2003.

In parallel to this, VES started to gestate its industrial sector. In the initial design of VES there was an area for an Industrial Park, but it remained inoperative until 1986. This year, a group of small and micro entrepreneurs founded the Centre of Small Industries of Villa El Salvador (APEMIVES). This association was a kind of federation of smaller associations of metalworkers and carpenters that were previously organized in informal associations. Later that year, the APEMIVES, together with the CUAVES, the municipality, and the support of the United Nations, managed to receive the authorization from the central government to start the project of the Industrial Park (Municipality of VES, 2011; Favreau, 2002: 4).

In 1987, the Autonomous Authority of the Industrial Park was founded (Municipality of VES, 2011). The members were 03 representatives of the central government and 03 representatives of the locality (01 from the municipality, 01 from the CUAVES and 01 from the APEMIVES). Again, this “mixed” organization was built also over the principles of governance, this time linking the public with the private sector. The main objectives of this association were to design projects to support the small and micro entrepreneurs through projects of infrastructure and technical assistance, including support for the marketing of local products and the developments of small productive units (Favreau, 2002: 5; Vázquez-Barquero, 2009: 5).

The role of this association was not only lobbying the central authorities to obtain benefits, as is the reality of many civil society organizations in Peru that become extremely politicized, but supporting the economic activities of the small and micro entrepreneurs. Producers were able to commercialize their products, exchange information and purchase new equipment collectively. This allowed the local entrepreneurs to upgrade and add more value to their products. Together with the Industrial Park as a space for production and commercialization, this association permitted the local producers to upgrade in the value chain.

THE ROLE OF EXTERNAL ACTORS

Some of the literature about the success of VES does not mention the key role of the external actors. In fact, this is an important issue to consider if we try to use this case as a model to replicate in other localities. Since the first years of formation of VES, the presence of NGO's and international agencies has been permanent, following up the process of consolidation of the district and of the Industrial Park.

Emblematic programs and organizations are:

- City-to-city program (C2C) between the municipality of Amstelveen and the municipality of VES: this program started in 1997 and was a partnership between the mentioned municipalities. This program worked with the local authorities and also with civil society. With the former, the agenda was in terms of accountability, transparency, governance and management. This fostered an autoperception of the local government as an active player in local development. This meant the inclusion of the other stakeholders at the local level, in order to mobilize the resources available in the locality to tackle local demands³ (Bontenbal & van Lindert, 2008). This helped to build a sense of ownership in the population and of involvement in governing process of the district. The relationships of trust were also improved, facilitating the collective action and cooperation. The work with the civil society was in terms of empowerment and participation. Even though, the results in this branch have been “modest” (Bontenbal & van Lindert, 2008: 476).
- NGO DESCO: this is a Peruvian NGO that works in the southern cone of Lima since the 80's. They have had an important presence in the district for many years and have focused in local management at the municipal level, improvement of the residential infrastructure, and support to the industrial sector. In the latter, the efforts have been focused in the carpentry sector, basically in the acquisition, transformation and commercialization of wood and furniture. (DESCO, 2011)

³ Results of this program were initiatives to involve the community in service provision (waste collection), reforestation programs and an improved accountability through decentralized offices.

- CARE: according to Favreau (2002: 5) the organization gave support to the Industrial Park through the donation of machinery and equipment.

The importance of the contributions given by these organizations was their approach to local development, as a process of many stages that requires the involvement of many actors. This has been evident since the initial stages of the formation of VES, like in the design of the district, where NGO's and governmental institutions (through the recognition of property rights) had an active role, resulting in fertile soil for future collective action.

Later on, initiatives like the C2C program and the work of DESCO have been fundamental for building capacity at the local level. This ensured the inclusion of local actors in the governing process. Strengthening the actors of civil society while working with the local authorities to create the spaces for effective participation created a feedback loop based on results. Finally, when organizations were strong and local government responsive and enabled, support for the consolidation of the Industrial Park was given, resulting in success.

ANALYSIS AND CONCLUSIONS

Several factors explain the success of VES in terms of local economic development. For analytical purposes, the analysis of this case will be based on the "Bases of Regional Competitiveness" of Kitson et al. (2004: 995) and in the diagram of "Innovative LED programs and competitiveness" of Helmsing (2010: 12).

Kitson et al. (2004: 995) propose 06 capitals for regional competitiveness: productive, human, social-institutional, cultural, infrastructural, and knowledge. In terms of productive capital, the Industrial Park and the donations from international organizations played an important role for the equipping these enterprises. Besides that, the existence of credit institutions providing credit for small and micro entrepreneurs seems to be relevant. Even if they are not mentioned in the literature, it is possible to find them in the district.

In terms of human capital, the first settlers of VES were from rural areas with previous knowledge in manual activities, like carpentry and metalwork. The fact that it did not require any specialized knowledge allowed many of the residents to engage in this activity. Nowadays,

carpentry represents almost 30% of the Industrial Park production, while metalwork have also a share of 29.5%. Later on, DESCO focused on the carpentry activity, helping to upgrade the production processes.

In terms of social capital, the most important features are the governance structure, the solid grassroots organizations, the active business associations and the leadership. All of them have been largely mentioned in this paper but the latter needs more attention. Michel Azcueta was one of the first leaders of VES since the 70's and was the first mayor of VES in the 80's, being reelected twice. Many of the ideas that guided the process of consolidation and development of VES, since its design, inclusion of local actors, accountability, and transparency, were strongly coherent with his vision of district. The fact that he was leading the district in critical moments (foundation and first mayor) gave some kind of continuity to the process, that is difficult to achieve in other districts where authorities change each three years. In the case of VES, the local government and NGO's constitute also supporting institutions, building capacity and contributing in the upgrade of technology.

In terms of cultural capital, Kliksberg (1999: 92) point that the settlers of VES came from a communal tradition where collective action and cooperation were fundamental for survival. In many communities of the Andes, public issues are discussed and solved with the participation of all members. At some extent, the fact that VES in its origins was a marginalized district allowed them to gestate their own organizational structures, adapting their cultural background to the new urban setting. This bottom-up process matched later on with the decentralization process, allowing the conformation of mixed commissions and ad hoc institutions according to governance principles. Again, the mayor and local leaders were fundamental for this.

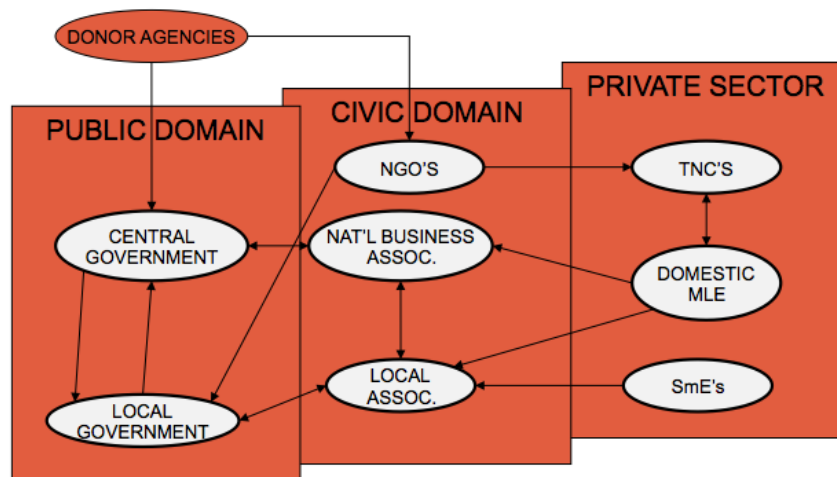
The infrastructural capital relies in the existence of three main issues. First is the existence of the Panamericana highway that is one of the most important roads in the country, connecting VES directly to Lima. This give the producers access to a huge market. Second is the Industrial Park itself, that is center of production and commercialization. Third is the basic infrastructure, like electricity, water and housing.

The last one, knowledge and creative capital, is difficult to assess. In the case of VES there are improvements in the level of organization,

the upgrading of production processes and the improved quality of the production (like in furniture). These improvements seem to suggest the existence of this capital. In this issue, the existence of active business associations and the permanent support of NGO's like DESCO has been fundamental.

Once recognized the existence of the mentioned capitals and stakeholders, it is important to observe how they interact at the local level. The existence of networks alone does not assure local development. As mentioned above, local development is a path and context dependent process, so how the capitals and actors interact is what determines the quality of the development process.

Helmsing (2010: 12) describes the interactions between actors of local development in Latin America through the following diagram:

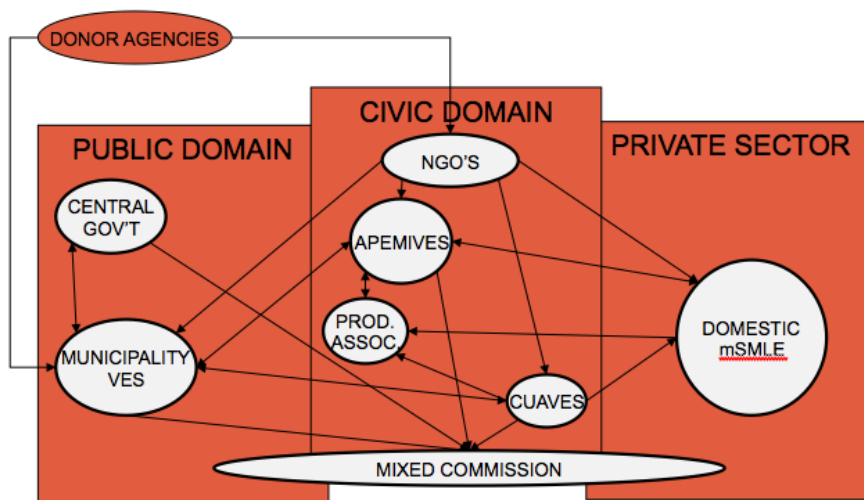


Source: Helmsing 2010.

According to the diagram, it can be observed that in these countries the interactions between actors based on hierarchies, like in the interaction between donors and local government, or between small entrepreneurs and business associations. Another feature is the absence of links between local government and the private sector. The autoperception that local authorities have regarding their role in the local economy is passive, limited to regulation. In the case of VES, both

actors are interconnected and the local government plays an active role, enabling and also strengthening the local industries.

These differences can be observed in the next diagram:



Source: based on Helmsing (2010), *own elaboration*⁴

The existence of several links may result confusing, but actually that is one of the features of VES. As have been mentioned across the paper, there are several spaces for the interaction between actors. The participation of actors from different spheres (public, private and civil society) in commissions and associations ensures a permanent coordination. The spatial configuration also fosters the interaction between them and allows the emergence of these organizations, as well as collective action.

To conclude, VES meets many of the criteria of local economic development and competitiveness, which explain largely its success. Despite the heavy external support that the district has received, it is possible to identify internal characteristics that have complemented the external efforts. It can be said that the foreign aid built over existing

⁴ The diagram was part of a presentation prepared for the course “Promotion of Local Economic Development” (ISS, 2011).

social and cultural capital, which in many scenarios is the most difficult thing to build. Infrastructural, knowledge, productive, human and institutional capital can be built with a set of policies; but trust, networks and cooperation, seems to depend in other factors and other time frames (long-term). In the case of VES, a communal tradition based in cooperation and a strong leadership seems to have had a central role that sometimes seems to be overlooked.

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3

Shopping for the Planet: Can Eco-labelling play a part in marine conservation?

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Seagulls flock above. Swirling and perusing for opportunities to snatch scraps as fishermen lug boxes of their catch up to market stalls. Vendors quickly place the fish on ice to preserve their freshness as long as possible. In other settings, fish are dropped into tanks of water to keep them alive as customers browse the many varieties, or are put out in the sun and salted to dry. Others still, are packed into trucks and are transported to canneries and frozen food processors where they are then exported to global supermarket chains, to the dinner plates of families and restaurants around the world.

The fish industry is a multibillion dollar industry. Wild seafood catch alone amounts to an estimated first-sale value of US\$93.9 billion (FAO, 2010: 23). Globally, fish provides more than 4.5 billion people with at least 15 percent of their animal protein intake (FAO, 2010: 21), and hundreds of millions of livelihoods depend on fisheries for their survival. Yet like any “free”, open access natural resource, the environmental costs have not been accounted for. Fish stocks around the world have suffered from Hardin’s “Tragedy of the Commons” where every fisher “seeks to maximize his gain” and “is locked into a system that compels him to increase his herd (or catch) without limit - in a world that is limited” (Hardin, 1968: 1244). As a result, more than 80% of our fish stocks are either fully exploited or overexploited (FAO, 2010: 8), culminating in dire implications for the oceans’ ecosystems and our own food security.

The case associated with the demise of fish populations revolves around more than mere overfishing. The top ten target species are indeed under severe risk of extinction, and this in itself has severe implications for the ecosystems those species are connected to. However, the fishing industry is also plagued by a myriad of externalities that create equally, if not more desperate situations for the ocean's health. Non-target species such as dolphins, turtles and other fish are often caught as by-catch; certain fishing practices such as bottom trawling and cyanide poisoning also create direct destruction to reefs and ocean habitats. Post-landing processes, such as canneries and shipping to consumer markets, also create their fair share of polluting and energy consuming practices. So there is much scope for improvement beyond simply decreasing demand for fish, which despite the warnings, has only gone up.

Different fisheries management policies have come about locally and internationally to try and curb our overexploitation. The UN Law of the Sea acts as a fundamental legal framework for oceans governance and includes the definition of Exclusive Economic Zones (EEZ), the setting of national property rights to within 200 nautical miles of a country's coast (UN, 1982: Article 57) to enable sovereign management of the commons.

FAO released a Code of Conduct for Responsible Fisheries in 1995, giving guidelines to encourage fisheries to conduct more sustainable practices across the board (Cochrane & Doullman, 2005: 79). Numerous other agreements have also been signed around the world, however, the majority of these have acted solely as soft law and have had little effect on the state of fish stocks and fishing practices. The assumption is that if we were to manage our fisheries better and conduct more sustainable practices, stocks would start recovering and the oceans will no longer be at risk. But what are the best ways to achieve this and is it even possible?

In 1996, WWF and Unilever got together to establish the Marine Stewardship Council (Gulbrandsen, 2008: 655). Their aim was to create a market-based policy instrument that would use the power of consumer demand to regulate unsustainable fishing practices. The Marine Stewardship Council is now an independent body that carries out a certification process to put a stamp of approval on the fishing practices of fisheries. Certified fisheries are then allowed to put the MSC eco-label on all their products to show that they have complied with strict

sustainable fishing requirements. To date, there are 118 certified fisheries and over 5000 labelled products on the shelves (MSC, 2010) worldwide. The MSC is the only internationally recognized fisheries eco-label to “encourage consumers to make the best environmental choice in seafood” (Cummins, 2004).

While slowly establishing its legitimacy over the years, the MSC has received both praise and criticism along the way. There have been debates on the certification criteria, the effectiveness of the label in manipulating consumer demand, as well as its effectiveness in contributing to the conservation of fish stocks and marine ecosystems. In this essay, I will be critically reviewing 6 articles that revolve around eco-labelling’s role in the management of fisheries, with an emphasis on the Marine Stewardship Council. These articles will bring out debates concerning MSC’s approach, strengths and weaknesses, and its effectiveness in achieving what it sets out to do, i.e. improve fisheries’ practices to safeguard seafood supplies for the future. One article will also touch on alternative mechanisms to protect fisheries and the circumstances necessary to achieve those aims.

The 6 articles are as follows:

1. The Emergence and Effectiveness of the Marine Stewardship Council / Lars H. Gulbrandsen (2008)
2. Private Certification vs. Public Certification in the International Environmental Arena / Patricia Moye (2010)
3. Eco-labelling of Wild-Caught Seafood Products / Mikkel Thrane, Friederike Ziegler & Ulf Sonesson (2009)
4. The Promise and Pitfalls of Marine Stewardship Council Certification: Maine Lobster as a Case Study / Wendy Goyert, Raphael Sagarin & John Annala (2010)
5. Fixing Problems in Fisheries – Integrating ITQs, CBM And MPAs in Management / Mark Brady & Staffan Waldo (2009)
6. Determinants of Demand for Green Products: An Application to Eco-Label Demand for Fish in Europe / Dorothee Brécard, Boubaker Hlaimi, Sterenn Lucas, Yves Perraudeau & Frédéric Salladarre (2009).

DEBATING THE MARINE STEWARDSHIP COUNCIL

The first article by Gulbrandsen, begins by introducing the history of the Marine Stewardship Council. He discusses the conditions that were present when MSC came about. By 1996, eco-labelling had already started taking off. In the fisheries arena, single-species campaigns were on a roll and the well-known Dolphin-friendly tuna battle created the first marine fisheries eco-label. More followed, and a growing number of seafood ranking guides to inform consumers' choices were also on the rise. Yet many of these efforts were seen as ineffective as there were no standard settings or requirements, and vendors even went to the extent of mislabelling fish to hide the destructive practices behind them.

Based on the success of the Forest Stewardship Council, WWF decided to partner with Unilever, the largest frozen food purchaser at the time, to establish a credible, high level certification standard that would create a direct link between fish production and fish trade (Gulbrandsen, 2008: 655). MSC learnt from some of the mistakes of the FSC and became independent by 1998, always taking into consideration the interests of its stakeholders, but leaving the final decision to the Board of Trustees to avoid deadlock (Gulbrandsen, 2008: 655). It also responded to criticism by enhancing transparency and employing third-party certification bodies to assess fisheries under consideration, after the release of the FAO's eco-labelling guidelines in 2005 (Gulbrandsen, 2008: 657).

There are three main principles guiding the MSC: (Gulbrandsen, 2008: 656)

- 1) Fishing activity must be at a sustainable level
- 2) Fishing operations should be managed to maintain the structure, productivity, function and diversity of the ecosystem on which the fishery depends
- 3) The fishery must meet all the local, national and international laws and must have a management system that responds to the changing circumstances and maintains sustainability

Critics have argued that some of these principles are too vague and invite inconsistencies in the certification process; Gulbrandsen is no exception. He highlights how a certain amount of flexibility is necessary since contexts are different and those principles will always be reflected

in a different way. However, he worries about whether this variability undermines the credibility of MSC as a certification body. Legitimacy is a serious challenge as it is crucial to obtain government, industry and consumer support. Many governments have criticized MSC for trying to govern beyond national jurisdiction, arguing that they have neither the experience, nor mandate to do so (Gulbrandsen, 2008: 657). This argument, however is challenged by Patricia Moye in my second article. She illustrates how a government-run certification scheme is no more reliable than a private scheme. Using the example of Marine Eco-Label Japan (MEL), Moye notes the existence of a strong link between the fishing industry, the government and MEL Japan in the certification process. This link implies that there is strong pressure coming from all three stakeholders. In all likelihood, the government has an interest in appearing sustainable, but would also want the fishing industry to thrive and contribute to GDP. Moye comments how “one cannot help but wonder how much input industry groups have in the actual certification approval process” (Moye, 2010: 562). This poses doubts as to how trustworthy a certification scheme can really be when contrasting interests and unequal power dynamics are involved. The suspicion is further amplified by the fact that the state is not subject to the same pressures as a private scheme like MSC, which has to prove itself by providing transparency and acquiring independent third-party certifiers to validate their standards, none of which are provided by MEL. Accountability is absolutely necessary to prevent eco-labels from becoming “self-defeating, in that they work against consumers’ confidence and are vulnerable to persuasive attacks by activists” (Moye, 2010: 562).

But is MSC even setting the right standards and concerned about the right aspects of the supply chain? The third article by Thrane et al. deem MSC to be a step above single attribute schemes such as “Dolphin-friendly Tuna”. Multiple attribute schemes look at different aspects of the fishing industry, such as by-catch and the effects on marine ecosystems. However, Thrane et al. question whether it is enough to focus only on the fishing stage as MSC does, or whether a certification scheme should also take into account the environmental impacts of the whole life cycle.

They discuss six stages along the life cycle that could be considered (Thrane et al. 2009: 417):

- 1) Direct impact on the target species stock, influencing the surrounding marine ecosystem.
- 2) Impacts on non-target species in terms of by-catch.
- 3) Direct impacts on marine ecosystems such as using gear that damages the sea floor, or releases chemicals.
- 4) Impacts related to fossil fuels emissions contributing to nutrient enrichment and acidification.
- 5) Post-landing impacts in the processing industry, wholesale and transport processes; including energy consumption and water polluting activities.
- 6) Consumer impacts relating to shopping, storing, cooling, food preparation as well as disposal.

They contrast and compare MSC to two other certification schemes that take more aspects of the life cycle into account – the Swedish “KRAV” label and the Danish Society of the Living Seas’ proposed label. Mostly, they encourage MSC to gradually incorporate more considerations such as retail and post-landing production waste as well as energy consumption throughout the chain. Based on initiatives by the other two certification schemes, it was noted that many changes in fishing practice actually lead to a significant reduction in fuel and energy use, and as a result, a reduction in carbon emissions (Thrane et al. 2008: 421). This could be more and more of interest to MSC as carbon labelling picks up in the coming years. France is already considering the introduction of compulsory carbon labelling rules on all products as early as 2012 (The Economist, 2011: 14), so there may be a day when MSC will have no choice but to include the carbon footprint of a product’s life cycle.

Having said that, Thrane et al. do recognize the issues with adopting additional environmental aspects to MSC’s criteria. Including more criteria could make the certification process even more challenging and cumbersome than it already is, and would be harder to control and verify. The lengthy and costly certification process is already a discouraging factor for many fisheries considering MSC certification. The costs of certification range from “US\$20,000 for small community-based fisheries to US\$300,000 for large industrial fisheries” (Goyert et al. 2010: 1104). Further expenses involve pre-assessment, annual audits, management expenses and the implementation of improvements

required by certification (Goyert et al. 2010: 1104), all of which highly discourage fishers who might not see any clear benefits from certifying.

The MSC certification process usually takes about 12 months, but the Alaska pollock fishery for example took 4 years to complete the certification process (Gulbrandsen, 2008: 657)! Fisheries first have to apply voluntarily and go through a confidential pre-assessment to see if they meet the basic requirements of MSC standards.

Less than half pass this stage and move on to full assessment which is available for public tracking. During this stage, a panel of experts uses comparisons and performance indicators to draft a preliminary report which is then reviewed by multiple stakeholders. A successful case is granted certification for 5 years, with annual audits to ensure performance. When the certification expires, the whole fishery has to undergo a major reassessment all over again (Gulbrandsen, 2008: 656). This process acts as a major dilemma for MSC. On the one hand, the strength of its eco-label lies in its strict criteria, but at the same time, those same criteria deter fisheries from applying. Most fisheries cannot afford such a time consuming and costly process unless they are small enough to conduct the certification quickly and easily, or large enough to benefit from economies of scale. The fourth article by Goyert et al. assert that no matter how good the MSC criteria is, if fishermen are not interested and the criteria is not embedded in reality, the scheme simply cannot succeed.

Their team conducted interviews to find out what fishermen in the Maine lobster fishery thought about getting MSC certified. “Of the 59 lobstermen interviewed, 51% showed definite or qualified support” while “49% of fishermen interviewed did not support MSC, did not know if they supported MSC, or did not care” (Goyert et al. 2010: 1105). Many of the reasons revolved around costs, bureaucracy, losing certification in the future and not getting any real benefits from the certification. Goyert et al. argue that one way to overcome this obstacle is to fully inform fishermen about the certification process and its potential challenges and benefits (Goyert et al. 2010: 1108), but while this is necessary, it is doubtful to what extent this would actually alter attitudes. The issue of willingness runs deeper than just awareness. Gulbrandsen mentions how most certified fisheries are already in a position that requires few changes to become certified. Most of them are already “highly selective of target species” and “have stocks that occur

within known areas for which there are exclusive national access rights, tend to have limited access, are well regulated and enforced, and are often co-managed by governments, scientists, and fishers” (Gulbrandsen, 2008: 658). Needless to say these are not conditions that are excessively common around the world. Most fishing zones are overpopulated, involve intense competition and have unclear property rights.

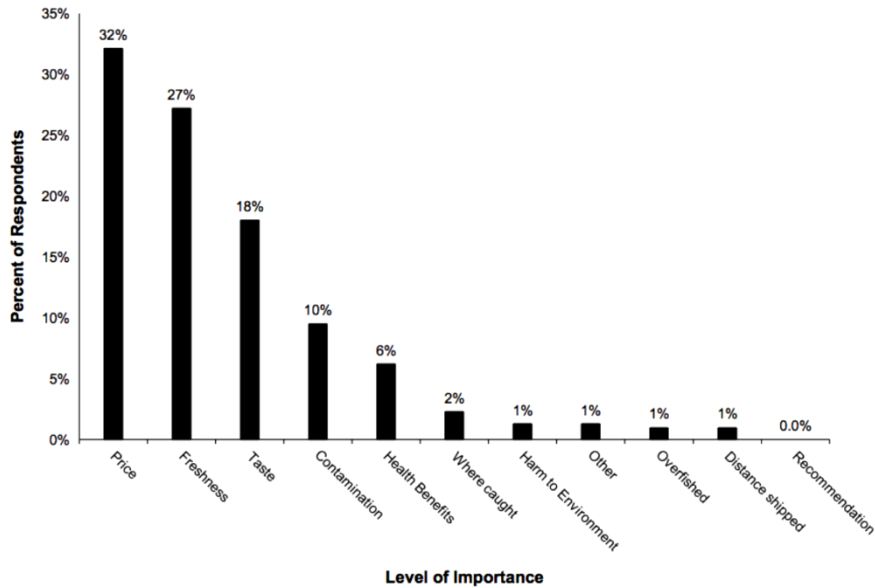
The fifth article by Brady and Waldo focuses a great deal on the importance of property rights in making any conservation or management scheme work, including that of eco-labelling. They divide fishing rights into four categories: access and withdrawal; management; exclusion; and alienation (Brady & Waldo, 2009: 259). Access and withdrawal, implies some sort of boundary, where rights to enter and extract a physical resource are geographically defined. Management, is the ability to regulate the use of that defined area and make improvements; while Exclusion, is the right to determine who can or cannot access that area. Finally, Alienation, is the right to sell or lease an area (Brady & Waldo, 2009: 259). When these sorts of rights are clear, they argue that it makes it easier to then organize the rest accordingly. If fishermen have clear and secure withdrawal rights, they are more likely to accept long-term management actions that are costly in the short term (Brady & Waldo, 2009: 259). If they share management rights, they are more likely to believe the system will work, as they are the ones making the decisions as to what is to be done and how. This also helps boost compliance, since enforcement then becomes a matter of social control (Brady & Waldo, 2009: 263) rather than a matter of implementing expensive monitoring instruments.

Transferring exclusion rights to a fishery from the state often also makes sense, since local fishers know the local situation better, including the abilities of individuals and the conditions of different areas (Brady & Waldo, 2009: 260). Exclusion is vital to a scheme like MSC, because if the actions of a fishery are to have any impact on the fish stock and marine ecosystem, they have to know that there are no outsiders interfering with their efforts. If all the fisheries around them are conducting destructive practices, there will be no sense to continue as they will doubt whether their undertaking makes any difference to the overall picture. To lay out the sustainable groundwork only to have it bulldozed by other fishers would feel as unjust as Sisyphus pushing his giant boulder up a hill only for it to roll down again. Well-defined rights

are fundamental for eco-labelling as they “make it possible for fishers to extract the higher price that environmentally conscious consumers are willing to pay for fish” (Brady & Waldo, 2009: 261). But that same claim raises a critical question: Are consumers actually willing to pay for the fish?

The sixth article by Brécard et al. presents a survey conducted in 5 countries in Europe, to find out what the actual considerations of consumers are when purchasing seafood, and questions how effective an eco-label like MSC can really be. “Eco-labels are an instrument used by firms and governments in order to raise awareness of the higher ecological quality of a given product” (Brécard et al. 2009: 116), but do they actually work? Are consumers aware of the significance of an eco-label, and even if they are, do they care? The survey gave a mixture of results revealing several major issues with certification. To begin with, most people are not aware of the state of the world’s fishing stocks, or the unsustainable practices associated with the fishing industry - most people “reject green products because of their underestimation of the environmental consequences of their purchases”(Brécard et al. 2009: 121). Even when they consider a product with an eco-label, they are not sure what the label represents, and few are likely to do their own research to find out the details. It was also found that consumers assumed that higher priced eco-labelled products automatically meant they were more ecological, which is not always the case (Brécard et al. 2009: 118). Both these findings demonstrate how the increase in eco-labelling has nullified its own purpose by causing confusion to consumers who cannot tell one apart from another. They are unable to judge what an eco-label entails and how reliable it is, simply because there are too many. Furthermore, the malpractice of green washing by numerous companies has not helped in eliminating suspicion on the part of buyers.

Labels aside, it is also important to be aware that although “all consumers prefer the less polluting product”, they “differ in their willingness-to-pay for it” (Brécard et al. 2009: 117). The ecological impact of seafood holds a place of extremely low importance on the average consumer’s list of concerns. Goyert et al’s survey on consumers’ considerations when buying lobster in Maine, revealed the following results:



Source: Goyert et al., 2010: 1106

Brécard et al.'s results were similar. People focus on freshness and quality much more than ecological impact. Even when they were interested in the fish's origin, it was often more to do with whether the fish was from a certain area it is famous for. Furthermore, most consumers are only willing to pay slightly more for a fish when purely based on ecological reasons. Perhaps this is because the whole environmental movement is based around the concept of guilt, and buying an eco-label is only driven by the desire to feel a little better about the destruction human beings are inflicting on the planet. How many people are really willing to chip in more than a tiny contribution for that fuzzy "warm glow" (Brécard et al. 2009: 116)? Furthermore, people also sometimes lie to appear more "green". Surveys might show that people say they want ecologically friendly seafood, but their actions show otherwise. The 2008 Eurobarometer revealed that although 75% of Europeans said they were willing to pay "a little bit more" for green products, only 17% had actually done so (Brécard et al. 2009: 115). Funnily enough, the Brécard et al. survey also revealed that the candidate most likely to care about an eco-label was a young, well-educated female.

So perhaps the MSC's solution lies in making sure that only young educated women shop for the household.

The significance of these results lies in the fact that if consumers are not interested in covering part of the costs of certification, and are not necessarily driven to buy MSC products, why would fisheries even want to get certified in the first place? What new market is MSC offering fishermen as a benefit? There are two main areas on the consumer side that MSC has to master. First of all, MSC has the benefit of overriding other eco-labels with its international recognition. As previously mentioned, the overflow of eco-labels in the market already cause consumers much confusion. To make matters worse, different countries often create their own certification schemes to label products. This becomes complicated when a fishery wants to sell its catch to multiple countries as it then has to go through multiple certification schemes, all costs included. If MSC were to become the only legitimate label in the wild seafood industry, it might have a chance at becoming a clear stamp of approval for consumers.

Second of all, "consumer" demand is not as critical on the individual's behalf, as it is on the retailer's behalf. It is more important for MSC, when a supermarket or restaurant chain decides to take a leadership role and adopt MSC products for their whole supply. "The fact that Wal-Mart, one of the United States' largest supermarket chains, has signed on to the MSC is a huge success" (Moye, 2010: 547), and as a result, more will follow. A retailer worries less about a slight rise in price because they can transfer some of those costs to the buyer, and so MSC needs to focus on getting those actors on board. Hopefully, restaurants can also be attracted to adopting MSC as a model for business success. Seafood is often associated with fine dining, and so customers are more likely to loosen their purse strings a bit more when it comes to eating out. But does this mono-standard of sustainable consumption bring up the question of whether MSC could potentially start being perceived as a form of "eco-imperialism"? Would more and more demand from developed countries for certified products become a de facto barrier to trade for developing countries (Gulbrandsen, 2008: 658)? That is a question that goes beyond the breadth of this essay, but it does highlight the fact that as yet, MSC is mostly concerned with developed countries, an underlying affinity that is also present in much of the commentary in these articles.

A UTILITARIAN APPROACH

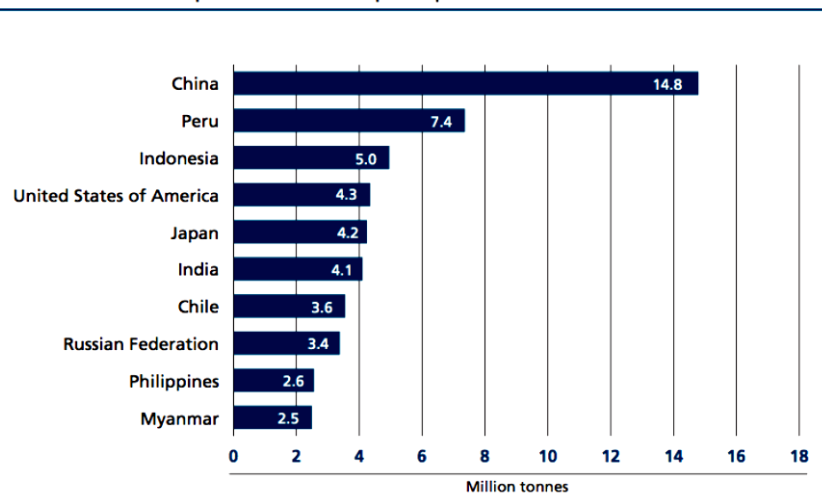
It comes as a surprise that the articles fail to address the basic way in which most of the world consumes seafood. Most of the articles focus on ways to improve MSC and tackle consumer demand, but Gulbrandsen is the only one who considers the fact that “most of the seafood in developing countries is consumed locally, in markets with little or no interest in eco-labelling, fisheries certification probably has limited potential to spread among the fisheries in these countries.”(Gulbrandsen, 2008: 658) Most seafood sold in open markets do not even have price tags attached to them, let alone an eco-label. “In Europe and North America, more than two-thirds of fish used for human consumption is in frozen and canned forms” (FAO, 2010: 63), but in Asia, by far the largest consumer of seafood, fish is mostly purchased in its live form to guarantee freshness. A fish that is not processed, packaged and sent off to a bigger market is simply not compatible with labelling.

Furthermore, interest has not even begun to make a dent in the Asian market, which has the biggest potential to incentivize fishers. Currently, MSC only has 4 certified Asian fisheries in Japan, Vietnam and the Maldives (MSC, 2010:14-15), and less than 5% of MSC products are marketed in Asia.

Furthermore, the preconditions for implementing a certification scheme like MSC in terms of fisheries characteristics are uncommon. Brady and Waldo discuss the necessity of clear fishing rights, but how often are these rights organized in a clear manner? Fisheries are particularly difficult industry to understand. For one, it is an invisible trade, where one cannot easily assess the state of stocks or environmental degradation simply because marine ecosystems are underwater. Furthermore, fish are mobile. Pelagics in particular, such as tuna and sardines, migrate over great distances and do not permanently fall under anyone’s jurisdiction. Even when fish are located in a particular area, it is often debatable as to who the fish belongs to. The question of ownership is a great source of conflict because fish are simply not “owned” until they are caught, and even then, it can be argued that a fishermen only has “possession” of the catch on board (Bromley, 2005: 218). Conflicts of ownership extend to the level of nation states and has possibly become more intense due to the creation

of Exclusive Economic Zones. Where does one's 200 nautical miles of EEZ end and the other's 200 nautical miles finish? This tension is clearly visible between neighbouring countries such as Turkey and Greece who share much of the Aegean, but jurisdiction can be taken to another extreme such as in the situation between West Timor and Australia, where Timorese fishermen suspected of entering Australian waters are taken into custody for months or years at a time for illegal poaching (Balint, 2005). It is not possible to put up a fence the way one would around their garden, and hence the issue of well- defined rights is often not even on the table for discussion.

Marine and inland capture fisheries: top ten producer countries in 2008



Sources: The State of World Fisheries and Aquaculture, FAO 2010: 31

The articles also fail to bring up the problem of causation. One might argue that MSC and other methods of fisheries management such as ITQs (Individual Transferable Quota), TACs (Total Allowable Catch) and MPAs (Marine Protected Areas) as mentioned by Brady and Waldo, are simply tackling the symptoms rather than the causes of the problem. Explanations such as population growth and bad fishing practices often confuse “the first cause (origin) of an occurrence with the final cause (purpose) of an occurrence” (Bromley, 1999: 96). Population growth for example, is an earlier circumstance that leads to overfishing, but it is not the intention of population growth to cause destruction to marine

ecosystems. Another common stated cause of overfishing, is that “resource users are ‘greedy’ and ‘shortsighted’ as a natural condition” (Wilén 2006: 530). “In this view of the world, if the objective of management is sustainable fisheries, the aim of policy must be to control and restrain the immutable bad behaviour of users” (Wilén, 2006: 530), much in the way a certification scheme does. So what then could be the final cause?

Wilén argues that fishermen’s fundamental decision-making incentives are distorted by insecure harvest privileges so that they compete wastefully with each other for increased quantities of fish (Wilén, 2006: 530). The issue of ownership once again comes into play, but more importantly every appropriator has to benefit from improvements in a system in order to contribute to it. “Without a fair, orderly and efficient method of allocating resource units, local appropriators have little motivation to contribute to the continued provision of the resource system” (Ostrom, 1990: 33). But are property rights the only issue? What is unique about the condition of fisheries when it comes to food production? Fishing, is one of the oldest forms of food provision, and arguably the only major form of commercial sustenance-based hunting. Hunting is a special form of food production because unlike farming, “food production from the sea does not require payment for the facilities” (Bromley, 2005: 223). A farm has input costs such as fertilizers, seeds, rent and machinery. By comparison, a fishing permit and a fishing vessel provides a means of reaping, but not the responsibility of sowing and ensuring continuous productivity. The determinants of productivity are provided instead by the health of ecosystems, by biomass, ocean environment and solar energy, all of which are free to resource users.

So how do we tackle this issue of a free natural resource and create a culture of taking care of the ocean rather than just taking from it? An economist might simply argue to stop giving out fishing quotas for free, and propose that fisheries are charged a tax on their catch which is then used to help in conservation projects. A policy maker might work out a better way to organize access privileges and strictly enforced fishing allowances. NGOs might revert to community-based management and conduct training programs to increase awareness and capability. This does not necessarily mean that existing policies do not offer any value. In lack of a panacea, there is a role for fishing quotas, seasonal regulations,

marine reserves and even eco-labels, such as the Marine Stewardship Council; but it is highly suggestive, that all those pieces of the puzzle need to be made to work together. Brady and Waldo call for a “multi-disciplinary approach” by integrating different management fixes (Brady & Waldo, 2009: 263), Gulbrandsen suggests governments help enable fisheries to meet better sustainability criteria by providing support, linking them to niche markets and organizing regulatory frameworks (Gulbrandsen, 2008: 658), so that they are eligible for certification schemes such as MSC. It is also important to constantly evaluate the effectiveness of all management initiatives. MSC itself has admitted to only being able to claim one clear biodiversity improvement as a result of its certification - “the reduction in endangered seabird by-catch in the South Georgia Patagonian toothfish fishery” (Ward, 2008: 175), and this is not absolutely provable to be the sole result of MSC certification. The inability to isolate and measure direct causes and effects of policy instruments is even more reason why many different ideas and methods should be taken into account and used together in a way to enhance rather than defeat each other. Furthermore, these methods must be constantly adaptable to new information and aware of issues of equity to ensure a reasonable distribution of rights and wealth. This is particularly challenging, not only because it involves dynamism and respecting diversity, but also because time and money is often diverted to implementing, monitoring and enforcing instruments rather than evaluating end results and social impacts.

Currently, there are more fisheries operating illegally and unreported than there are fisheries operating sustainably. Certification schemes such as MSC have yet to make any meaningful impact in the fishing industry, and it cannot be responsible for the preconditions necessary to make the scheme applicable to more fisheries, such as better laws, monitoring and well-defined fishing rights. Its aim is not to be a universal cure and by no means should it be the sole policy instrument in curbing the decline of our fish stocks. Action must be taken on the part of governments, industry and civil society, perhaps in ways that have not previously been considered. It is the responsibility of all actors to take part, as well-considered initiatives are absolutely vital for the future of the fishing industry and the survival of life in our oceans. It is not only the delight of seafood dining at stake, but the livelihoods of millions of people and the marine ecosystems that we depend on for our food, air and water.

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4

The ICC: a criminal court or mechanism for transitional justice? Reparations for victims of international criminal crimes: the ICC's biggest challenge

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In post-conflict situations where there has been gross violations of human rights and international humanitarian law, reparations for victims play a pivotal role in “satisfying victims-survivors’ expectations of justice and redressing the serious harm caused them by structural injustices and political violence “(Laplante & Theidon, 2007: 234). Indeed, reparations acknowledge and recognize the individual’s suffering and place it within a new officially sanctioned history of trauma (Hamber & Wilson, 2002: 5). Additionally, reparations labels responsibility and redirects the blame towards perpetrators relieving the moral ambiguity and guilt survivors often feel (op. cit.: 5). However, reparations for victims of international crimes has been treated as a subject of secondary importance in international law (Zegveld, 2010: 80). While, the punishment of individuals has received most of the attention, victim’s rights and interests have been on the other hand ignored.

The statute of the International Criminal Court (ICC) made a huge step towards acknowledging victims’ rights to reparations; however as Judge E. Odio Beni once mentioned “Making [the reparations] provisions a reality for the thousands of victims remains [the Court’s] biggest challenge.” (Clemens Nathan Research Centre and The Redress Trust 2007: 10). Thus, and taking into account that at least 1,200 victims

have filed applications for participation, how is the ICC going to handle the large number of victims appearing before it? (Zegveld, 2010: 93-96). Will the ICC in designing and implementing reparations play a role of a transnational justice mechanisms or will it conform itself in only being a criminal court? The purpose of the preset essay will be to explore some of the different discussions made by academics and NGOs concerning this issue and to highlight the different approaches that have been proposed. Hence, I will first, illustrate the current state of the right to reparation under international law, specifically under international criminal law, I will then mention some of the difficulties the ICC faces concerning reparations and the different approaches taken by some scholars and NGOs. Finally, I will assert why it is my belief that the ICC notwithstanding its current limitations, should consider itself as a mechanism of transitional justice and work its way in achieving this goal.

THE RIGHT TO REPARATION FOR INDIVIDUALS UNDER INTERNATIONAL CRIMINAL LAW

Human Rights Law has been the primary field of international law where the right to reparation is recognized for individuals. In effect, many human rights treaties¹ provide remedies for individuals that suffered harm for actions and omissions of state authorities (op. cit.: 82-83). However, individuals exercise these rights against a state and not against individuals.

Under International Humanitarian Law states have been reluctant to recognize a right for victims to claim reparations (op. cit.: 83). Nevertheless, according to Zegveld a number of rules refer explicitly to concepts such as ‘rights’, ‘entitlements’ or ‘benefits’ (op. cit.: 83).² Additionally, it has been asserted that Article 3 of the 1907 Hague Convention IV respecting the Laws and Customs of War provides a basis for claims brought by individuals when it states that: “a belligerent party which violates the provisions of the said Regulations shall, if the

¹ See Article 63 of the American Convention on Human Rights and Article 14 of the European Convention on Human Rights and Fundamental Freedoms.

² See Articles 42 and 62 of the Convention Relative to the Treatment of Prisoners of War, 1929 and Articles 7 and 8 common to the four Geneva Conventions, 1949.

case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces” (Zegveld, 2010: 84).

Notwithstanding the above, it is now widely accepted that individuals have the right to reparation under International Humanitarian Law. In effect, the United Nations General Assembly adopted in 2005 the Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. According to the Resolution the principles do not create a right to reparation but acknowledges existing rights to reparation (UN. G.A Res. 60/147, 2006: 3). Additionally, the international crimes that are under the jurisdiction of the ICC are considered gross violations of human rights and International Humanitarian Law, thus they are covered under by the Basic Principles (Clemens Nathan Research Centre and The Redress Trust –summarizing a presentation by Professor Theo Van Boven- 2007: 17). Moreover, the Resolution mentions besides compensation, other forms of reparation such as: restitution, compensation, rehabilitation, satisfaction and guarantees of non repetition.

Consequently, individuals who can be internationally criminally responsible of committing international crimes are also liable for the harm they have caused (Zegveld, 2010: 85). Hence, the right to reparation under international law can be exercised against an individual and by another individual. However, among the international criminal tribunals; only the ICC (Article 75 of the Statute) provides a full legal remedy. Under the statutes of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) there was only a provision concerning restitution of property and the possibility of victims to demand reparation was said to be through national courts (Security Council Resolution 827, 1993 and Security Council Resolution 977, 1995 of 25 and Article 106 of the Rules of Procedure and Evidence of both tribunals 2010). The Extraordinary Chambers in the Court of Cambodia (ECCC) on the other hand, provides some sort of remedies for victims but not as comprehensive as the ones provided by the ICC (Zegveld, 2010: 91). Finally, the statute of Special Tribunal for Lebanon leaves open the possibility for victims to bring an action for compensation in a Lebanese or other national court (S/RES/1757 2007: 21).

Nevertheless, it is worth mentioning that the judges of the tribunals recognized that justice required compensation and even suggested to the United Nations to create a special mechanism for reparations that will function alongside the tribunals (Secretary General, United Nations, 2004: 19).

THE ICC ITS REPARATION SCHEME, DIFFICULTIES AND LIMITATIONS

Concerning the ICC, there were many objections by the drafters of the Statute regarding the reparations provision under Article 75 (American University, Washington College of Law, 2010: 23). Article 75 of the Rome Statute states that “[t]he Court shall establish principles relating to reparations to, or in respect of, victims, including restitution, compensation and rehabilitation.” In effect, some opponents stressed that the provision will distract the court from its primary responsibility which is: to prosecute. Additionally, they were concerned about the issue that some judges were from different legal traditions and that in some domestic legal regimes reparations are not recognized by criminal law – there’s a division between in criminal and civil law (op. cit.: 16). Nevertheless, a consensus emerged among the drafters of the statute that “[a] court whose exclusive focus was purely retributive would lack a dimension needed to deliver justice in a wider sense” and there was need to recognize that victims of international crimes not only had an interest in the prosecution of offenders “but also an interest in restorative justice, whether in the form of compensation or restitution or otherwise” (ibid.).

If we take into consideration that the ICC was meant also to have an impact in restorative justice this means that reparations will have a wider role and should besides compensation pursue recognition, civic trust, and social solidarity. But how can the ICC achieve all these goals? What are the discussions concerning this issue? Additionally, it is worth highlighting that even though reparations can constitute closure and final acceptance of loss it can also create some difficulties to survivors (Hamber and Wilson, 2002: 14). For example, some of the Madres of the Plaza de Mayo in Argentina were opposed to monetary reparations, since to accept reparation was for them to acknowledge death (ibid.). In addition, although reparations may well be necessary they will never be sufficient since “resolution depends on how individuals personally engage in 'trauma work' at their own idiosyncratic pace” (op. cit.:

15). Hence, one has to bear in mind the complexities, difficulties and challenges inherent in designing and implementing reparations.

Under the Statute of the ICC the Court may order individual reparations, collective reparations or some combination of the two (American University, Washington College of Law, 2010: 23). Additionally, though reparations are ordered against a convicted person the Court may order an award through the Trust Fund for Victims (TFV) (*ibid.*). It should be noted that the TFV was established for the benefit of victims of crimes falling within the jurisdiction of the Court and it has both, “ a function in the legal reparations scheme of the ICC as well as a humanitarian role, each of which tasks should be well distinguished” (Zegveld, 2010: 88).

However, many details concerning the reparations scheme of the ICC were left unclear and article 75 of the statute mandates the Court to establish principles relating to reparations (American University, Washington College of Law, 2010: 23). Nonetheless, until present there’s no public information about their development. In effect, many organizations and academics have recommended the ICC to “proactively develop the principles...outside of the context of any single case and prior to the issuance of its first reparations award” (American University, Washington College of Law, 2010: 28; Wierda and Greiff, 2004: 11). Moreover, academics and NGO have expressed their concern about the capability of the Court in dealing with the design and implementation of reparations. In effect considerations of costs and administrative capacity have been mentioned as limitations for the ICC to overcome this challenge (Wierda and Greiff, 2004: 7; Zegveld, 2010: 93, American University, Washington College of Law, 2010: 29). Hence, in the following paragraphs some of the different approaches adopted by academics and NGO’s concerning this issue will be explored.

DIFFERENT APPROACHES TO HOW THE ICC SHOULD IMPLEMENT REPARATIONS

According to Greiff and Weirda due to the ICC’s structure, purpose and nature, the Court will be only able to distribute reparations for a small number of victims (Wierda and Greiff, 2004: 7). Additionally, they assert that even if the ICC tries to do so it will create differences between the victims that reach the Court and those who do not but have received

some benefits from the Trust Fund. Thus, they propose that the Trust Fund which works under less narrow designed legal principles, designs and implements reparations programs which should have a wider goal than ensuring compensation (*ibid.*). Additionally, they consider that the TFV is more able to fully recognize victim's status by achieving victim's participation in the process (*op. cit.*: 2), consequently, they suggest that the TFV assumes "the primary role in designs of reparations under the Rome regime" (*op. cit.*: 14).

Others, such as Zegveld have express that taking into account the large number of victims that will approach the Court; the ICC could accept class actions (Zegveld, 2010: 93.) However, and by acknowledging that group litigation would limit the choices and options of individual victims Zegveld proposes separating criminal proceedings form civil proceedings as the correct formula (*op. cit.*: 97). For this author, in order to provide greater redress for victims of international crimes the creation of an international civil court may turn out to be a better alternative (*Op. cit.*: 111). According to Zegveld, this possibility will enable the ICC to concentrate on prosecution – its primary concern – and will overcome the limitation that the judges elected to be members of the Court would more probably not know how to deal with civil claims (*op. cit.*: 110).

Additionally, others have expressed their concern about the omission of symbolic reparations (satisfaction) in the Statute (American University, Washington College of Law, 2010: 43; Mégret, 2008: 3) For Mégret, the absence of such form of reparations in the ICC context has its roots in the "difficulty of transferring a regime of reparations devised for state responsibility, to the situation of individuals who have committed international crimes" (Mégret, 2010 : 3) However, he asserts that the not mentioning of symbolic reparations was more an omission than a exclusion and that individuals are not excluded under the Basic Principles for providing symbolic reparations, since the Principles start with a general affirmation of a right to remedies without conscribing it to any particular subject (*op. cit.*: 10-11). Moreover, for this author there's no invasion of individuals' conscience if the Court tries to encourage "offenders to learn the value of the rights they have violated by asking them to acknowledge and repudiate their crimes" (*op. cit.*: 12).

Acknowledging that the Court can also ask for symbolic measures in a sense is acknowledging that the court can play a "restorative" role (*op. cit.*: 13). Thus, the use of symbolic reparations by the Court will make it

resemble more a transitional mechanism. As Mégret mentioned “What is at stake, behind the idea of symbolic reparations is more than simply adding another modality of reparation; it is changing the way in which a jurisdiction like the ICC thinks about reparations (op. cit.: 15). Hence, going beyond traditional compensation, the ICC and the Trust Fund will think of themselves “not only as cogs in the machinery of international criminal law, but also as actors of transitional justice” (op. cit.: 16).

On the other hand, others have expressed their concern about who will be the institution entitled to enforce reparations. For the Wierda and Greiff, since reparations represent the recognition of past wrong and the willingness to do things differently in the future, reparations should be “understood as coming in the name of a party that has standing in a conflict with whom relations need to be repaired”. Hence, the ICC could have a role in defining principles or granting orders but its enforceability should be left to national courts. For these authors, “any remedial actions taken by national courts will do more to bring a measure of recognition to victims than a program implemented exclusively by the ICC” (Wierda and Greiff, 2004: 8).

Moreover, the debates concerning the ICC reparation scheme are not only about who will be the one responsible for repairing or the kinds of reparations that should be determined but also how these reparations are designed. Thus, for the American University “determining the best combinations of the various forms of reparation should not occur in a vacuum (American University, Washington College of Law, 2010: 7). In effect, academics and NGO’s agree that in determining what form and combination of reparations is more appropriate, victims and other stakeholders should be consulted. (op. cit.: 6)

Consequently, it has been stressed that participation of victims in designing and implementing reparations programs are essential for ensuring that reparations are effective and meaningful (Correa et al. 2009: 7). In addition, some authors have expressed that “the very process of consultation with victims regarding their needs and desires in respect of reparations can contribute to victims healing” (ibid.).

However, it should be noted that participation has many limitations and difficulties in practice. Since an homogenous community is very unlikely to exist, victim’s heterogeneity should not be ignored and representation of victims should be ample as possible (op. cit.: 8). Additionally, if one takes into account that the Basic principles

mentions that “individual circumstances” should be taking into consideration when determining reparations, the gender approach should also be contemplated. Nevertheless, there is little general understanding of what mainstreaming gender in reparations programs may require (Rubio-Marín, 2006: 23). Hence, the need to take into account the differential consequences suffered by many women (It should also be mentioned men and children), should lead to individualized determinations concerning the different forms of reparations (Shelton 2010: 450) Consequently, Rubio-Marín has asserted that that the voices of women should be included in the reparations process (Rubio-Marín, 2006: 28). He even goes further by stating that reparations can “help to either reinforce or subvert some of the pre-existing structural gender inequalities that are commonly built into the social tissue of civil society resulting in women’s systematic discrimination” (op. cit.: 25). In effect, the need of adopting a gender- sensitive approach to reparations programs is now one of the issues being discussed in the process of updating the Report of the United Nations on “the rule of law and transitional justice conflict and post-conflict societies” (ICTJ, News, March 2011) .

Is the Court capable of conducting consultations in order to design and implement reparations? Some have stressed that it is not. Weirda and Greiff, for example have explicitly mentioned that the Trust Fund should carry the task of consultations (Weirda and Greiff, 2004: 11). In similar sense the American University has suggested that in applying Rule 92 (2) of the Statute, the Trial Chamber who has complete discretion as to determine who are the experts in assisting the Court in processing and determining the reparations award, should consider appointing the TFV (American University, Washington College of Law, 2010: 8).

CONCLUSION

The acknowledgment, respect and guarantee of the right to reparation of victims of international criminal crimes are essential for achieving justice and peace. Indeed, “justice does not focus only on perpetrators but also on those who have suffered at their hands (Secretary General, United Nations 2004: 2). Nevertheless, this right can not only been satisfied by only offering monetary compensations. On the contrary, adopting a victim’s central approach implies enquiring about the appropriate remedy

and the taking into account individual circumstances. In order to provide full and effective reparation the different forms of reparations should be borne in mind – restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition (UN. G.A Res. 60/147). As expressed by Simpson, “... credible approaches to reparation have the potential of a critical peace dividend which could contribute substantially to civic trust and to the durability of peace building” (Simpson, 2008: 77).

The Statute of the ICC recognized for the first time the right to reparation for victims of international crimes against individual perpetrators. In effect, The Pre-Trial Chamber I in one of its first decisions stated that “The reparations scheme provided for in the Statute is not only one of its unique features. It is also a key feature. In the Chamber’s opinion, the success of the Court is, to some extent, linked to the success of its reparation system” (ICC, Prosecutor v. Thomas Lubanga Dyilo 2006, Parra. 136)

Thus, the ICC is faced with a huge challenge in delivering reparations. Expectations are high and many academic and NGOs, as it was mentioned above, consider the ICC as not only having a retributive but a restorative role. Hence, I do agree with Mégret when he states that going beyond traditional compensation, the ICC and the Trust Fund will think of themselves “not only as cogs in the machinery of international criminal law, but also as actors of transitional justice “(Mégret, 2006 : 16).

The ICC should not be considered as just one criminal court institution, it is more. It comprises a complex mechanism set in place to achieve justice in its broader sense (accountability for perpetrators and reparations for victims). When one refers to the ICC is not only refereeing to the Court as such, but the TFV, the Security Council, NGOs, the international community as a whole, and off course, the victims of gross violations of human rights and international humanitarian law. All of them connect and give meaning to a broader notion of the International Criminal Court. Thus, even though, the Court has at present many limitations and is not seen by many as capable of providing adequate, effective and prompt reparations, it should, with the help of all the relevant stakeholders work its way towards achieving this goal. It is not an issue of matching expectations but of working and putting in place the reparations system provided in the Statute.

Until present the ICC has not made any determination about reparations for victims based on the fact that there's has not been any conviction. However, the ICC has the task of establishing principles regarding reparations and as suggested by the American University, this should be done before any determination of reparation takes place (American University, Washington College of Law, 2010: 28). Indeed, as was mentioned above, designing and implementing reparations is not an essay task. Many academics and NGOs have made several proposals as how the issue of reparations should be handled. Nevertheless, determining which one is the right way to go falls outside the purpose of this essay. On the contrary, what I Intended was to highlight the different discussions around this issue and to assert that if one wants reparations to be "conflict-sensitive", meaning that reparations must be conceived in a way that facilitates reconciliation, rather than increasing divisiveness (op. cit.: 8) and make come true the restorative function of the ICC, the Court should, as the American Institute recommended, proactively develop the principles mentioned in Article 75 of the Statute.

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5

Land Title to the Tiller: Skeptical Reflections on Land Tenure Policy in the Philippines after the Passage of Republic Act 9700 (CARP Extension with Reform Law)

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Conventional wisdom supports the proposition that increased tenurial security and stable private property rights in favor of small-holder farmers are the prime catalysts for rural development. Dekker, for example, has stated that “property rights that provide longer-term security will increase the demand for long-term investment and thereby establish the basis for an increase in farmers’ assets” (2003: 83). The imagery of a farmer holding a document evidencing title and ownership of a parcel of land that he or she had once worked on as a tenant is a moving one indeed, and agrarian activists see in that imagery the culmination of a hard-fought struggle. With valid cause, certainly – in countries with unfinished land reform processes like the Philippines, land acquisition and subsequent redistribution are resisted at every turn, in many cases with violence routinely deployed, such that when a land title in the name of a former landowner is cancelled and re-registered in the name of the farmer-beneficiary, it is heralded as a major achievement.

This paper argues that the seductive appeal of land registration in favor of small-holder farmers has obscured many of its attendant issues. It will look in particular at the case of the Philippines after the passage of Republic Act 9700, more popularly known as the Comprehensive

Agrarian Reform Program Extension and Reforms Law (from hereon, CARPER Law), in 2009 and offers the analysis that the current policy setting of the Philippines puts an inordinate emphasis on formal land tenure security, while only haphazardly addressing patterns and practices that bear more heavily on farmers' actual and material control over the land.

In essence, the following question shall be answered: under what conditions shall a policy framework promoting individual land tenure lead to pro-poor rural development?

REPUBLIC ACT 9700: A BRIEF BACKGROUND

In 2008, funding for land acquisition and distribution was set to expire, and while the Comprehensive Agrarian Reform Law of 1988 did not come with an expiration date, termination of funding to compensate landowners effectively meant that no new acquisitions could be made. The balance of undistributed landholdings – 1.3 million hectares, in total – presented a serious problem, especially when many of these landholdings were in agrarian hotspots and distribution was stymied because of fierce landowner resistance. Farmers and land rights activists also feared that the failure to pass a new law would be construed as the absence of any legal basis for the continued assertion of farmers' rights, and so came together to campaign for the passage of a new agrarian reform law. Activists supportive of state-sponsored land reform also shared a common belief that the conjuncture presented an opportunity to insert new reforms based on historical lessons from the ground.

After a contentious legislative process, R.A. 9700 was signed by then President Gloria Macapagal Arroyo. It gave agrarian reform fresh funding for a new five-year term, extended the mandate for acquisition and distribution, and incorporated a panoply of reforms, including the indefeasibility of the Certificate of Land Ownership Awards (also known as CLOAs or land titles given under to agrarian reform beneficiaries), the elimination of the Voluntary Land Transfer method, which has often been used by landowners to retain ownership of the land via dummy beneficiaries, the granting of usufructuary rights to potential farmer-beneficiaries, as well gender-related provisions that recognize the rights of female farmers. Walden Bello, an international activist and current

Member of the Philippine Congress as representative of AKBAYAN Partylist, had said:

“I believe that given the balance of forces in the country today, those who voted for CARPER made the right choice. This was the best piece of agrarian reform legislation we could come up with at this historical juncture, given the correlation of class power.” (2009)

Indeed, given the size of undistributed landholdings, an agrarian reform law is still better than not having a law at all, and many of the reforms in the new law are truly articulations of grassroots demands and responses to historical inequities. Land laws though are not neutral instruments (Borras & Franco, 2008: 1), and must be examined against the contextual backdrop and policy contours on which it operates. I look at three dimensions that impact on and must be considered during any analysis of tenure policy. I argue that the state predisposition towards these three dimensions determine the degree to which individual land tenure policy can lead to – or indeed, detract from – pro-poor rural development. These are: (1) redistribution, (2) collective tenure and (3) land commodification and agri-business.

LAND REDISTRIBUTION: INDEFEASIBLE INDIVIDUAL LAND TITLES - BUT FOR WHOM?

I argue that provisions establishing title indefeasibility only become meaningful when coupled with a genuinely transformative redistribution policy. I argue further that the current policy embodied in the new agrarian law, CARPER, may not lead to effective redistribution, and quite possibly, lead to land reconcentration.

An absolute, non-negotiable requirement of a genuine and transformative land reform policy is landowner non-interference in beneficiary selection. This means that under no circumstance must the previous landowner be involved in the process of the screening of agrarian reform beneficiaries. I explain this point further by referring to two particular provisions in CARPER – the provision on indefeasibility of title, and the provision on the attestation clause.

Much to-do has been made about a provision in CARPER that reads as follows:

“... Provided that the Emancipation Patents, the Certificates of Land Ownership Award, and other titles issued under any agrarian reform program shall be indefeasible and imprescriptible after one (1) year from its registration with the Office of the Registry of Deeds, subject to the conditions, limitations and qualifications of this Act, the Property Registration Decree, and other pertinent laws. the Emancipation Patents or the Certificates of Land Ownership Award being titles brought under the operation of the Torrens System, are conferred with the same indefeasibility and security afforded to all titles under the said system ...”

This has been lauded as one of the landmark achievements of CARPER, as it addresses several cases of titles being cancelled and the land in question reverting back to the original holder or sold to another person. It is an amendment that was fought for and won by agrarian advocates in the Philippines.

And yet, buried inside the legal text is another amendment that reads as follows:

“Provided, finally, as mandated by the Constitution, R.A. No. 6657 and R.A. no. 3844, only farmers (tenants or lessees) and agricultural farmworkers actually tilling the lands, as certified under oath by the Barangay Agrarian Reform Council (BARC) and attested by the landowner, are the qualified beneficiaries¹.”

Making landowner attestation a prerequisite to qualify beneficiaries is not simply a problem of adding another tedious step in the process of land acquisition and distribution; rather, it reworks the entire paradigm of agrarian reform – a social justice measure founded on the theory that the police power of the State is superior to and can operate independent of adverse private interests. It ignores the class tensions and the imbalance of power relations between landowner and tenant. In fact, before the passage of RA 9700, never in the history of agrarian reform law has the landowner been privy to the process of beneficiary selection. The logic behind this is simple: when we make one crucial step of the process dependent on an entity whose interest is precisely to stop the process, the process itself is held hostage and there is much havoc to be wrought.

¹ Sec 7, of RA 6657 as amended by RA 9700.

Combined together with the provision on indefeasibility, the net result is a policy regime wherein land titles and private property rights are secure, but they are only secure for a privileged subset – those who are considered legitimate by the landowner. In a situation wherein the landowner either (1) attests only friendly beneficiaries who would be amenable to any “arrangement” offered by the former, or (2) uses attestation as leverage against genuine farmer beneficiaries to compel them to agree to – for instance – a corporate farming scheme, an indefeasibility clause may in fact be a case of rendering indefeasible that which must be defeated, irreversibly legitimizing that which in truth should be declared illegitimate.

In Negros Occidental, a province in Central Philippines known for being an agrarian reform hotspot, the landowner corporation had moved to exclude potential farmer beneficiaries on the ground that they were allegedly not its tenants. After the titles had been distributed to the “legitimate tenants”, they claimed indefeasibility of title to repel inclusion-exclusion proceedings (proceedings to re-examine the list of beneficiaries to remove spurious names, and to add names of qualified farmers who were inadvertently omitted).

Another point that has to be made is that even for those who had been granted titles and these titles have attained indefeasibility, their security of tenure – in a real and operational sense, i.e., true capacity to exercise control and management over their landholding – may be vulnerable. The fact that they would not have been beneficiaries but for the attestation of the landowner creates a nexus between the two parties, or reinforces the nexus that had been there as a result of generations of tenancy. It is precisely this nexus that agrarian reform should seek to cut, and not strengthen. With this connection, and taking to account the asymmetric power relations, it becomes easier to trap the beneficiaries into arrangements that will ultimately result into loss of effective control of the landholding.

The mischief therefore of looking at land tenure security policy independent of the other policies, politics and forces that surround it becomes apparent. It is difficult to imagine anything more tragic than a policy measure fought for and celebrated by activists, social movements and people’s organizations mutating into another form of parliamentary enclosure – enclosing and protecting the rights of a few, while excluding the vast defenseless majority.

INDIVIDUAL LAND TENURE AND COLLECTIVE LAND TENURE: CO-EQUAL OR HIERARCHICAL?

Another demonstrable feature of CARPER is an explicit bias towards individual property rights, rather than collective land tenure. The law lays down several conditions for collective ownership such as that “the potential beneficiaries are currently not farming individual parcels but collectively work on large contiguous areas” (Section 25, c.) or that “the farm consists of multiple crops being farmed in an integrated manner or includes non-crop production areas that are necessary for the viability of farm operations, such as packing plants, storage areas, dikes, and other similar facilities that cannot be subdivided or assigned to individual farmers” (Section 25, d.) The law likewise requires that “with regard to existing collective certificates of land ownership award, the DAR should immediately undertake the parcelization of said Certificates of Land Ownership Award, particularly those that do not exhibit the conditions for collective ownership outlined above.” (Section 25)

It must be emphasized that these set of provisions espousing individual titling was not in the old agrarian reform law even in embryonic form, was not pushed by agrarian advocates, certainly not by the landowner bloc, and could not even be said to be legislative articulations of executive policies (e.g., memorandum circulars of the Department of Agrarian Reform) or of jurisprudence. How then has such a key policy measure managed to find its way into a law where practically every word, every provision was a veritable battleground between stakeholders from all sides?

CARPER establishes a clear policy of “parcelization” into individual titles of collective tenure arrangements – thereby looking at such collective tenure arrangements as either (1) inferior to, or (2) only a step towards the “ideal” individual title systems. What this point to is the fact that the primacy of individual titling over collective titling has remained largely uncontested and uninterrogated in the Philippine policy framework, reflecting perhaps the orthodox belief that individual property rights provide more security and stability. Indeed, aside from ancestral domain and lands under stewardship, government is doing away with any form of collective arrangement – perceived to be a mass of “messy” and “illegible” (Scott, 1998: 24) relations that do not arrange itself nicely into the rubik’s cube of the free market.

Even the ways in which these arrangements are framed reveal certain biases. Collective tenure are often described as “traditional” and “indigenous”, thus flagging a need to transition to more modern (read: Western) type of arrangements. Dekker is illustrative of this thinking, to wit:

“To establish legitimate ownership rights to land in Eastern European or Central Asian countries, often a “Western style” legal system is imported. It is not likely that such a system would evolve over time because of the understandable wish to establish a market economy as quickly as possible. But in order to be appreciated and understood in the local situation, it is necessary to translate the legal concept as nearly as possible in the local language and social context, and to train local legal specialists.” (2003: 62)

The premise of this statement is not difficult to see: that a Western style system is more superior and is “universally desired”, that a market economy *en pronto* is an “understandable wish”, and that the imported legal concept must be translated into (rather than adjust to or defer to) the local context and vernacular. The error of such a premise has been well-documented, indeed even in the Philippines, where Borras (2005: 41) has written at length about the failures of the World Bank experiment on Market-Led Agrarian Reform.

INDIVIDUAL TITLING AS PRECURSOR TO LAND COMMODIFICATION

In truth, the legal logic of land ownership includes the right to dispose of, or in any manner, transact the property. To be able to sell or lease or mortgage, one must first own the thing which is to be sold or leased or mortgaged. The sale, lease or mortgage that follows is presumed to be the product of rational deliberation, of a negotiation between two equals who will both benefit, and with the end towards the maximization of profit and individual welfare. That assumes however, that the transactions that take place are sterile, and devoid of asymmetric information and other factors that tend to prejudice one party – the weaker party – to the transaction. Too, this assumes that the decision to sell, mortgage or lease was not done under any pressure or duress. That these options may actually be beneficial for the farmer is an oft-repeated theme, with the World Bank being its prime proponent. To quote the Bank itself in its report: “Rising Global Interest in Farmland: Can It Yield Sustainable and Equitable Benefits?”

“Third, if payments for land are made or if advantageous opportunities exist for non-agricultural employment, small farmers, especially those with limited management skills or access to capital, may increase their welfare by renting their land to an investor. A land rental payment can be computed that, for a given (exogenous) wage rate, would leave a small landowner indifferent between self-cultivation and renting out the land and working for wages on a large farm.” (2010: 25)

What the World Bank appears to suggest is that not only would it be beneficial for farmers to rent out or sell their land, it might also be to their interests if they are transformed as wage labor provided “advantageous opportunities” are made available to them. I argue that, in rural areas, this assumes too much.

An illustrative example is a case in Biliran, an impoverished province in the Visayas region of the Philippines, where the farmers were all holders of Certificate of Land Ownership Awards. Drowning in debt and with no support services coming from the government, they eagerly accepted an offer made by a biofuels corporation to lease their lands for less than 100 euros per hectare, per year, for ten years. They were paid the money upfront and jatropha production sites were set up. Unfortunately, within days, the news of new money had spread, and loan sharks swooped down on the recipients of cash, eager to settle old debts. In the end, the farmers end up with no land, no cash, no resources – only paper titles that have, according to the letter of the law, acquired *indefeasibility*.

This example, one among many examples not only in the Philippines, but also in the world, throws into question the entire paradigm articulated most famously by De Soto (2000), who argued essentially that land property rights should be embodied in formalized titles so that they may be standardized instruments of exchange in the market place. I argue that formalized titles, without first addressing asymmetric power relations and how these relations impact on transactions, will only lead to land reconcentration and the deepening of rural poverty.

In the Philippines, efforts to push for a law allowing the use of farmland as collateral have not abated. Under current law, farmers may only sell or collateralize their land after ten years from receipt of title. There have been several moves to amend this law and allow the use of farmland as collateral – the former President herself, Gloria Macapagal

Arroyo pushed this in her state of the nation address. This, she had said, will reinvigorate the agriculture sector and allow farmers access to credit. A Filipino lawyer who works for the Dutch Development Bank in The Hague had intimated that development organizations are often “frustrated at the Philippines” for its “unreasonable” restrictions on agricultural lands, and are pushing actively for more liberalized policies, as if the policies are not liberal enough as they were.

The ultimate end of this of course, is a thoroughly market-mediated system where considerations of equity are subservient to the efficiency of the global corporate enterprise. In this regard, individual titles are not ends, but are means towards achieving a free market model where the commodification of land and the integration of peasants into the global value chain plays a crucial, if not central, role. In many instances, contrary to orthodox assertions, the integration into the global value chain will not better the lives of farmers; rather it will lead to further proletarianization and marginalization. Central to this argument is the understanding that farmers falling into the cracks of a market-mediated system is not a tragic accident of the system, it serves a functional purpose. It provides for the system a desperate mass of individuals willing to (1) provide cheap farm labor to corporate farming enterprises, and (2) free up agricultural lands through a panoply of one-sided lease/ leaseback arrangements to temporarily relieve themselves from the yoke of poverty.

In such a situation, individual titles are not a way out of poverty, but a cynical mechanism that will facilitate easier and smoother integration into the corporate enterprise.

CONCLUSION

Now therefore it must be asked: are there conditions, and if so what are these, in which individual land registration can lead to genuine pro-poor development?

Cotula & Vermeulen (2010: 912-913) have argued that improved land rights, even when “combined with enhanced ability to exert these rights” alone do not necessarily lead to better outcomes for the farmers; rather, issues of consultation and consent must be dealt with in more genuine and committed ways. Borrás & Franco agree, and added an important critical point :

“Secure property rights should not a priori, only or always, mean private property rights; in many parts of the world, an inductive approach is needed that is based on a deep understanding of the societies where intervention is targeted and makes “socially legitimate occupation and use rights, as they are currently held and practiced, the point of departure for both their recognition in law and for the design of institutional frameworks for mediating competing claims and administering land.” (2010: 518)

Taking off from these two insights, this paper wishes to add to the discourse by specifying the conditions under which secure property rights can lead to pro-poor development.

First, pro-poor development under an individual titling system may be possible if there is genuine redistribution where secure property rights are used to preserve the gains of agrarian reform and prevent land reconsolidation by the landed elite. Here, titling is the culmination of a zero-sum game. Beneficiaries are genuine beneficiaries selected through an equitable process with no landowner intervention, and titling will not be merely granting imprimatur to a shoddy process, and be used as a mechanism to privilege some at the expense of others.

Second, titling may be useful and beneficial when it is but one component of an integrated rural development framework that accommodates and respects other tenurial systems (collective, customary). It is but an option in a plethora of options and benefits shall not be conferred or denied on the basis of whether a land has been titled or not.

Third, and most importantly, a titling system should be an end in itself, and not a means to facilitate land commodification or assist the grinding wheels of the corporate project. The tragedy of allowing people to own land so that it would be easier for them to lose it could well be the global capitalist enterprise’s best sleight of hand.

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6

A 'Post-ICPD Approach' to Understanding and Transforming HIV Risks and Vulnerabilities among Young People in Vanuatu

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INTRODUCTION

This paper will explore the achievements of the International Conference on Population and Development (ICPD), held in Cairo in the September of 1994, and its relevance in understanding and transforming HIV risks and vulnerabilities among young people in the Pacific Island Country (PIC) of Vanuatu. It will proceed in three sections. Firstly, this paper will offer a brief critical review of the achievements of the ICPD, as articulated in the Programme of Action (PoA). Secondly, this paper will elaborate on constructivist perspectives of 'being young' and 'being sexual' – given that these perspectives are fundamental to the epistemological shift championed by the 'Cairo Consensus', and thus critical to how the Consensus is interpreted here. Thirdly and finally, this paper will turn its attention to a specific context and cohort: young people in Vanuatu. Given that young people are situated at the nexus of a global AIDS pandemic, and that 59% of Vanuatu's population is under 24 (VYPP, 2008: 14), Vanuatu's civil and state leadership face an urgent need for holistic analysis of young people's HIV risks and vulnerabilities – if they are to go beyond individual-level approaches and instead tackle the socio-structural factors which underpin them. Thus informed by Cairo's PoA, this paper will illustrate the relevance of an ecological framework in achieving such a holistic analysis. Briefly sketched, this analysis will highlight an urgent

need to upscale participatory programming that reflects young people's complex social realities – and permit a closing call for multi-sectoral and community-wide commitment to transforming barriers to young people's health.

THE CAIRO CONSENSUS

In hailing the ICPD a 'landmark' and 'ground-breaking event', its advocates recognise the 'Cairo Consensus' as a radical departure from the "demographic target setting and virtual exclusion of women's voices" which characterised the preceding population conferences at Bucharest in 1974 and Mexico City in 1984 (Dixon-Mueller & Germain, 2000: 70). While most certainly "representing a political victory for women" (op. cit.: 69), the ICPD's Programme of Action (PoA) – or Cairo Consensus – articulates principles for a holistic and multi-disciplinary approach to people-centred development (and distancing from population control), and as such has an equity-oriented universal reach which seeks to empower females and males of all ages – including the diverse social category of 'youth'.

The most pertinent achievements of the Cairo Consensus, for the purposes of this paper, will be summarised as three-fold (as interrelated rather than discrete). Firstly, the ICPD's core success lies undoubtedly in the introduction of concepts such as gender, empowerment and women's health into mainstream population policy discourses (Sen & Batliwala, 2000: 15), and in thus placing a human-rights oriented approach to reproductive health (encompassing sexual health) at the heart of the development agenda (Dixon-Mueller & Germain, 2000: 70). Secondly, and by extension, the Cairo Consensus signalled a move towards integrating HIV services with sexual and reproductive health programming. While this may appear obvious, various political agendas continuously vie to separate one from the other – in turn undermining efficacy of service provision (ShareNet, 2004: 6). Thirdly, and perhaps implicit in the above, the Cairo Consensus shifted attention from impersonal, demographic number-crunching to an emphasis on the social ecology in which sexual and reproductive practices are embedded – as shaped, constrained or enabled. That is to say, it emphasised the analysis and transformation of environments in which people live, rather than seeing people as the locus of problems themselves.

The ICPD is not without its critics – who maintain, for instance, that in directing attention to women and men’s rights, the ICPD detracts attention (and thus resources) from the urgently unsustainable nature of high population growth rates facing many societies and their governments. In acknowledging this critical perspective, this paper notes that the considerable ‘global population challenge’ serves to underwrite the necessity of principled guidelines for just and sustainable development – as testified by thousands of women subjected to involuntary and un-anaesthetised sterilisation in the name of population control (Dhanraj, 1991) – and an expanding of what Dixon-Mueller and Germaine call the ‘demographic imagination’ (2000). In acknowledging the inextricable links between reproductive health, sustainable environment and economic development, Dixon-Mueller and Germaine argue that the ‘demographic imagination’ must make space for a holistic conceptualisation of population and development. This is precisely the remit of the Cairo Consensus.

Other critics highlight a disjuncture between rhetoric and reality – questioning if a ‘paradigm shift’ within international policy can reflect and transform realities on the ground. Indeed, the State of World Population Report 2010 refers to a ‘slowing of progress’ in productive health, mired by “persistent inequalities that must be overcome to attain universal access to reproductive health care” (UNFPA, 2010: 93). This paper views a ‘post-OPC era’ as one characterised by the challenge of transforming Cairo’s policy into practice for women and men in diverse environments, and with the value derived from a set of progressive and internationally endorsed principles and targets. Moreover, it contends that Cairo’s key concepts are crucial for this task precisely because of their real-world grounding. These concepts have been “derived from realities of women’s lives worldwide; have grown organically from the theorising... and because they have been found useful... at field and policy levels” (Sen & Batliwala, 2000:15).

A CONSTRUCTIVIST PERSPECTIVE ON BEING YOUNG AND SEXUAL

In expressing a need to analyse and transform the social environment in which young people’s sexual health is compromised, the Cairo Consensus expresses a feminist constructivist perspective of what it means to be young and to be sexual. The Consensus defends, among other things, a young person’s right “to have a healthy and pleasurable

sexual life free of disease, violence, disability, fear and unnecessary pain or death associated with sexuality and reproduction” (Dixon-Mueller & Germain, 2005: p.71).¹ This speaks directly to a young person’s right to freedom from HIV risk and vulnerability. Fulfilment of sexual health depends partly on access to sexual health care...

“The purpose of which is the enhancement of life and personal relations, and not merely counselling and care related to reproduction and sexually transmitted diseases.” (art 7.2).

In recognition of governmental responsibilities to provide this health care, a section of the PoA specifically bids governments ...

“To promote to the fullest extent the health, well-being and potential of all children, adolescents and youth as representing the world's future human resources.”² (art 6.7)

Moreover, the PoA makes specific reference to young people’s reproductive health...

“To meet the special needs of adolescents and youth... (including) high quality reproductive health services.”³ (art 6.7b)

Note that for the PoA, reproductive health is defined as *encompassing* sexual health (7.2). Furthermore, HIV services are explicitly deemed integral components of reproductive and sexual health services (art 7.32). Thus, Cairo’s PoA bids governments to ensure young people have access to HIV services which are integrated with reproductive and sexual health (RSH) care.

If we are to consider the implications of these principles for a specific case (eg: HIV risk and vulnerability among ni-Vanuatu youth) we must begin by conceptualising the heterogeneity of youth and the multiplicities

¹ Thus articulated, the inextricable relations between HIV and sexual wellbeing are indeed obvious, yet the respective spheres had long been disassociated for political reasons

² It is noteworthy that when government is identified as a duty-bearer, the value of meet-ing the duty is articulated in economic terms

³ It is noteworthy that young people’s sexual health is subsumed here under reproductive health – an implication being that parties to the PoA conceptualise young people as asexual.

of meaning sex may have in their lives – and thus infuse our understanding of the ‘Cairo Consensus’ with the complexities entailed in localising it. While ‘youth’ is popularly conceived as a life-phase between childhood and adulthood (and needn’t be so), no universal markers signal the onset and finale of youth nor define its contours. For instance, the UN recognises youth as 15–24, but a country’s national youth policy may extend to individuals aged 30 or 35,⁴ for instance. ‘Youth’, then, is not a necessary, normative age-based phenomena or unified realm of human experience. Rather, “(y)outh is a social construction with social meaning” (Jones, 2009: 1) and as such, is “differently constituted and configured in time and place” (Christensen et al 2006:10). What it means to be young is contextually forged by a host of socio-cultural, economic and political forces permeated by gender norms – not the least of which is the agency of young people themselves to “negotiate, resist and shape the meaning of youth” within the prevailing power relations of their worlds (Wyn & Woodman, 2006: 497). Thus a constructivist perspective urges policy makers to go beyond age-based demarcations as demanded by logisticians, and to instead strive “to understand the constitution and dynamics of youth by positioning it within the social contexts and situations that it is actualised in” (Christiansen et al. 2006: 11).⁵

Indeed, the challenge to policy makers articulated above (by constructivist perspectives on youth) is analogous to that posed by constructivist perspectives of sex and sexuality. In challenging the dominant ‘demographic imagination’ in Cairo, the ICPD challenged an essentialist conception of sex pervasive in Western development discourses. This conception is based upon naturalist assumptions of sex

⁴ For instance, the National Youth Policies of Uganda and Ghana, respectively.

⁵ It is also worth noting that, when it comes to young people’s sexual and reproductive wellbeing, the Cairo PoA is not an isolated document. For instance, the United Nations Convention on the Rights of the Child (Art. 24) affirms that children (aged up to 18) have a right to attain the highest standards of health and health care – including family planning education and services. This was elaborated in 2003 to oblige states to “provide adolescents with access to sexual and reproductive information, including on... the pre-vention of HIV/AIDS and prevention and treatment of STIs”). Meanwhile, an example of regional standards pertaining to the RSH of Pacific youth can be found in The Global Conference on the Sustainable Development of Small Island Developing States, among others (Africa).

as a ‘unified domain of human experience’ and ‘natural force’ which can be taken for granted. According to Correa and Jolly (2008), an apparent silence on the subject of sex in development discourses in fact speaks of an unexamined assumption that sex is a natural, individual and fundamentally heterosexual preference and behaviour. This assumption privileges one conceptualisation of what it means to be sexual, and obscures the “distortions of choice and desire that result from cultural constructs such as gender and sexual norms” (op. cit.: 24). In turn, it obscures the power relations inextricably linked to gender and sexual relations – and becomes a silently pervasive hegemonic ideology. By establishing sex and sexuality as predetermined phenomena, this hegemony leaves little recourse for social change, democracy or self-determination (op. cit.: 23). Thus, the Cairo call for reproductive and sexual health and rights was a call to counter the dominant ‘demographic imagination’ with constructivist perspectives of sex and sexuality.

It is further interesting to note that essentialist notions of sex underlie biomedical approaches to HIV (op. cit.: 22), and lurk behind binary representations of youth as ‘makers and breakers’ (Comaroff & Comaroff, 2005: 20). That is, youth as the embodiment of a hopeful future (with restrained, civilised sexual appetites) or harbingers of danger, deviance and disorder (with unrestrained, turbulent sexualities). Such representations obscure the heterogeneity of young people and their sexuality as they navigate between various poles, amidst a multiplicity of socio-structural forces.

HIV & YOUNG PEOPLE IN THE PACIFIC: AN ECOLOGICAL APPROACH

Thus informed by a social constructivist perspective, a compelling feature of the Cairo Consensus is its attention to analysing and transforming the wider social environment in which young people’s sexuality is embedded – including their vulnerability to HIV (Dixon-Mueller & Germain, 2000: 70). One analytical tool designed to permit such investigation is an ecological model – as articulated in Ricardo et al. 2005⁶ – which depicts ‘multiple levels’ of environmental factors with the

⁶ Vulnerability is conceptualised here as exposure to risk of HIV, or exposure to risk-enhancing factors which impact upon young people, and which arise from wider socio-cultural conditions and political economy. To conceptualise of...

subject in the centre. From the centre working outwards, we see the interpersonal, the structural (including broader society), and the socio-cultural (including gender norms) – all of which exist in perpetual interaction. By situating the individual in the centre, an ecological framework offers a youth-centred approach to representing a young person’s agentic engagement in co-constructing their worlds. Meanwhile, it mitigates an over-emphasis upon agency (which may implicitly blame young people for risks arising from socio-structural forces) by acknowledging the wider processes which shape, enable and constrain an individual’s health seeking behaviours. This schema is designed to highlight the “nexus of individual and social context”, and to enable us to trace how vulnerabilities are formed through social processes. An inherent failing of this schema is an implicit suggestion that each ‘level’ is discrete, self-contained and prescribed – when in fact they are inextricably interwoven and organically inter-generative. For instance, gender norms belong to Ricardo’s ‘outer’ socio-cultural sphere, but permeate all aspects of the model as a leading social factor underlying sexual behaviours (Ricardo et al. 2005: 65).

To proceed, this paper will employ Ricardo’s ecological model to briefly illustrate the ways in which young people’s sexuality (including HIV risk and vulnerabilities) are embedded in wider socio-cultural circumstances and political economy – in turn demanding an integrated and participatory model of sexual and reproductive health. It will focus upon young people in the Pacific Island Country (PIC) of Vanuatu, where people under 24 comprise 59% of the population (VYPP, 2008: 14). A recent report entitled *Understanding HIV Risk and Vulnerability among Vanuatu Youth*⁷ indicates condom usage at 41% among young

...vulnerability entirely at an individual-level can be to situate the problem in the person – or to imply that vulnerabilities are constituted by a set of (or lack of) personal attributes, or an absence of agency (Hollomotz, 2007).

⁷ This paper was released in May 2011 by UNICEF and the Vanuatu Ministry of Health. The report’s data was generated through purposive sampling of sexually active young people in 2 provinces of Vanuatu. Rather than targeting a cross-section of society as a whole, this study selected a cross-section of most at risk adolescents and young people (MARA/YP), especially vulnerable adolescents and young people (EVA/YP), as well as mainstream youth. The terms are used in accordance with international standards (UN definitions).

people aged 15–24,⁸ with forced sex reported by 60% of females and 28% of males. Meanwhile, a range of factors (including endemic STIs,⁹ low condom usage and highly mobile populations) signal that HIV prevalence will rapidly spread should it become established (McMillan & Worth, 2011: 314). Given that young people account for a significant percentage of new HIV infections globally, ni-Vanuatu aged 15–24 have been identified as a target audience for HIV prevention (McMillan & Worth, 2011: 313). Nonetheless, for the aforementioned surveillance data to yield meaningful policy insights, it must be considered in the wider socio-cultural context from which it derived. The following is a *brief sketch* of how such an analysis may be done, allowing space for discussion.

Sociocultural Sphere

An analysis of the socio-cultural sphere which shapes the lives of young Ni-Vanuatu must entail an exploration of socio-cultural gender norms – as they are “among the strongest underlying social factors that influence sexual behaviours” and permeate all aspects of the ecological model (Ricardo et al. 2005 65). For instance, young ni-Vanuatu are socialised in a patriarchal and hierarchical social order wherein women are traditionally considered inferior to male kin and partners, and have “limited bargaining power over when and how they have sex” – including whether the sex is protected (Zenner & Russel, 2005). Similarly, cultural taboos on sex, as enforced by male leadership, serve to impede HIV awareness among women and young people, especially in rural areas (VYPP, 2008). Gender norms are not static, however, but are shifting and contested. According to a UN Commission on HIV in the Pacific, “young people are at the forefront of rapid social changes” (as articulated below) which undermine traditional norms and manifest in new sexual behaviours (UN, 2009: 42).

⁸ Participants indicated condom usage during last high risk sex – that is, with non-monogamous partner

⁹ Region wide, chlamydia is believed that chlamydia affects approximately 20% of women (UNDP, 2009)

Structural Sphere

An analysis of the structural sphere may scrutinise health care, social policy and economic opportunity; acknowledging that “(f)or young people, economic disempowerment has important implications for their sexual behaviour” (Ricardo et al. 2005: 67) and that poverty is closely associated with increased exposure to risk of HIV (UNDP, 2009). Indeed, a distinctive backdrop of rapid socio-economic change characterises the lives of Vanuatu’s post-independence generation(s).¹⁰ This has entailed entry into the global market economy; rapid migration and urbanisation; a shift away from traditional rural, subsistence livelihoods and *kastom*;¹¹ the weakening of extended family networks; and shifting of traditional authority (VYPP, 2008; McMillan & Worth, 2011). With strains on education provision and health services, growing numbers of urban-dwelling young people face unemployment, impoverishment and poverty of opportunity (UNDP, 2009).

Interpersonal Sphere

Relations with family, peers and sexual partners, as well as chief and pastors, are all essential foci for analysis in the interpersonal sphere. Of all external factors, these relations can have a substantial impact on young people’s sexuality. For instance, as a primary social institution, the family plays a powerful role in socialising young people in gender norms (eg: men as decision-makers) which may later be expressed in intimate relationships (eg: men deciding upon condom use for safe sex) (Ricardo et al 2005: 69). This reflects the permeation of the socio-cultural realm throughout the ecological model. Meanwhile, multiple studies show friends and peers as primary sources of sex information for ni-Vanuatu youth, who thus exert a direct influence on behaviours and attitudes surrounding sex, including condom use (UNDP, 2009: 17). Indeed, the Vanuatu Young People’s Project (VYPP) observes “great scope for peer counselling and peer education (VYPP, 2008: 60).

¹⁰ Vanuatu achieved independence in 1989 from the colonial rule of a British-French Con-dominium.

¹¹ *Kastom* (in Bislama) is commonly translated as ‘custom’, and is a term imbued with meaning. It is used in reference to any belief or behaviour which is quintessentially ni-Vanuatu, or which has resonance with a sense of traditional identity – thereby invoking a connotation of being ‘non-Western’.

Individual Sphere

Ricardo reports that an individual's self-efficacy is a key factor in reducing vulnerabilities around sexual wellbeing and security (Ricardo et al. 2005: 71). While navigating complex and marginal positions “between traditional subsistence values and urban ways of life” (VYPP, 2008: 94), young informants to the VYPP indicated that a sense of self-efficacy was linked to staying in touch with *kastom* and maintaining a sense of ni-Vanuatu identity. Studies highlight a range of environmental factors which are impacting on young people's sexual wellbeing in complex ways – including oppressive structures of opportunity; economic marginalisation; shifting gender norms and ‘social ambiguity’; as well as tensions between tradition and personal desires (McMillan, 2011; VYPP, 2008). In seeking to understand young people's knowledge and practices around safe sex, these studies direct attention to complex interactions in the wider environment.

While necessarily brief, the above sketch illustrates how an ecological framework permits insight into the formation of sexual health vulnerabilities. For instance, in highlighting how economic changes at a macro-structural level can link to poverty of opportunity at an individual level; and in highlighting how exposure to a ‘global youth culture’ may contribute to ambiguities around traditional gender roles. In turn, we see that young people's self-efficacy for HIV prevention is embedded, shaped, enabled and constrained by these wider ecologies – of changing economic conditions, education and employment opportunities, peer and youth cultures, and inter-generational leadership *inter alia*.

In this way, as ecological analysis serves to underwrite the inadequacy of interpreting base-line surveillance data, such as that generated by the Vanuatu Ministry of Health, without situating it in the context from which it derives; and of framing HIV as a discrete and privileged health issue – rather than inextricably linked to sexual and reproductive health. It follows that, for programming to be responsive to the complexities of young people's lives, it must be both integrative and participatory. Thus the Cairo PoA demands that young people be seen not only as subjects of research and intervention, but as key stakeholders and key informants – uniquely positioned to inform programming which reflects and responds to their social realities, be they enabling or constraining:

“Youth should be actively involved in the planning, implantation and evaluation of development activities that have a direct impact on their lives... (including) services concerning sexual and reproductive health, including... the prevention of HIV/AIDS and other sexually transmitted diseases.” (art 6.15)

For instance, in the case of Vanuatu, numerous sources indicate a critical need to upscale youth-led sexual education programming – such as those offered by the successful *Wan Smol Bag*¹² and others (MoH, 2011; VYPP, 2008; UN, 2009; UNDP, 2009). Moreover, youth informants in multiple studies – including the Vanuatu Young People’s Project (2008) and the Ministry of Health’s recent report (2011) – testify overwhelmingly to an articulated interest among young people to engage in such opportunities... as is their right.

Finally, an ecological analysis highlights that transformation at an individual level alone is insufficient to secure sexual health. Rather, there is a necessity for a multi-sectoral approach to overcoming barriers to sexual health, including poverty of opportunity – for instance, by reducing barriers for education among girls; by mainstreaming gender awareness across all Ministries; and by incentivising employment of local personnel in Vanuatu’s international tourism industry to reduce economic marginalisation, and where sexual health education can be mainstreamed under employer duty of care.

CONCLUSION

To conclude, the Cairo Consensus expresses an epistemological shift, which directs attention to analysing and transforming the wider ecologies in which young people’s sexual wellbeing is embedded. This approach expresses constructivist perspectives of ‘youth’ and sex which challenge naturalist assumptions. By articulating multiple spheres of social reality, an ecological framework is a relevant analytical tool for tracing the formation of young people’s HIV risk and vulnerabilities – as embedded in wider socio-cultural circumstances and political economy.

¹² Wan Smol Bag is a popular Vanuatu theatre company specialising in youth issues, especially those pertaining to sexual and reproductive health. Their activities include the local production of a television series; theatre in schools; a peer educator programme; and two RSH clinics.

Furthermore, an ecological analysis serves to underwrite the need for integrated sexual and reproductive programmes and HIV services, and for young people to be recognised as key stakeholders *and* expert informants into programmatic design. By filling this demand, sexual health programming is more likely to reflect young people's social realities and empower young people to negotiate the complexities of their social worlds. Empowering young people is insufficient, however, without wider transformation. Thus this paper ends with a call to further scrutinise the role of adults, community leaders and social structures in reinforcing the sexual health vulnerabilities of young people – as well as possibilities for multi-sectoral and community-wide strategies to reduce them.

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7

The Cocha-bamba “Water War”: Beyond popular alliance and identity construction; a historical materialist analysis of counter-hegemonic resistance in Bolivia

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INTRODUCTION

In popular protests in April of 2000, thousands of Bolivians forced the government to take back the privatisation of the water company of the department of Cochabamba. The water privatisation had been realised in the context of neoliberal restructuring begun in 1985. The Bolivian "water war" has received extensive media attention. Its popular interpretation as alliance across class and race boundaries triumphing over a neoliberal policy and neoliberalism in general can easily make the protests appear as sounding the “death knell” (Domingo, 2009: 115) of neoliberalism in Bolivia.¹

This popular interpretation does not provide a satisfactory analysis of the event for two particular reasons: first, by only looking at the conjunctural time, it omits the importance of the *longue durée* in its explanation. Second, being limited to the realm of the empirical, it ignores the underlying roots of the protests. Given these shortcomings, this essay seeks to explore the question of *why* so many people came to protest at that particular time in the region of Cochabamba, and what the

The neoliberal period in Bolivia is sometimes defined as lasting from 1985-2000, the water war marking the end of neoliberalism. Cf. Domingo (2009).

answer implies in relation to neoliberalism in Bolivia and its opposition. Although the severity of the impacts of water privatisation certainly played an important role in mobilising people, this essay argues that the causes of resistance lie beyond the level of events, that is, the direct experience of increased water bills. Moreover, it argues that the protests cannot be sufficiently explained by the fact that people across classes and beyond their different positions in the production system came to ally to challenge neoliberalism via discourse and the construction of a shared identity. Defining neoliberalism as a form of capitalism, I aim to show that the deeper roots of resistance are to be found in real interests shaped by different positions in the social relations of production prior to and during neoliberalism. A unifying discourse and the construction of identity against a common enemy contributed to the power and legitimacy of the movement.

Scholars advocating the ontological primacy of the role of ideas might question the primary focus on social relations of production and accusing the material-ideational approach for paying insufficient attention to the role of ideas and being too deterministic. Obviously, the material-ideational perspective emphasises less the nature and evolution of ideas. However, it does take ideas and discourse seriously, but argues, following Margaret Archer (1982), that these are nurtured – not determined – by material realities. Only a material-ideational position, by exploring the underpinnings of Bolivian popular resistance with the help of history, sufficiently addresses the question of *why* particular groups have particular ideas that led to their resistance.

The essay is structured in the following way. The first part shows the neoliberal context as well as the water privatisation and its opposition in 1999/2000. Second, the positions of the major popular groups in the social relations of production over time are explored to track the roots of resistance. The third part synthesises by placing the “water war” in its historical material context and ends with some final thoughts on the implications of the findings for neoliberalism and its contestations in Bolivia.

1. NEOLIBERALISM IN BOLIVIA AND THE “WATER WAR”

Neoliberal reforms in Bolivia were introduced in the context of severe economic crisis and hyperinflation in 1985, through a combination of

coercion and consent (cf. Kohl and Farthing, 2006: 68). Under pressure from the IMF, and in alliance with major parts of the national economic and political elites and the military, the government embarked on “South America’s second most radical neoliberal restructuring programme” (op. cit.: 60), ending the period of unsuccessful import substitution industrialisation and eighteen years of military rule. Apart from macroeconomic stabilisation, it involved trade liberalisation and structural reforms of the state. Privatisation of state-owned enterprises (SOEs), however, was initially not part of the reforms, because the governments faced the opposition of parts of the private sector; although generally committed to structural adjustment, the National Business Federation CEPB as representative of the business elites insisted on the state’s responsibility to stimulate the economy (op. cit.: 70). Privatisation² was only pursued on a larger scale in the mid-1990s, by the strong neoliberal government of Gonzalo Sánchez de Lozada, and in response to pressure exercised by International Financial Institutions (IFIs) and the US (cf. op. cit: 107ff).

Bolivian water companies were either cooperatives or publicly owned until the end of the 1990s. The public system, including the Cochabamba water company SEMAPA, was inefficient, underfunded and corrupt (op. cit.: 163) and left many people without access – arguments used by the government to legitimise the selling of SEMAPA to the international consortium *Aguas del Tunari*, led by the US-based Bechtel corporation, at the end of 1999. The firm was granted exclusive property rights over water resources, with the result that people in the urban area of Cochabamba as well as in the rural surroundings had to contract with the corporation to be able to use water – even water from wells they had dug on their own in the absence of access to public water supply (Spronk, 2007: 15). Fuelled by the World Bank’s insistence to stop any public financial support to the Cochabamba water utility, the local people had to bear the burden of the newly privatised indebted company, water bills increasing by up to 200% (op. cit.: 16).

Privatisation almost immediately triggered social protest by diverse groups, such as urban formal and informal workers, rural peasants and

² Privatisation took the form of “capitalisation”, a partial selling of SOEs to private firms, but which eventually resulted in de facto privatisation. Cf. Kohl & Farthing (2006: 107ff).

coca farmers (*cocaleros*) (op. cit.: 18), organised under the newly founded “*Coordinadora*” (*Coordinadora de Defensa del Agua y de la Vida* – Coalition for the Defence of Water and Life). The protestors refused to pay their water bills (Olivera & Lewis, 2004: 32) and began street protests and blockades, which provoked a violent response by the government. Internal tensions in the government led the centre-right party *Nueva Fuerza Republicana* (NFR) to abandon the national ruling coalition (Assies, 2003: 26), and parts of the local business elites also changed over to the insurgent camp (op. cit.: 23). The protests, which had spread to large parts of the country, turned more radical in April 2000, when the government breached an agreement with the *Coordinadora*. In the same month, the government succumbed to popular pressure and revoked the contract with *Aguas del Tunari*.

In order to understand the factors which led to this resistance, it is important to take a closer look at the fractions of labour participating in the protests and their positions in the organisation of production over time.

2. THE ROOTS OF RESISTANCE

Historically, mining and agriculture were the two main sectors of the Bolivian export-dependent economy. Indigenous people were forced to work for national and international elites in silver (and later tin) mines or on large agricultural estates throughout the colonial period (1538-1825) and the Bolivian liberal Republic until the Revolution of 1952. Thus for more than 400 years, indigenous peasants and miners were the “underclass”, contributing to the accumulation of wealth of national and international elites while not owning the means of production.

The 1952 revolution abolished bonded labour and put an end to the mining and landed oligarchies. Tin mines and other key industries were nationalised (Webber, 2008a: 32), peasants were given small landholdings (Kohl & Farthing, 2006: 63) and workers began to organise in labour unions. At the same time, a process of capitalist development began, and the newly strengthened state increasingly invested in private enterprises such as agro-industrial businesses (Sanabria, 1999: 549). The increasing power of commercial agriculture culminated under neoliberalism, and forced many peasants, who had constituted a significant fraction of the

workforce for the country’s export of raw materials and food supply, to migrate into cities or abroad (Arze Vargas, 2008: 244).

Neoliberal reforms most heavily affected the miners. In 1985/86, the government closed state mines, leaving 23.000 out of 30.000 miners jobless (Kohl and Farthing, 2006: 71), and dismantled the historically powerful miner’s union, thereby paralysing the Bolivian Workers’ Federation COB (*Central Obrera Boliviana*) (Domingo, 2009: 117). Since the miners were weakened by the economic crisis and the decline of world tin prices, their fierce resistance could not stop the process. As a result, huge numbers of unemployed miners migrated to cities, often finding work in the informal economy, and to Cochabamba to seek employment in the booming coca economy (Webber, 2008b: 67).

The trajectory of the coca growers differed significantly from those of other peasants and miners. Coca cultivation boomed in the 1970s, particularly in the Chapare region in Cochabamba, thanks to a flourishing coca-cocaine trade resulting from high world market prices for cocaine. Coca’s crucial role for employment and livelihood (Webber, 2008b: 67) gave it a special meaning for peasant families. In the 1980s, “ ‘cocaine dollars’ (...) provided a solid economic cushion for the neoliberal program” (Sanabria, 1999: 549) and contributed to the enrichment of parts of elites of the military, the state and the agro-industry involved in cocaine trafficking (ibid.). At the same time, the US exercised immense pressure for coca destruction in line with its “war on drugs”, which culminated in President Hugo Banzer’s coca eradication plan in 1997. It forcefully destroyed coca cultivation and thereby also the economy of the region of Cochabamba, leading to a deterioration of the overall economic situation.³ However, the objective of complete coca eradication was not achieved. While the miners had been entirely dependent on their wage labour and had been economically weakened, the coca farmers’ greater economic autonomy, the importance of coca for the national economy and the reinforcement by migrated former miners explain their relatively powerful position. Violent government repression did not break the *cocaleros*’ resistance, but led to a stronger sense of identity (Sanabria, 1999: 550ff.). Moreover, internal tensions in the neoliberal camp allowed the coca growers to ally with opposition

³ Coca eradication from 1997 to 2000 caused an estimated economic loss of US\$ 610 million (Arze Vargas, 2008, footnote 11, p. 285).

parties of the government and the National Business Federation which had opposed privatisation of SOEs in the mid-1980s (op. cit.: 553).

The emergence of a powerful *cocalero* movement as well as other social movements was facilitated not only by cleavages among the dominant classes, but also by an evolution of the neoliberal process itself. Various institutional and constitutional reforms undertaken under the first presidency of Sánchez de Lozada (1993-1997) sought to provide the contested neoliberal project with legitimacy, thereby also opening up political spaces and creating opportunities for the emergence of new actors. Electoral reforms facilitated the representation of indigenous people and peasants in National Congress (Domingo, 2009: 116; Kohl & Farthing, 2006: 126). The Law of Popular Participation and a constitutional reform, both in 1994, also brought important innovations (cf. Albro, 2010: 75). Another space for social movements presented, ironically, the weakening of the historically strong labour union COB, which led to a broader organisation of different fractions of labour, beyond class-lines and comprising also the increasing number of urban informal workers (Kohl & Farthing, 2006: 75; Linera, 2004: 71). The new social movements were more flexible than the old labour union, making possible the formation of “ad hoc groups” to address particular issues of common interest, combining nationalist, indigenous, anti-imperial and anti-neoliberal discourses. It is in this context that the privatisation of the Cochabamba water company took place.

3. PLACING THE “WATER WAR” INTO CONTEXT

The department of Cochabamba is characterised by the crucial role of coca farming in the economy and the dependence on water as vital resource for irrigation and livelihood, but it is also the region where Bolivia’s powerful *cocalero* movement is rooted. These factors contributed to the strength of the protests, which brought together citizens from a wide spectrum of civil society and found alliance with international organisations (Kohl & Farthing, 2006: 189; Sanabria, 1999: 553). These processes were supported by a favourable international climate⁴ and the

⁴ This includes the growing contestation of neoliberal tenets, the rise of new social movements on a global sphere and the acknowledgement of indigenous rights in international fora.

construction of a shared identity, promoted by the unifying platform of the *Coordinadora* and its powerful discourse (Linaera, 2004: 72).

Yet, the underlying interests of the uprising groups were shaped by the dynamics of the organisation of production. Throughout large parts of the Bolivian history, the “underclass” was effectively forced to contribute to imperial and capitalist domination while being exploited and denied the rights to share in the benefits of the wealth of resources. Nonetheless, they occupied a key role in the production system for the export-dependent economy and partly owned the means of production since 1952. The widespread deprivation of this position and dependence on capitalists, reinforced by neoliberal restructuring, shaped particular interests and fostered popular reactions. People’s recurrent counter-hegemonic protests as well as an internal evolution and inconsistencies of the neoliberal project – apparent for example in the ambiguous role played by the National Business Federation – created new structures which nurtured subsequent social actions.

In light of this background, it becomes evident that the “water war” can only partly be explained by a movement joining “spontaneously to protest against a particular policy decision” (Domingo, 2009: 121f.). It rather needs to be understood as the outcome of processes of struggle and contestation over the reconfiguration and solidification of power relations, grounded in historical experiences of colonisation, imperialism, capitalist restructuring and globalisation.

The analysis has demonstrated that neoliberalism is a contested process, which is neither complete nor homogeneous. In Bolivia, repeated popular agency, including the Cochabamba protests, has created new contexts enabling further mobilisations against neoliberal policies.⁵ However, the long-term internal coherence of an opposition consisting of different fractions of labour has certain limitations (cf. Kohl & Farthing, 2006: 193; Spronk, 2007). Moreover, although the victory of the *cocalero* movement’s former leader Evo Morales in the presidential elections in 2005 marked a significant change in direction in Bolivian politics, neoliberal “reforms are not limited to ideology or policy choice. They have acquired a material basis in the transformations that

⁵ Several large protests have occurred since 2000, among others against tax reforms and gas, oil and water privatisations.

they have wrought on the economic fabric of Latin America” (Saad-Filho, 2005: 228).

Some would like to see the Cochabamba protests as “turning point” (Kohl, 2006: 321) towards the end of neoliberalism in Bolivia. However, shifting the paradigm would involve essential changes in the organisation of production and power relations. Not least due to neoliberalism’s hegemony and Bolivia’s embeddedness in the international system, this presents a formidable task at national level.

These very real constraints are all too obvious in the current “anti-neoliberal” government of Bolivia.⁶

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⁶ For further reading on the relationship of the Morales government to neoliberalism see Kohl & Bresnahan (2010); Webber (2008c).

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8

**“Give us today our daily bread”
Religion and social policy:
a case for considering the role of
religion in influencing social policy**

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This essay seeks to understand the role of religion in shaping social policy, with a particular focus on social welfare. The historical emergence of poor relief and welfare in Europe, and the importance of Christian religious institutions in shaping and implementing these processes has been widely documented. However, the role of religion in shaping policies and practices of social welfare outside of Europe and Northern America, or the role of religion in contemporary public space, and its role in influencing social welfare has been explored to a far lesser degree. In fact, the absence of religion from modern social policy studies is conspicuous.

Recently, a number of factors (globalization, producing highly heterogeneous and religiously pluralistic societies; the advancement of neoliberal capitalism religion, promoting social policy reform encouraging social service provision by non-state actors, including religious actors; a concern in the social sciences for more holistic analysis, highlighting cultural and religious dimensions of social experience; politicized religiosity across the world, giving rise to the question of the role of religion in the public space) have conspired to reintroduce religion as a matter relevant to social policy and welfare. Incorporation of religion as an important dimension in social policy studies has been slow, and uneven: a lopsided focus within social studies in general has meant that the balance of analysis produced has been

on European and North American cases. Within this, literature produced in/about the United States has addressed the nexus of religion and social policy more prominently. In terms of the content of the research produced, religions have generally been treated on the basis of the ways in which religion “shapes societies and the values held by members of societies” (Plant, 2009: 844). Less attention has been paid to the role of the theological content of different faith traditions as producing different kinds of practice (op. cit.: 845), or as offering alternative visions of social welfare.

Through drawing on the relevance of religion in the development of poor relief and social welfare in the past, this essay argues that, contrary to ‘orthodox’ social policy studies, religious institutions and assumptions retained important influence during the period of the modern welfare state. A case is made that social policy is, by definition, a project characterised by normative values and moralities, that, “... what is at stake is the fundamental question about a polity’s values and its responsibilities to all its members”, that “value judgements matter” (Mkandawire, 2005: 1).

Through exploring understandings of social policy with an explicit focus on the influence/potential impact of religion on social policy, a case is made that religion continues to function as a “fundamental variable” in the formulation of social policy and in influencing the contexts in which social welfare is conceived and delivered. The argument is made that, since religion is intrinsically concerned with human well-being (Jawad 2010), it is essentially related to social policy and welfare concerns, producing both negative and positive effects (such as social division, religiously incited/justified conflict,¹ or alternatively social cohesion, including reconciliatory and interfaith

¹ Religiously incited or justified conflict is manifested in cases such as the conflict between Protestants and Catholics in Ireland, the continuing conflict between Israel and Palestine, and in terrorism, such as fundamentalist Christian groups’ bombings of abortion clinics, or Islamic fundamentalist groups acts of terror against ‘immoral unbelievers’ and their ‘Satanic’ influence in the world. While religion is clearly not the only factor prompting actors in ‘religious conflicts’ toward conflict, it may be a significant factor in doing so, and certainly is in providing a legitimating framework or narrative for continued involvement in such conflict.

work, social welfare service provision). The potential limitations and possibilities posed by religious influence in the 'public' space of social welfare are then considered.

THE CHURCH AND THE DEVELOPMENT OF SOCIAL WELFARE: FROM 'POOR RELIEF' TO THE NATIONAL HEALTH SYSTEM

In order to explore the role of religion in shaping social welfare in contemporary times, it is illuminating to provide a brief history of the development and practice of social welfare, considering particularly the role of religion in order to explore whether the manner of influence religion may have had historically is likely to continue to be of relevance in the vastly different circumstance of contemporary society. This section discusses European, particularly English poor relief and holds that the involvement of religion in this process was directly relevant, and even causally related to the development of social welfare as we recognise it, and thus, while the changing circumstances may have altered the form of religious involvement in social policy (in some respects), the nature of this involvement remains comparable and significant.

In providing a discussion of the provision of assistance to the poor prior to the development of centralised social welfare and the emergence of social policy, focus is placed on the welfarist traditions of England in particular and Europe more generally. This Eurocentric bias has been adopted for a number of reasons; understandings of and literature about social welfare have traditionally focussed heavily on and drawn from the European experience. Part of the reason for this is that many of the developments which eventually produced the welfare state first took place, or were 'formalised' in England. The rise of poor relief, which arguably led to the development of more bureaucratic social welfare, can be linked, among other things, to the rise of capitalism in England, which precipitated heightened societal inequality, increased poverty and urbanisation. It was in this context that questions pertinent to social welfare and policy project were explored [who is defined as poor, and "which poor people should be helped, in what ways, and who should pay for this assistance?" Should we help only "our own" local poor, or does "our community" extend more widely and require that others be assisted also? Should the moral condition of

the poor and the cause of their poverty affect whether/what kind of assistance the poor receive? (McIntosh, 2005: 457)]. The close traditional association of the English and European case with a particular religion, Christianity, makes it an apposite case study to explore the relationship between religion and social policy and welfare.²

Poor relief

Prior to the development of centralised welfare systems in England, care for the poor was provided at local levels, organised and administered through the religious bodies which functioned as centres of political, economic and social leadership and power in each locality. Indeed, the Church, in the Middle Ages, was the first body to adopt responsibility for the poor (Jawad 2010, personal communication)): parishes served as administrative units, as well as moral communities, through which assistance to the poor was provided (McIntosh, 2005: 466).

Extensive research has been conducted on the emergence of the Elizabethan Poor Laws, and the close connection between the provision of poor relief and religious institutions and motivations has been well established (see Block & Somers, 2003; Trattner, 1974) and so will not be rehearsed in detail here. Constructions of the categories of the poor and of the responsibility of “Christian society” (McIntosh, 2005: 461) were explicitly informed by religious assumptions and values. For example, the ‘undeserving poor’ were defined as those experiencing poverty as a result of “bad moral conduct”, (op. cit.: 462); provision of care for the poor was motivated not only by practical expediency, but fundamentally by the Biblical injunction to care for the poor which made doing so the moral responsibility of Christian believers (Kahl, 2005). Adopting a concern with poverty was understood as a critical dimension of righteousness, and as directly related to notions of personal salvation and rewards in the afterlife (Plant, 2009; McIntosh, 2005: 467; Kahl, 2005: 95). Reforms during this period can be

² It is important to note further that the heavy focus on European case studies in social policy studies and the literature produced on social welfare reflects a Eurocentric bias – welfare systems in the Middle East, Asia and Africa have not traditionally been explored. For instance, Jawad (2010: 659) bemoans an “inadequate analysis of social welfare provision in the Middle East”.

described as linked by “strong moralistic note(s)” produced by religious assumptions (Roach, quoted in Gladstone, 1980: 63).

The Protestant Reformation was a watershed moment in the development of social welfare as it served to ossify distinctions between Catholic, Calvinist and Lutheran approaches to poor relief (Kahl 2005:92). The social doctrines of each denomination became institutionalised in the countries in which the religious influence of each denomination was strongest and once institutionalised, became absorbed into and formative of the countries value sets regarding the identification and treatment of the poor, such that they remain “deeply embedded today” (Kahl, 2005: 94).³ Jawad argues along similar lines that these “various traditions have had a direct impact on the way in

³ Kahl (2005) identifies these religious traditions taking root in the following countries: Catholicism in Spain, Italy, France; Lutheranism in Germany, Denmark, Sweden; Calvinist/Reformed Protestant in Switzerland, Holland, England and the United States. She argues that differences in recent and contemporary welfare policies and practice in these countries can be attributed to the different interpretations of Christian religious teaching and principles relevant to poor relief, notably understandings of personal salvation (Catholicism advocated salvation through good works for the poor, Lutheranism advocated salvation by faith alone, and Calvinism salvation through hard work), and conceptions of the role of the state in relation to the provision of social assistance. Kahl argues that an exploration of the ways in which the social doctrines of these traditions became embedded in the cultures of each of these countries can provide answers to questions like:

- “Why is French social assistance as ungenerous as U.S. social assistance (relative to the average productive wage)?
- Why do the United Kingdom and the United States hold individuals responsible for their own poverty and its escape, while the Scandinavian countries and Germany see it as a societal responsibility?
- Why are long-term social assistance recipients conceived of as an “underclass” of dependent welfare “scroungers” in the United States and the United Kingdom, while they are viewed as socially excluded in France and Italy?
- Why is the idea of “doing something in return” for social assistance so strong in the Anglo-Saxon countries and Scandinavia, yet virtually irrelevant in France and Italy?” - (Kahl, 2005: 92)

which poverty and social welfare have been formulated (...) and even how social policy has been structured” (2010).

The Enlightenment period provided a second major watershed moment in the development of social welfare. In making the relationship between religion and reason dichotomous, a dichotomy between public and private spheres of life was created in which religion was relegated to private (and more inconsequential) sphere; social welfare took on public, secular nature (Jawad 2010). While the Enlightenment period the provision of welfare to the state, it did not remove from society entirely the influence of the religious assumptions and motivations which informed poor relief. Private religious service provision thus continued during this period.

Social welfare

Traditionally, the development of poor relief and poor laws has traditionally been described as a precursor to, but categorised separately from, modern social insurance practices and modern social welfare, with the latter representing a “fundamental *break* from the past” (Kahl, 2005: 92). However, this essay argues the case for the “*continuous* development line from poor relief to social assistance” (Kahl, 2005: 93). The shifts in history which produced a movement from poor relief toward the formulation of more comprehensive social assistance, the perceived ‘break’ from the past began between 1780 and 1880, a period characterised by unprecedented economic and technical change and advancements which produced both increasing rates of poverty, as well as the administrative technologies enabling centralisation through which this could be addressed. Social welfare developed out of the increasing consolidation of centralism throughout the 19th century, as evident in the emergence of Bismarkian social insurance and poor relief in Germany in 1880s. Such initiatives were characterised by increasing levels of state intervention and control; in England, this was accompanied, almost paradoxically, by “a strong emphasis on individualism and self-help” (Gladstone, 1980: 61). The institution of the New Deal by the USA after the Great Depression further formalised and developed state welfare as the central state took on responsibility for the welfare of its citizens. The welfare state is considered by many to have entered its golden era in the expression of social welfare in the United Kingdom after the Second World War. Many commentators now

suggest that many Northern countries have entered a post-materialist state and post-welfare, in which welfare principles have been replaced by workfare ideals (see Dean, 2007; Reese, 2001). It is almost ironic that it is during this 'post-welfare' period (particularly in Northern countries) that the role of religion is coming to the fore once again as an important concern in social welfare policy.

From the discussion above, it is clear that the development of social policy and welfare in Europe has been and, even despite itself, continues to bear the marks of its formation by varying Christian traditions.

The discipline of social studies has developed largely alongside the emergence of the welfare state; there is very little literature connecting the development of poor relief with the contemporary welfare as we recognise it today (Kahl is a notable exception). A further and important characteristic of social policy studies, contrasted to studies of poor relief, relates to the absence of religion as a sphere of concern or analysis.

Social policy studies, and even social scientific literature on welfare state development has, until very recently, been an entirely secular affair. Gorski describes "the orthodox view" as being simply that "religion didn't matter" (2005: 371), with religious beliefs and practices, confessional identities and differences not being regarded as having any relevance for social policy, with "social welfare, justice, and labor" being seen entirely as "secular matters".⁴ Jawad (2010) holds that this secular (and arguably Eurocentric)⁵ perspective continues to predominate, that

⁴ As mentioned above, variations between Northern European and North American positions in discussing religion as having public influence exist, it being more common to discuss and appeal to religious assumptions and realities in the United States.

⁵ As noted above, social policy studies have developed along a Eurocentric bias. Part of the result of this is that there exists a distinction between social policy studies focusing on the developed, and developing world (noted by Mkwandawire (2001) and Jawad (2008; 2010). Mkwandawire describes the contrast between work on social policy in developing and developed countries as "striking", going on to note that "Literature on social policy in developing countries often lacks the conceptual depth that one finds in the literature in the developed (especially European) countries" (2001: 21). A further distinction relates to the willingness to address religion in social policy, which has been more readily done in the 'developing' world.

"discussion of morality, ethics or religion is marginal in the social policy literature with few exceptions".⁶

The significant debt of the welfare state (and thus indirectly of the rise of social policy that accompanied it after the Second World War) to religious traditions, both through their extensive involvement in social welfare service provision, and through the promotion of human wellbeing, makes the hesitance of social policy studies to explore the role of religion puzzling, and an area requiring analysis (Jawad, 2010).

The above section has demonstrated the historical relevance of religion to the formation and development of welfare thinking. Even where academic social policy studies have overlooked this in relation to the modern welfare state, the religious involvement in social welfare has been identified as continuous, indeed, Jawad has argued that "Christian ethics helped to develop the idealist values which underpinned the post- War welfare state" (Jawad, 2010). The case for the relevance of religion to social welfare is only strengthened by drawing on alternative case studies. For example, an exploration into social and religious welfare in the Middle East immediately demonstrates the centrality of religion to social policy in the region.

CONTEMPORARY CONSTRUCTIONS OF WELFARE AND RELIGION

The 'golden age' of welfare, epitomised in post-war Britain, has given way in the face of ideological shifts towards a neo-liberal expression of capitalism and its accompanying focus on individuals as rational, economically (rather than socially or morally) driven 'consumers' and on

⁶ This "near total silence" (ibid) has been attributed by Nesbitt to the rise of modernization and secularisation trends in Northern countries, the extended suppression of religious expression under communist regimes and the disenfranchisement of 'Third World cultures' from their "indigenous cultural and religious roots". An concurrent explanation has been offered by Skocpol, who accounts for the absence of religious voices or dimensions of analysis in social policy studies, or indeed in social policy formation, by arguing that "In recent years, the academic literature on 'social welfare policy' has been so dominated by leftist secularists that it has written out of the record positive contributions from religiously inspired services to the poor. If noted at all, such ministry has transmuted into Machiavellian acts of class of racial domination." (Jawad, 2010).

processes of “responsibilisation” (in which responsibility for personal welfare is transferred from the state to the individual, and met through extra-state measures to increasing degrees, such as through private insurance, or reliance on services provided by the third sector) (Dean, 2007: 581; Reese, 2001: 362). This process of ‘responsibilisation’, or the movement from a welfare to workfare state, has been characterised as producing an “amoral familialism” in which the privatisation of welfare services creates a conflict between the short term interests of individuals and families, and the needs of the larger community (Reese, 2001: 363). Dean describes these changes as reflecting “shifting political orthodoxies and moral assumptions” (2007: 574). It is interesting to note that, while the workfare state has been critiqued for producing “amoral” conflicts of interest between individuals/families and society at large, the welfare state was criticised (by proponents of workfare principles) for creating an “amoral dependency culture” (Dean, 2007: 576).⁷ Both contemporary welfare and workfare states have been critiqued for creating destructively “amoral” societal conditions, indicating the (hidden) presence of morality within both of these approaches to welfare; it hints too that the exclusion of religion from the public space and explicit inclusion in social policy discourse has left the resultant social welfare morally lacking in some way.

The felt need for a return to engagement with morality (and hence also religion) in public social policy stems from a number of factors: 1) once social welfare by the state was rolled back, the extensive network of religious social service provision was revealed and expanded, making religious groups important actors in social welfare.⁸ 2) Northern

⁷ For more on this ‘perversity thesis’, see Somers and Block 2005, ‘From Poverty to Perversity: Ideas, Markets, and Institutions over 200 Years of Welfare Debate’.

⁸ In the United Kingdom and the United States, reforms such as ‘Charitable Choice’ provision in the 1996 Federal Welfare Reform of the United States, have paved the way for increased collaboration between the state and religious welfare providers, with an expanded role in social service provision, and potentially, policy formation afforded to religious bodies. A similar collaboration is tentatively being pursued in South Africa currently. While in ‘developed’ countries, the involvement of religious organisations in welfare is due in part to the state rolling back its welfare provision, in developing countries, such involvement typically occurs because of states’ inability to roll

countries can be said to have reached a "post-material": material needs are met, destroying class-based associations and leaving individualised concerns with "belonging, identity and self-realisation" to become important dimensions by which welfare is conceived (Dean, 2007: 576). One expression of this has been the rise of the 'social exclusion' approach in (parts of) Europe as a key driver of social policy. 3) Globalisation has produced heterogenous and religiously/morally pluralistic societies. In seeking to address the needs of diverse groups, arrive at shared norms and values and create social cohesion, it has become imperative for social policy to engage with competing value sets and religious identities. 4) Complementing the above processes, moves in the social sciences toward "the challenge of holism" (Jawad, 2010). Greater moves toward the incorporation of cultural dimensions of analysis in recognition of the 'wholeness' of people and holistic nature of society have facilitated a resurgence of concerns with religion because religion "appeals precisely to the moral, spiritual and emotional dimensions of human experience" (ibid.). 5) Politicised religiosity has risen to the fore on the international political agenda, particularly through militant strains of politicized Islam, as evident in its extremist expression in the terrorist action of groups such as al Qaeda, but also in moderate groups such as the Muslim Brotherhood in Egypt.

UNDERSTANDING SOCIAL POLICY (AND ITS LINKS WITH RELIGION)

This previous section of the essay built a case for recognising the relevance of religion to social policy. This section seeks to explore in greater detail the specificities of how religion shapes and influences social policy. Social policy is typically dealt with in purely secular terms, thus excluding the object of our analysis. In order to counter this tendency, I have decided to take a fresh look at the definition of social policy: I offer my discussion of the concept, highlighting areas of connection with religious institutions, below.

Social Policy involves systematic, collective interventions into the social life of a society to transform social institutions and social relations in order to realise a shared vision of 'the good society', that

out comprehensive enough social service provision. The extensive provision of health and education services across Africa is a testament to this.

is, to improve social welfare (Mkandawire, 2001: 6). Social welfare is conceived of in relation to concepts of ‘needs’ and ‘well-being’. These concepts, conceptions of the good society, and thus the nature and forms of the desired changes in social institutions and in social relations expressed in social policy are “defined in relation to the social norms of a given society” (Jawad, 2008: 145);⁹ social policies thus take many forms and are embedded in the particular social, political, cultural and economic contexts in which they emerge and seek to address. Religion plays a significant role in shaping the cultural, social, political and, to a degree, even the economic soil in which social policies are both rooted and renegotiated, and indeed, in relation to human well-being itself (Jawad, 2010).

The nature of social policy will be discussed further through exploring the key aspects of the above definition more fully.

SOCIAL WELFARE - ‘THE GOOD SOCIETY’

Common ways of thinking about the end of social policy or the ‘good society’, and thus of characterising social policy itself, relate to concerns to address human needs and improve well-being, often through redistribution of resources (Jawad, 2010: 661), for or in addition to the satisfaction of basic needs, and/or the provision of “adequate and secure livelihoods” (Mkandawire, 2001: 6), as well as the mitigation of risk (Dean, 2007: 577). Social policy has more recently been conceived of in relation to a number of concepts, such as “‘social exclusion’, ‘capabilities’, and ‘recognition’” (Dean, 2009: 311).¹⁰

⁹ Mkandawire argues similarly that “Each of the core concerns of social policy – needs, deserts, and citizenship – are social constructs that derive full meaning from the cultural and ideological definition of “deserving poor”, “entitlement” and “citizen’s rights” (2005: 1).

¹⁰ These are normative, optimistic understandings of social policy. Dean (2009:311) notes that social policies and systems can function to “promote or impair human wellbeing” (*italics my own*). Social policies may indeed be employed for ignoble ends: Nazi Germany employed (anti)social policies to discriminate against and eliminate minority groups to realise its vision of ‘the good society’, while the Apartheid government in South Africa used social policy effectively to oppress the majority of its population. Authoritarian states

Religious assumptions and values are likely to influence commonly held visions of the ‘good society’. In fact, religions, in providing a framework through which to understand and pursue human well-being, guidelines about how adherents should live, and conceptualisations of what a ‘good society’ should look like, can be said to produce their own social policy, which is enacted through their “social teachings, doctrinal changes, discipline adoptions and a range of social pressures, politics and controversies” (Nesbitt 2001: x). Historically, state social policies can be said to have been built upon or grown out of existing religious social policy; existing religious ‘social policies’ can be regarded as influential in shaping contemporary state social policy and welfare provision.¹¹

SOCIAL INSTITUTIONS - NORMS AND VALUES, IDENTITY, SOCIAL COHESION

‘Social institutions’ can be understood, after Douglas North, as socially constructed norms and values, as well as the organisations/institutions that espouse and operationalise these and function to “structure human interaction” through constraining and guiding social relations (North, 1993: 2). Religious institutions constrain and/or guide social relations and thus the social policies they inform explicitly through the influence of religious bodies, and implicitly through influencing societal norms and values.

Particularly important elements of norms and values (and of social policies) include conceptualisations of individual and collective identity, indeed, “particular constructions of identity underpin and legitimize policies”.

may also employ social policies to legitimate autocratic rule (the case in some late industrialising countries – See Mkandawire, 2005).

¹¹ In such cases, it is important to be aware that religious welfare may be designed to achieve an entirely alternative vision of social welfare. For example, in religious welfare in Lebanon focuses primarily on protecting ‘social morality’, rather than alleviation of poverty. The Lebanese state welfare system, influenced as it is by the substantial religious welfare provision within its borders, also provides “social care” in order to address “social case” matters, with human need defined in terms of social relationships rather than material poverty, even in conditions of notable material poverty (see Jawad, 2008).

Socially constructed identities are “ethically situated” in that they carry within them notions of “responsibility”, which relate to conceptions of obligation and relationship to the national community (important in nation building processes) as well as (potentially) to religious bodies/communities and are expressed in notions of civic (or religious) duty, moral obligation and social responsibility (Dean, 2007: 580). Such ethical constructions of responsibility are shaped in part by prevailing religious norms and morals: examples of such constructions of in terms of obligation might be an Islamic obligation to give alms; an example of responsibility in terms of relationship could be a Christian logic of inclusion, recognizing ‘others’ as ‘true neighbours’, following the parable of ‘The Good Samaritan’). Socially constructed identities are further ethically situated in that they are underpinned by appeals to ethics and morality, which give them “moral force”.

Identities may be constructed in terms of citizenship, ethnicity or religious affiliation/adherence (among other options). Constructed identities may combine these elements (consider Israeli or Palestinian national identities), or be constructed in opposition to each other (for example, Geert Wilders’ attempts to construct a Dutch national identity are framed in terms of citizenship and belonging in Holland, and is distinctly opposed to incorporating elements of Muslim identity into Dutch nationality, and constructed through such opposition).

The discussion of ‘citizenship’ in social policy discourse has perhaps been overly elevated, or at least, incorrectly universalised. Citizenship and welfare relate to each other in a situation in which welfare and social policy have been assigned as the responsibility of the state, such that the key aspect of identity relevant to receiving welfare is citizenship, affording access to welfare. This is certainly the case in the North, where social welfare constituted an important nation building tool/process in democratic states. However, social policy and social welfare in other parts of the world has been associated with religious institutions (such as the Middle East), or families (as in Asia, and Africa) rather than the state. In the Middle East, religious identity is of key importance in accessing welfare, rather than citizenship. Rana Jawad has discussed this in terms of a Lebanese case study (see Jawad, 2002; 2008; 2010).

SOCIAL RELATIONSHIPS - SOCIAL COHESION, SOCIAL COMPACT, SOCIAL NEGOTIATION

‘Social relations’ refer to all levels of human interaction, including intra-household, community, national and global interactions. These relationships are shaped by dynamics of “class, community, ethnicity, gender, etc.” (Mkandawire, 2001: 6) and may function to foster social cohesion (or alternately, division). Just as appeals to religious identity may foster social cohesion in circumstances of religious homogeneity, they may be divisive in situations of religious diversity. In such circumstances, Nesbitt moves that “Making a diverse society cohere involves the development of agreed-upon norms embodied in social policies”. Here, social policy provides the forum, and shared public norms provide the “grounding structures to negotiate and incorporate diverse religious worldviews” (ibid.); a key role of social policy is thus to foster social cohesion.

Dean describes such shared public norms, or “moral rationality” to use his term, as produced through a process of “social negotiation” (2007: 578). This social negotiation involves different actors with competing sets of interests, informed by particular sets of values and holding differing ideological positions (Mkandawire, 2001: 19) wrestling over “whose definitions of reality are embodied in ‘welfare legislation’, whose particular concepts of a ‘society and its social problems’” are embodied in the shared public norms and social policies (Carrier & Kendall, quoted in Gladstone, 1980: 61). In this respect, the dynamic negotiation of shared interests touches on power in society and is the result of political bargaining (Mkandawire, 2001: 18). Religious institutions are often powerful actors in this process of negotiation and contribute considerably to the creation of a “shared morality or set of normative assumptions undergirding a wide sector of society”. Jawad describes this process of social negotiation as an important dimension of nation-building in the Middle East, with religion being “one vital part of this new equation”. (Jawad, 2010: 663-4).

SOCIAL POLICY AND NATION BUILDING AS A SOCIAL CONTRACT

Social Policy can be expressed a ‘social contract’ between the implementer of social welfare policy and those affected by the policies, who may also lend legitimacy to the social policy project. Social

policy is most commonly thought of, or at least discussed in relation to, the democratic nation state: in a simplistic formulation, social norms shared by the public are expressed in social policies enacted by the government (either through direct state implementation or by the state creating an ‘enabling environment’ for private actors to deliver services within the given policy framework); the public supports and legitimates this process, agreeing to the particular formation of the ‘social pact’ through paying taxes and offering political support. This relationship between the state and the individual can be formed in various manners: the social contract may adopt a more individualist, or solidaristic nature, individualist conceptions of the relationship between the individual and the state may be termed “contractualistic”, in which “competitive and self-interested individuals” capitulate certain personal freedoms to the state in order to benefit from the protection of the state from other self-interested individuals (Dean, 2007: 579). Interaction with the social order, and responsibility, is understood from an individualist perspective. By contrast, a “solidaristic” or collectivist conception of social order prioritises social cohesion and solidarity as the basis of social action and social policy; responsibility is understood as shared (ibid.). Such normative conceptions of responsibility are socially constructed and informed in part by the religious milieu and influences (these are by definition ethical and moral constructions). Constructions of responsibility within a solidaristic perspective adopt a more universalist leaning, and thus are associated with redistributive and more universal social policy, and social democratic welfare states (Dean, 2007: 580). By contrast, individualist contractarian constructions of welfare ‘individualise’ responsibility, removing the burden of responsibility from the state considerable degree, creating the space for the market or third sector to deliver social welfare services in a ‘workfare’ format. Such conceptions of the individual/state relationship lend themselves to targeted social policy.

This characterisation of social policy requires further discussion. The ‘implementor’ of social policy is typically, but not necessarily the nation state. International influences on national social policy are becoming more prominent in a globalised context in which the influence of supra-national or international institutions and actors (e.g. IMF, WTO, UNDP,

the Catholic Church, etc.) is felt,¹² and in which ‘global’ problems demand global policy responses, with implications for national social policy. Apart from the state, other non-state actors may be actively involved in welfare service provision, as well as in contributing to the formulation of social policy. The private sector may provide social welfare services through the market, or as contracted by states. The ‘third sector’ is another crucial provider of services and welfare. Voluntary and NGO welfare services have historically provided substantial welfare provision and continue to do so; religious welfare and religiously motivated welfare constitutes a hugely significant component of such service provision. This is certainly the case across Africa, as well as in much of the Middle East. Jawad (2002: 323) discusses the case study of Lebanon in detail, describing the extensive network of religious welfare NGOs operating throughout the country, with the Ministry of Social Affairs allocating 55- 60% of its annual budget to such religious welfare groups.

In addition to service provision, religious bodies may function as important transnational and national institutions with a significant influence on social policy: religious institutions, in particular their moral norms and values, play an important role in interpreting, and creating the context in which social policy is conceived, applied and received. Some clear examples emerge when considering social policy relating to reproductive rights and health in Latin America, or to girls and women’s education in the Middle East, or to abortion in the United States. Further to this, and perhaps even more importantly, Jawad argues that “whilst religious groups may provide a cost-effective means of future service provision” the “strength and authenticity of their potential contribution to (the formation of) social policy” should not be overlooked (Jawad, 2010).

“Globalization affects social policy both at a normative level and in a more practical way, by setting constraints (fiscal and trade) that social policy must be attentive to.” (Mkandawire, 2001: iii). A clear example of this is the Poverty Reduction Strategy Papers insisted upon by the IMF and World Bank, which attach social conditionalities to the economic conditionalities upon which assistance is offered; similarly, Papal encyclicals, for instance, on the use of contraceptives, carry not an insignificant weight in influencing reproductive health care policies in predominantly Catholic countries.

SOCIAL ACTION

Some brief reflection on the role of religion in shaping the cultural, economic, social and political contexts which give rise to social policy and which social welfare must address is pertinent.

Nesbitt (2001) argues that religion has often provided the “empowering ideology and motivation for social changes”, with Jawad (2010) concurring on the importance of religion in “stimulating association life and providing the moral energy behind the ideals and the pursuit of social justice.” In this sense, religion serves as a core motivation and inspiration for many of the world’s people, spurring political reforms and resolutions, civil and human rights movements, with important political, social and pro-poor movements across the world able to attribute the genesis of their struggle and the “driving force” behind this in their religious identities (Jawad, 2010: 659). Just as religion can be seen as informing social practice and welfare conditions (consider the Hindu caste system), religious identity and resources can likewise be harnessed in social movements and political reforms to institute a change in social conditions – consider the role of religious identity and imagery in the civil rights movement in the United States, or in the Truth and Reconciliation process in South Africa.

The above section has explored the ways in which religion may shape social policy and welfare. The limitations or dangers, as well as possibilities posed by (the greater recognition of) religion in social welfare are discussed below.

LIMITATIONS AND DANGERS OF RELIGIOUS WELFARE

Reservations around recognising or consolidating the role of religion in public service provision and policy discussion relate to fears over the potentially divisive, or exclusionary function that institutionalised religious identities may produce in welfare provisioning – will minority religious groups be excluded from assistance? Will those of the ‘right’ religious identity be privileged at the expense of others? (Nesbitt 2001: xi). A key issue here is that of accountability, if religious welfare is provided for apart from the state, it is often difficult to monitor issues of quality control or discrimination. This is made even more difficult by the nature of many religious welfare providers: they are small, serve limited populations, are generally unconnected with other service providers or

general policies on what services should be provided, and often have weak administrative capacities for coordinating with state or other welfare providers. Where religious service providers provide welfare in the absence of state welfare, relationships of patronage may develop, again undermining accountability, and creating the conditions for politicised religiosity which may become harmful to democratization processes, or even generative of conflict.

As noted above, religious welfare services typically serve small populations (they are often run out of a Church or Mosque for example). Reliance by the state on the private provision of welfare is dangerous because religious welfare provides only a fragmented pattern of service delivery; it is bound to leave some excluded from welfare. This concern links to those expressed by Swart (2008), Winkler (2008) and Belcher & Tice (2011) regarding the ability of Church welfare networks to adequately cope with the burden of service provision placed on them through reforms to expand the role of religious service provision alongside/in place of government welfare provision in the South African and United States cases. The argument here is made that religious welfare provision is best placed to deliver quality *localized* welfare, but does not have the resources or capacity to expand beyond this. Interestingly, concern has been raised by some religious welfare providers that becoming involved in a welfare service provision partnership with the state will compromise the ‘prophetic identity’ of the church.

Additional concerns relate to the nature of welfare offered. Quality control has mentioned as a concern above, one dimension of this concern relates to whether religious services are progressive or regressive in terms of advancing gender equality, or in protecting human rights. Where welfare provision is offered on the basis of charity, rather than a concern with justice and for human rights, this may undermine commitment to the protection of human rights. (It is important to note here however that much of religious welfare provision is premised on notions of justice and development, see Plant, 2009).

MOVING FORWARD

This essay has demonstrated, through discussing the intimate implication of religion in early and developing forms of social welfare,

it's essential relationship with social policy and the "deeply historical and ever-present role which all religions have played in shaping both social ideals about human well-being and real life outcomes in society" (Jawad, 2010). This was further demonstrated by noting the lasting impact of religious social doctrines, even as they have been absorbed into national sets of norms and values and reworked into modern social welfare configurations. A detailed discussion of the ways in which religion and social policy interact was focused by taking a fresh look at concept of social policy itself, reiterating the important influence of religion (for good or bad) on social policy. The contemporary resurgence of interest in religion as providing for the practical delivery of social welfare was then discussed in the context of a globalised world of "multireligious ... multicultural, globally interdependent societies" (Nesbitt 2001: x), along with concerns as to the potential constraints faced by religious welfare providers in doing so. Along with the role of religion in social policy, these constraints must be taken seriously. Perhaps the first step in dealing with both of these is to encourage the consideration of social well-being and social welfare from the theological particularities of religious groups and to incorporate this into social policy dialogue.

Globalisation has created new realities and new structural forms of poverty, as well as the cultural forces shaping these social problems (Jawad, 2010). In its concern for human well-being, "religion continues to be a source of solutions to modern-day social problems" (Jawad, 2010: 670). In order for social policy to deal appropriately with the multicultural and multivalue societies being created throughout the world, and with contexts of explicit religiosity, the multiple voices of populations must be heard and reflected in social policy. Religious voices must be heard, and their visions of social welfare incorporated.

Jawad (2010) argues that, through adopting a religious perspective, a change in emphasis can be made from concerns with well-being to "*ways of being*", meaning chiefly that religiously inspired welfare provides a perspective concerned fundamentally with identity (as opposed to utilitarian constructions of happiness), that incorporates elements of the "personal/metaphysical (spiritual) experience of welfare", and makes clear a connection between social justice and (religiously held) truth.

The question is now no longer whether or not religion should play a role in social policy; it already does. The questions now remain as to

how to pursue this understanding so as to formulate social welfare policies and practices which recipients find “morally convincing” (Jawad, 2002: 327); opportunities to conceive of social policy from religious perspectives offer exciting prospects to social policy studies.

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9

Development Aid: Postponing Sustainable Development in Africa Until Further Notice

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WHY DEVELOPMENT AID & WHY AFRICA?

Despite suffering a prolonged crisis of legitimacy in the last two decades, aid remains at the very top of the agenda of most development initiatives directed to the world's poorest and most underdeveloped countries. Whether these initiatives are small scale projects bringing mosquito nets to a village in Malawi or global conventions aiming to 'make poverty history', aid is always there, at the very top, the number one prescription for the 'disease' of underdevelopment. So powerful in fact is the belief, whole-hearted as it may be, that aid will indeed succeed in taking these countries out of poverty and on to the path of development, that most debates, critiques or reforms focus on the amount, conditionality, effectiveness or deployment of aid rather than questioning the probability it will ever succeed to achieve what it promises: a sustainable path that the world's poorest countries can follow towards progress and development. While there is much to say on the above mentioned debates, especially as they succeeded in problematizing the way donors conceive aid and the methods followed to deploy it, this paper will focus less on the reforms needed to make aid more effective and more on the possibility that the aid approach to development itself, having so far failed miserably to achieve what it has been promising for decades, may need to be scrapped for new approaches that focus not on alleviating the symptoms of poverty but on providing these countries with the tools to help themselves.

Amidst all debates and discourses the second largest continent in the world stands still to represent the whole development aid dilemma. Nowhere has the disappointment and disillusionment with donor promises been greater than in Africa – the continent that has received unprecedented aid flows only to find itself at the turn of the millennium highly dependent on (if not indebted to) aid from the developed world. It is rather disturbing to see in the last decade renewed calls for even more ODA coming from various parts of the UN, the World Bank, many NGOs as well as recipient countries, even though “this region already receives historically unprecedented volumes of aid” (Moss et al. 2006: 1). This essay takes impetus from these calls representing the persistent loyalty to an approach that is being criticized heavily for its failure to deliver. In this regard, I will outline below three main criticisms of the aid-solution to the development dilemma in light of the current state of African economies. Mainly that the aid approach to development often goes against one of its main goals – institutional development and encouragement of good policies, it turns into a disaster for the human resource distribution within and outside African economies and it perpetuates a discourse that is ever more disempowering and generates dependence instead of sustainability. Below these three critiques are elaborated further.

AID FOR INSTITUTIONAL DEVELOPMENT AND GOOD POLICY ENVIRONMENTS - A WORK IN PROGRESS

One of the main goals of aid programs in Africa is, in good faith to the traditional development initiatives in other parts of the world, to encourage the development of ‘good governance’ institutions and ‘good’ policies. It goes without saying that even the most inexperienced donors have long ago understood not only the importance of aid effectiveness but also that this one depends heavily on such achievements. In fact, most conditionalities on aid emphasize the need for institutional reforms, strongly relying on the premise that aid will indeed strengthen state capacity and public institutions while at the same time helping to improve (or in some countries create) the institutional framework for the implementation of various development initiatives. But is this necessarily the case?

Moss, Pettersson and Van de Walle explored this question and the literature dealing with the effects of large amounts of aid on institutional development in a working paper in 2006 and the results confirmed what many other aid critics had previously stipulated: the effects of development aid on institutions were more likely to result in an aid-institutions paradox than to have the desired effect of helping such institutions thrive. By devoting special attention to two sectors that seem to be more likely to suffer from the potential negative effects of aid, the fiscal and state revenues sectors, they conclude that “states which can raise a substantial proportion of their revenues from the international community are less accountable to their citizens and under less pressure to maintain popular legitimacy” (Moss et al., 2006: 1). Therefore there will be less incentive to invest in effective public institutions.

This is only one of many academic as well as critical journalistic studies that hold this view.

With regard to the ‘good’ policies claim, one of the most cited works is a study by Burnside & Dollar and the Policy Research Department in the World Bank that, through econometrics estimation techniques, explored the relationship between aid, good policy environments and growth. They concluded that when aid flowed into good-policy environments it indeed conducted to growth. However – and this would be the obvious reaction to such statement – aid does not usually flow into good policy environments. Donors instead claim that aid will *lead* to such environments (as well as growth). Here is where the results of the study disagree. Growth aside, the study finds: “the effect of aid on policies to be insignificantly different from zero” (Burnside & Dollar, 1997: 28). In other words, the premise that more money flowing into a country through aid programs will develop that country’s political environment is incorrect. So, while aid would indeed be more effective in good policy environments, it is only logical to conclude that: as it does not lead to such environments, aid is also much less effective in their absence.

Such studies were also used to explore whether aid conditionality itself was conducive to an improvement in the institutional framework of the recipient countries. Some organizations have of course recognized the limitations of the conditionality approach but believe it can still work if the ‘right’ conditions are to be applied (Oxfam, 1995). However, a more elaborate perspective could also reach the conclusion that it is not

the wrong type of conditions, but rather conditionality itself that has failed to develop better institutions and policies in Africa. One might argue that the relationship between donors and recipient countries is far more complicated than “I give if... I take back if you don’t...”. In fact, since aid is often seen as an investment and results can only be expected somewhere down the road, it is not that easy (and often not in the best interest) for the donor party to pull out. The figures are in fact disturbing: As reviewed by the World Bank itself in 1992, “although compliance rates on conditions were below 50%, tranche release rates were close to 100%” (Kanbur, 1998: 4). These agencies need to after all justify their budgets and therefore tend to be indulgent when conditions are not fulfilled (Goldsmith, 2001: 125). How can aid be expected to enforce ‘good’ institutions (if that can indeed be considered a legitimate goal of development aid) if the relations between donor and recipient make it impossible to enforce conditionality?

High aid flows might in fact have the opposite effect by weakening institutions instead of strengthening them. This can happen because aid is often accompanied by high transaction costs that increase fragmentation, leave no room for opportunities to learn and heavily impact government budgeting processes (Bräutigam & Knack, 2004: 260). In fact, as Bräutigam & Knack puts it: “high levels of aid can create incentives that make it more difficult to overcome the collective action problems involved in building a more capable and responsive state” (2004: 260-261).

These are only some of the many studies that have explored the relationship between aid, institutions and policies and that have expressed serious concerns, increasingly shared by the African public, on the effects of aid on a country’s political and institutional platforms.

THE QUEST FOR HUMAN DEVELOPMENT: DRAINING HUMAN RESOURCES OR DISTORTING THEIR DISTRIBUTION

Yes aid may have often failed Africa, but it was all for a good cause. Perhaps donors were inexperienced, did not try hard enough, aid was not big enough or not effective enough. If we only keep trying who knows... This repetitive, seemingly consensual, perspective among the donor community seems to ignore a large part of aid programs that were deliberately and shamefully used to advance the direct interests of the

donor agencies. The human resources field is an example of how aid has both marginalized the distribution of human resources within recipient countries while at the same time encouraging intensive outflows of experts from African countries to western economies, a phenomenon more commonly known as brain-drain. Really, the logic might just be the same as with any other resource being drained out of developing countries. Only in the case of human resources the states do not 'export' them, not even on unfavorable terms to at least make the best of a bad deal. The 'best and brightest' of African economies seem to be shifting either outside Africa or often seek employment within the myriad of international organizations operating in African countries. To say that aid was the only, or even defining, factor in this is to miss out on a large part of a bigger, more complex picture where migration, underdevelopment and brain-drain are inextricably linked, but recent studies seem to show that aid certainly did affect the phenomenon to a large degree.

With regard to brain-drain, the health care sector in particular has received great attention from both journalists and academics not only because it was so heavily marginalized by the interference of foreign aid but also because, given the disastrous public health situation in many of these countries, it is difficult to see how they can embark on a sustainable road to development without first addressing the large portions of their population being constantly affected or threatened by various diseases. Yet, "although the developed countries of the North are giving aid with one hand, they are robbing African countries with the other by siphoning off their most precious resource – trained doctors and nurses" (Johnson, 2005: 2). Countries where human resources are fluent in English are understandably particularly threatened by brain-drain and literature denouncing such phenomenon especially in the public health sector, is ample and quite elaborate (see Johnson 2005; Schrecker & Labonte, 2004; Muula, 2005; Martineau et al. 2004).

However the brain-drain of resources that could have been used nationally is only one dimension of this argument. The aid approach to development affects the internal distribution of human resources within the country as well, often by distorting it. It is only to be expected that the considerable difference of wages offered by international organizations in comparison with most national public and private enterprises means that the most qualified professionals will be attracted by these organizations. There is considerable room for debate on

whether this would indeed be the most efficient use of such resources, especially considering that the en masse level of involvement of national experts within these organizations rarely surpasses that of administrative or logistics departments. In an interview that falls nothing short of remarkable, with Spiegel International, Kenyan economics expert James Shikwati, put it very bluntly by referring to these as:

“... jobs that were created artificially in the first place and that distort reality... When an aid organization needs a driver, dozens apply for the job. And because it's unacceptable that the aid worker's chauffeur only speaks his own tribal language, an applicant is needed who also speaks English fluently – and, ideally, one who is also well mannered. So you end up with some African biochemist driving an aid worker around, distributing European food, and forcing local farmers out of their jobs.” (2005)

In fact, this is a phenomenon affecting all developing countries. While many individuals benefit at times, between these market distortions and the brain-drain of professionals towards western economies, the sector of human resources as a whole in developing countries, has certainly been on the losing side of the aid approach.

HOLLYWOOD AND ROCK SINGERS MAKING POVERTY HISTORY: THE EVERLASTING DISEMPOWERMENT

Africa has become the symbol of any development aid enterprise. One can hardly think of the word aid or charity or donation nowadays without subconsciously relating it to the ‘black continent’. Songs have been written about it, ‘Live Aid’ festivals have been organized about it, pictures have been taken and made into posters that are so painfully heart breaking, one no longer dares say Africa is anything other than the continent of suffering. This has of course been helped by world famous rock stars with orange sunglasses comparing the situation in Africa to the Irish potato famine, Hollywood stars and goodwill ambassadors of the UN adopting African children and a general portrayal by the media of Africa as nothing but pot-bellied babies with tsetse flies on their eyelids (Brea, 2007).

In light of this powerful discourse, of course, many criticisms have followed exposing the dangers that come with it. And it is interesting to note that these criticisms are, in a way, dating back to the first foreign aid institution, the Marshall Plan, and its implementation. Similar concerns

were expressed by the US administration almost 6 decades ago amid worries that huge amounts of foreign aid flowing to European countries would increase dependence while at the same time downplaying the potential of self-help elements. (Bräutigam & Knack, 2004: 256). The same logic applies to the immense amounts of aid flowing to Africa in the last decades. So while there continue to be renewed calls for increased ODA, these are confronted, now more than ever, with countless voices from within and outside of Africa calling in unison “... for God's sake, please just stop” (Shikwati, 2005; Brea, 2007).

One need look no further than foreign investment flows into African economies and compare them to aid flows to understand the frustration of African academics and journalists with this discourse. Why investment flows? Because investment presents endless opportunities to actually enrich a country and can easily be the engine to its development (it is hard to remember a case when aid played such a role). However investment in Africa seems to remain low, regardless of efforts by both government and aid agencies, especially in those countries that need it the most. To put the figure into perspective, between 1993 and 1997 the region's net ODA receipts totaled \$86.5 billion. In these same five years net foreign direct investment to Africa was only \$9.5 billion (Goldsmith, 2001). Critics to the aid approach blame the disempowering discourse created around Africa and its people and its governments for the lack of investment even in those African economies that have significant rates of growth.

Major aid oriented organizations are also greatly affected by such a disempowering public discourse and often become its strongest perpetrators. One need only take a look at some of their web sites which seem less like awareness raising campaigns and more like e-bay platforms, displaying items named in heartbreaking labels like ‘donate a hygiene kit’ or ‘adopt a child today’ that charitable people might want to ‘add to the basket’. I’m referring here to websites like Oxfam’s on-line shopping web site and their ‘Unwrapped’ initiative, for example, through which one can purchase a mosquito net for £11. Oxfam will then take care of getting this gift to where it’s needed the most. And it comes with instructions. One can only save one child at a time from malaria apparently. A few months ago, in a public reaction to OECD aid figures, the same organization expressed its outrage and concern at the fact that “the £11bn shortfall could have paid for...mosquito nets for 1 million

people, to protect them from malaria” (Oxfam 2011) when for years now members of local communities in Africa have called for new approaches to addressing the issue. About 5 years ago, an interesting article published in *The American* again quoted Kenyan economist Shikwati:

“We can fight malaria by distributing free mosquito nets, which may cost \$10-\$60 each by the time you get them down often impassable dirt roads. Or, as Shikwati suggests, we can train locals how to operate a business spraying homes with an insecticide that will keep them mosquito-free for six months at about \$2 a family.” (Brea, 2007)

This example goes to show how the way African communities are perceived drastically affects the solutions devised to address their problems. In a time when many of the experts are calling for solutions be designed locally, it is important to keep in mind that this cannot be achieved unless we first change the way Africans and the underdevelopment problem are perceived

CONCLUSION

This essay aimed to assess the negative impact an aid approach to development may have by focusing on three main criticisms in light of the current state of African economies: the aid approach to development often goes against one of its main goals – institutional development and encouragement of good policies, it turns into a disaster for the human resource distribution within and outside African economies and it perpetuates a discourse that is ever more disempowering and generates dependence instead of sustainability.

The abovementioned criticisms do not mean to say that aid is not effective or even necessary to lessen some of the worst manifestations of poverty and underdevelopment. However, assistance or relief should be clearly set apart from development, especially by agencies devising solutions to the development issue. By confusing the two, these agencies risk not only devising ineffective plans, as the abovementioned examples have shown, but often reproduce the very phenomena they are trying to fight.

Development aid is not relief aid. Development initiatives are not to be confused with poverty alleviation initiatives. These last ones can surely be addressed to a certain extent through aid, though it is very

likely that aid will be unable to address the root causes of poverty and bad governance. Development initiatives on the other hand should focus less on flooding poor countries with money, clothes and cheap (highly subsidized) food and more on wealth creation. Once this priority is set straight, the donors and development agencies need to recognize the need, not for more money, but more foreign capital and better terms of trade. Most importantly, when the difference between development aid and relief aid is clear, development organizations might just realize that they are operating in the wrong paradigm and that they will fail to make any lasting change on the ground unless the whole development discourse changes first. Under this new discourse, a new way of conceiving any intervention in these countries may well arise, one that aims not to repair old structures but build new ones, one that sees not limitations but opportunities.

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Local Tax Effort and Accountability in the Resources-Rich Local Governments: Initial Evidences of Resources Curse in Indonesia

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1. INTRODUCTION

The complexity of fiscal decentralization in many countries has brought different impacts, even when intended for the same purposes and using the same instruments. Five major decentralization policy instruments: allocation of responsibilities, distribution of taxing power, intergovernmental fiscal transfers, central government controls, and the local government election rules, may bring a very different impact in the four impact areas: economic efficiency, macro-economic stability, income redistribution, and political efficiency (Prud'homme, 2003: 19-20).

In decentralized Indonesia, many responsibilities are on the hands of local government, thus they are given the taxing power for collecting the local revenue and also receive central government transfer to overcome the vertical and horizontal fiscal imbalance among local governments. Many researches found that during the first decade of decentralization in Indonesia, there was no significant improvement of local government's self-reliance. In other words, the local governments are still having strong dependency to national governments grants.

However, this conclusion is not enough in explaining the case of local governments who have abundance of natural resources in their

jurisdiction in which they gain huge revenues from the extraction of it. In these local governments, we would expect that natural resources related revenue would increase their self-reliance from central government grants, and will be able to stimulate them to increase the local tax from the other economic sector. Therefore, it is important to see the influence of the natural resources revenue on the local tax effort in natural resources-rich local governments.

In order to answer the question, the essay aims to assess the relationship between natural resources revenue to the local tax efforts in the resources-rich local government. In addition, the essay also assesses the accountability performance in these local governments in order to see the impact of the level of local tax effort on the accountability of the local governments and to conclude if there is any relationship between the natural resources revenue to the accountability of the local government.

The essay starts with a literature review on the central government transfer, natural resources revenue and their impact on the local governments in some countries. The next section gives a description about decentralisation policy in Indonesia, especially related to intergovernmental fiscal transfer and the level of discretion the local governments have in the spending. The two following sections examine the effect of the natural resources revenue to the local tax effort and the continuing effect of the local tax effort to the accountability of the three selected resources-rich local governments in Indonesia. The essay finally gives conclusions with some broad policy recommendations.

2. CENTRAL GOVERNMENT TRANSFER AND NATURAL RESOURCES REVENUE: LITERATURE REVIEW

Impact of central government transfer on the local taxation and accountability of the local government has been well documented on many researches. Prud'homme (2003) finds the evidence from 367 municipalities in Parana (Brazil), that local tax effort decreased as the transfer increased. This is because the incentives to collect local revenue tend to disappear when the central government transfers increase (Op. cit.: 25). This conclusion is similar to Gramlich (1987) that concludes, when the central government cuts the transfer, local revenue tends to

increase in order to address the lack of source of financing. In relation to accountability, the intergovernmental transfer creates a fiscal dependency to central government and it will shift the accountability focus of local government, from the local people to the central government, from downward accountability to upward accountability (Yilmaz et al. 2010: 280-281).

Stine (1994) finds different conclusion on his research. He finds that when the central government transfer decline, the local revenues also tend to decrease. The logic argument for this finding is, when the transfer is cut, the local government will lack the fund to support the economic activities that intended to increase the local tax base. In other words, the local government's response to the decrease in the transfer by increasing the local tax rate and charge the public services. This in turn will counterproductive, because in the long run, the economic activities will response negatively to the increase in tax rate and services charges and this will decrease the local tax or revenue. The cut in the transfer creates vicious circles for the local revenue.

The same phenomenon also applied for the revenue that the government gains from natural resources extraction. This is also known as one aspects of resources curse theory that emphasized on the impact of natural resources abundance and disincentive to collect the non-natural resources domestic revenue. Evidence from Moore (1998, 2007) and Collier (as cited in Bornhorst et al. 2009), stated that governments who depend on natural resources revenue tend to generate less revenue from another domestic sources. In addition, as a non-tax source of revenue, natural resources revenue also gives disincentives for the government to be accountable to the people. It is reflected in their policy preference of the spending priorities and many illegal activities of the bureaucrats such as corruption, graft, etc. (Centre for the Future State, n.d.).

3. DECENTRALIZED INDONESIA

In decentralized Indonesia, most of the local government source of revenue is the equalization funds, which are mostly in the form of general purposes grants and revenue sharing grants. The most source of revenue is unconditional general purposes grant, which is in total

accounted for 74% of total consolidated Indonesia local revenue in 2001 (Mahi, 2002: 7). The second main source of equalization fund is the revenue sharing: tax and non-tax revenue. Local governments who have strong tax base depend on their portion of tax revenue from central government, while endowed local governments with abundance of natural resources get higher portion of their revenue from natural resources revenue sharing.

The revenue from natural resources is shared between central government, provincial government and local government. The sharing mechanism is based on derivation basis from the originating local governments using different percentages, depends on the type of natural resources produced: forestry, mining, fishery, geo-thermal energy, oil, gas, and re-forestation fund. In summary, most of the percentages shared to the central government, while the local government in which resources are extracted get higher portion of the revenue than the other districts in the same province.

In addition, for the both type of equalization funds, the local governments have almost complete discretion in taking decisions on how to use the money, based on their spending priorities. However, although the both funds are the transfer from central government, the general purposes grant is mainly aim to address fiscal imbalances across regions and on the other hand also as a source of local financing for the local governments who has fiscal gap, which is the different between the fiscal need and fiscal capacity. Within this setting, the resources-rich local governments who have strong fiscal capacity from their natural resources revenue should not be depend on the general purposes grant.

4. NATURAL RESOURCES REVENUE AND LOCAL TAX EFFORT

In order to assess the relationships between natural resources revenue and local tax effort at district level in Indonesia, this paper use data from three regions that endowed with abundant of natural resources: Rokan Hilir in Riau province is an oil-producing region, Musi Banyuasin in South Sumatera province is producing oil and gas, and Kutai Timur regions in East Kalimantan province is a well-known region for its coal mining and oil sector. Based on the Supreme

Audit Board's audit report, these three regions are on the list of the top 10 the richest regions in Indonesia in 2010.

The revenue from natural resources extraction receive by these local governments under the intergovernmental fiscal transfer will be compared with the general purposes grants and local tax effort (the ratio between the locally generated revenue and the local tax potential). This paper uses the Gross Domestic Regional Product to measure the local tax potential (not including the calculation of oil, mining and gas revenue sectors). With this definition, the local tax effort measurement can be use to describe the local government's effort to collect tax and generate revenue from others economic sectors besides the extraction of natural resources.

Table 1
The Composition of Main Sources of Local Government's Revenue and The Local Tax Effort Ratio

REGIONS	YEAR	REVENUE SHARING NATURAL RESOURCES	GENERAL PURPOSES GRANTS	INTERNALLY GENERATED REVENUE	LOCAL TAX AND RETRIBUTION	LOCAL TAX EFFORTS
ROKAN HILIR	2004	579,318,160,000	96,084,590,000	28,090,490,000	2,814,100,000	0.000508
	2005	912,012,890,000	95,180,000,000	49,039,320,000	3,072,460,000	0.000452
	2006	1,266,768,590,000	91,848,000,000	71,614,670,000	10,852,870,000	0.001359
	2007	1,024,731,831,597	91,848,000,000	99,040,362,926	7,454,449,164	0.000758
	2008	1,133,614,947,045	-	72,163,603,809	10,473,705,521	0.000868
	Average	983,289,283,728	70,778,147,500	63,989,689,347	6,933,516,937	0.000789
MUSI BANYUASIN	2004	293,352,010,000	145,336,000,000	9,491,420,000	3,105,940,000	0.000987
	2005	538,198,510,000	145,336,000,000	13,514,720,000	5,480,000,000	0.001612
	2006	740,039,190,000	145,336,000,000	42,145,120,000	8,021,150,000	0.002206
	2007	773,740,768,936	190,145,000,000	28,288,642,702	8,347,133,118	0.002129
	2008	786,838,368,018	177,096,271,000	31,372,488,025	7,469,397,942	0.001804
	Average	626,433,769,391	160,649,854,200	24,962,478,145	6,484,724,212	0.001748
KUTAI TIMUR	2004	312,360,050,000	106,403,000,000	8,747,975,000	3,037,700,000	0.002030
	2005	492,867,896,055	103,060,000,000	10,258,080,000	2,365,741,000	0.001482
	2006	701,097,478,650	202,986,580,000	12,334,740,000	4,056,080,000	0.002316
	2007	720,117,510,870	250,773,416,663	78,880,121,736	7,608,240,349	0.004131
	2008	1,016,129,726,377	294,695,673,800	68,457,652,487	14,066,704,727	0.007250
	Average	648,514,532,390	191,583,734,093	35,735,713,845	6,226,893,215	0.003442
THE AVERAGE OF THE 3 LOCAL GOVERNMENTS	2004	395,010,073,333	115,941,196,667	15,443,295,000	2,985,913,333	0.001175
	2005	647,693,098,685	114,525,333,333	24,270,706,667	3,639,400,333	0.001182
	2006	902,635,086,217	146,723,526,667	42,031,510,000	7,643,366,667	0.001960
	2007	839,530,037,134	220,459,208,332	68,736,375,788	7,803,274,211	0.002340
	2008	978,861,013,813	157,263,981,600	57,331,248,107	10,669,936,064	0.003307
	Average	752,745,861,837	150,982,649,320	41,562,627,112	6,548,378,121	0.001993

Source: Author's calculation based on data from Ministry of Finance and Central Statistics Office

Within this setting, this paper tries to put the hypothesis that, just like any dependency from central government transfer, dependency on natural resources revenue gives disincentives for natural resources-rich local governments to generate other sources of domestic/local revenues.

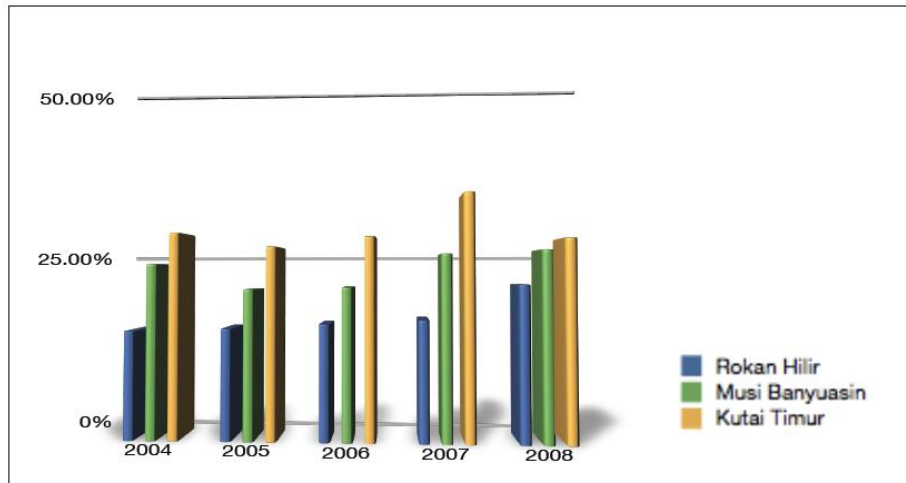
The data shows that during 2004-2008 there is a trend of increase in the natural resources revenue sharing in the three endowed local governments. It is interesting to observe that even when the natural resources revenue increased, in general, the general purposes grants from central government are also increased, almost in the similar pattern. The positive result of the influence in the increasing of natural resources revenue sharing to the decreasing dependency from central government general purposes grants only happened in the Rokan Hilir Regency, with the general purposes grant shows a declining trend and even zero in 2008. Conversely, in the other two regions, the trend of increased in natural resources revenue also accompanied with the increased in the general purposes grant.

However, in the Rokan Hilir region, the main factor that influence the zero amount in general purposes grants in 2008 is not the local government's effort on collecting taxes, but the abolition of the "hold harmless" provisions that regulate that all recipient governments receive at least the same amount of what they received as general-purpose transfers in the last fiscal year period. With the abolition of hold harmless provisions, local governments who have strong fiscal capacity to finance their bureaucracy and pay the salary of the local civil servants may not receive the general purposes grants or may receive it in the amount less than the amount in the previous year.

In the relation between natural resources revenue and internally generated revenue (IGR), there is a general trend in the all regions observed, that the increased in natural resources revenue also accompanied with the increased in the IGR. It is a positive result, which can be indicated that there is an effort of local government to convert the money they gained from natural resources extraction to the other economic sectors that generate the revenue. However, from the next analysis on the sources of internally generated revenues, it is shown on the table that the local tax and retribution contributed only a small part of the increased in IGR. As shown in the graphic 1,

the percentage of local tax and retribution to the internally generated revenue, in general, is only below 30%. It is indicated that the local governments generate local own revenue from the sources other than local tax and retribution. This finding is strengthened by the facts that the local tax effort in the regions is relatively very low.

Graph 1
The Contribution of Local Tax and Retribution To Internally Generated Revenue



Source: Author's calculation

One interesting finding related to the internally generated revenue, based on the National Audit Supreme Board Report, in 2006, the internally generated revenue of 71.61 millions rupiah in the Rokan Hilir Regency is mostly as a result of the interest revenue from the placement of local budget in the bank, which is accounted for 50,99 millions rupiah or 71% of the local own revenue. It is seems that there is a tendency for resources-rich local governments to save the money in the bank to get the easy money, and not to spend it in their development priorities. Unfortunately, due to the limited access to data sources, the author cannot present the comparison of the interest

revenue with the other local governments for the period of observation.

This section findings strengthen the facts that the natural resources revenue received by the endowed regions tend still does not reduce the dependency from the central government grants. Moreover, although there seems to be a trend of increased in the internally generated revenue, the contribution of the local tax and retribution to the internal revenue is still very low. To conclude, the increase in the natural resources revenue and general purposes grants increase not accompanied by a proportional increase in regional efforts to increase revenue, particularly for local tax effort.

This finding is also support the previous research by Nagathan and Sigvagnanam (1999), stated that the provision of a planned transfer will give a negative impact on local tax effort, because it will create the fiscal laziness (as cited in Kuncoro, 2007). It also support the OECD research on the effect of the natural resources revenue in the economic development, stated that the natural resources dependent government does not have incentives to promote others economic activities to gain other source of revenue beside revenue from natural resources extraction (OECD, 2008).

Moreover, in line with the spirit of decentralization to enhance the local government's accountability, the next section will discuss the implication of these findings to the accountability performance of the respective local governments.

5. NATURAL RESOURCES REVENUE AND ACCOUNTABILITY

Enhancing the accountability of local government is one of the main objectives of decentralisation, because decentralization offers greater opportunities to exerting stronger pressures both from above (upward accountability) and below (downward accountability) (Merat, 2004: 247; Yilmaz & Mahieu, 2010: 259). Upward accountability to central government is a significant feature of accountability for the local government who depend on the central government's grants, while downward accountability can be encourage by enhancing the reliance of local governments on locally raised taxes (Merat, 2004: 247). Significant revenue autonomy and some tax-effort incentives are

critical to encourage downward accountability and increase the efficiency of local government operations (Yilmaz et al. 2010: 280).

As mentioned above, the endowed local governments in Indonesia are, in general, still dependent on the transfer of natural resources revenue sharing and general purposes grants from the central government. This dependency is not accompanied with any conditionality. The local governments have an almost complete discretion in taking decisions on how to spend the money. On the other hand, within their taxing power, they do not optimize the revenue from other economic sectors beside the natural resources extraction, or in other words: they have less effort in generating the local taxes. In such situation, it is relevant to question the level of accountability they have to the both side, upward and downward accountability.

Upward Accountability to Central Government

In the natural resources-rich local government in Indonesia, they have complete discretion over the spending from the main source of their revenue, which comes from central government in the form of natural resources revenue sharing and general purposes grant. Although central government does not put any string attached in such funding, the local governments are expected to fully disclose all the information in their financial statement about how they spent the money and report it in accordance with the national government accounting standards. Although the central government is not the only stakeholders of the local government's financial statement, the central government has strong interest for the quality of information produced in the report in order to produce national government consolidated financial report as a responsibility of the president to the parliament.

One of the indicators that can be used to measure the financial accountability and transparency of the local government is the opinion of the Supreme Audit Board (BPK) on the local government's annual financial statement report. The basic rationalization for using this indicator is that the accountability can be encouraged by reducing the informational gap related to the government's activities (Eckardt, 2008). One of the means to facilitate the flow of information to other stakeholders is the financial statement of the government's. In

Indonesia, since 2006, Supreme Audit Board starts giving the opinion, on the base of the assessment results on the effectiveness of internal control systems, conformity with the governmental accounting standards, adequate disclosures, and compliance with laws and regulations. The internal control system aspect is divided into accounting and reporting, budget implementation, and the weakness of internal control structure.

Under Law No. 15 of 2004 there are 4 types of audit opinion given by the BPK RI upon examination of a Financial Statements. First, "Unqualified Opinion", stated that the financial statements of the entity being examined, present fairly in all material respects, the financial position, results of operations and cash flows of certain entities in accordance with government accounting principles generally accepted. Second, "Qualified Opinion", stating that the financial statements of the entity being examined present fairly in all material respects, the financial position, results of operations and cash flows of the entity in accordance with accounting principles generally accepted in Indonesia, except for the impact of matters relating to the excluded. Third, "Adverse", stating that the financial statements of the entity being examined does not present fairly the financial position, results of operations and cash flows of certain entities in accordance with accounting principles generally accepted in Indonesia. Fourth, "Disclaimer", stated that the auditor does not express an opinion on financial statements, if audit evidence is not enough to make conclusions.

As an incentive for the local government to improve the quality of their financial statement, central government gives an award, based on the assessment of their financial performance. The implication of this award is an additional incentive grants to the well-performed local government, ranging from 18 to 38 billion rupiah, according to the rank achievements. This amount of money that is quite significant for the additional source of revenues for the local government.

However, based on the recapitulation of the Supreme Audit Board's audit opinion on the local government's financial statements, during the period observed, there is no significant improvement in the quality of the financial report of the selected local governments in this paper. Rokan Hilir and Musi Banyuasin regency relatively have better audit opinion, although it is not the best opinion on audit of financial statement. Both of them are also able to maintain it during

the 2006-2008. In conversely, the Kutai Timur Regency's financial statement shows a series of disclaimer opinion from the Supreme Audit Board. As additional information, in 2009, the Musi Banyuasin's financial statement got an "adverse opinion", which means a two steps decline in the rank of audit opinion.

Table 2
The Supreme Audit Board Audit Opinion On the Local Government's Financial Statements

LOCAL GOVERNMENT	FISCAL YEARS	BPK's OPINION ON FINANCIAL STATEMENTS
ROKAN HILIR	2006	QUALIFIED OPINION
	2007	QUALIFIED OPINION
	2008	QUALIFIED OPINION
MUSI BANYUASIN	2006	QUALIFIED OPINION
	2007	QUALIFIED OPINION
	2008	QUALIFIED OPINION
	2009	ADVERSE
KUTAI TIMUR	2006	DISCLAIMER
	2007	DISCLAIMER
	2008	DISCLAIMER

Source: Author's compilation from Supreme Audit Board's Report

From this simple observation, it has some initial evidences to conclude that the trend of increase in the natural resources revenue and general purposes grants, as discussed in the previous section, does not give enough incentive for the three local governments to improve the quality of their financial statement and enhance budget management capacity of the local staff. They also seem don't have an effort to get some additional revenue from the incentives grants for a better financial performance. As the result, they have relatively low accountability to the central government in the financial reporting and also low transparency to every financial statement's stakeholders, including the local parliament and local people.

However, although the opinion of Supreme Audit Board may reflect the transparency in accounting and reporting of local revenues

and expenditure, it still does not have a strong direct relation to the degree of corruption in the local government, although it can be used as an initial evidence for the investigation audit on corruption. In other words, the local government who has disclaimer opinion does not necessarily mean that there is a high degree of corruption in the local bureaucracy; conversely, the local government who has the unqualified opinion on their financial statement does not really mean that they are clean from the corrupt practice.

Downward Accountability to Citizens

Downward accountability to the citizens can be improved by enhancing political accountability through elections (Aucoin & Heintzman, 2000) or by involving the citizens directly in the decision-making process beyond elections (Yilmaz et al. 2010: 268). In Indonesia, since 2004, the direct election system starts implemented to elect the mayor in the municipality, the regent in regency, and the governor in the provincial level. With the new election systems, accompanied with local discretion on the public expenditure and transfer of many responsibilities to the local government, the assumption of the policy makers is that it will enhance the downward accountability to the local people, because it is assumed that local government can respond effective and efficiently to the needs of their locality. However, direct election of the local leaders and parliaments, off course, does not automatically create accountability, although there may be a greater opportunity of increasing demand to the government for accountable within such election system.

To further examine whether the local officials, specifically mayors in the resources-rich regions, are likely to be accountable to their people, this paper takes the corruption issue related to the mayors, during their active period. This paper uses the journalistic information published on the three national news websites (www.jakartapost.com, www.detik.com, www.kompas.com), and two non-profit websites that focusing themselves on the corruption issues (www.infokorupsi.com and www.antikorupsi.org). These journalistic works also supported by some documents released by the public officials, for example, Audit Supreme Board's reports, Public Attorney documents, and Police Reports. The illegal events are including the allegation of fraud, corruption, gratification, and other illegal activities associated with the mayors during

the 2004-2008. The searching method used in the research are based on the some keywords in Bahasa Indonesia and English, and using the searching box feature available in the respective website. The keywords used are: name of the each mayor during 2004-2008, the name of the regions, corruption, korupsi, gratification, gratifikasi, audit, BPK, kejaksaan, and the combination among the keywords. Although this paper acknowledge the limitation of evidence on mayor's corruption, and the issue of corruption might be blowing up to the media by the political opposition; the news in the credible website with some supports of the official documents still may become initial evidences to measure the downward accountability of the mayors.

This paper finds that the mayors in the three endowed local governments observed are allegedly involved in the corruption and fraud practice during their active period, although with the different level of allegation. This finding is not surprisingly achieved. It is also supporting the fact that in January 2011, 17 out of 33 governors and 138 out of 497 mayors/regents in Indonesia is suspected in corruption, fraud and any others illegal activities related to their position (Kompas, 2011).

This finding also supported the previous research's findings, such as Yilmaz and Mahieu (2010), that suggests the weaknesses in downward accountability of the resources-rich government because no citizens' scrutiny over the budgeting processes. To sum-up with the first section's conclusions, whether in the national or sub-national level, governments who rely on natural resources revenue and have less effort in local tax collection, tend to be less accountable to the citizen, have a non-transparent sources of revenues, and have ineffective bureaucracy.

6. CONCLUSION

Much literature has identified political-economy mechanisms that may be triggered by endowment of natural resources. Throughout the essay, the relationship between natural resources revenue to the local tax efforts in the resources-rich local government has discussed in the framework of decentralization and assesses the continuation effect on the local government's accountability. The essay also finds the relationship between the natural resources revenue to the

accountability of the local government, although it cannot be generalized for every resources-rich local government.

Table 3
Compiled News About Allegations of Corruption and Fraud of Mayors in the Selected Local Governments

REGENCY	INITIALS OF MAYOR	PERIODS	EVENT	AMOUNT INVOLVED	SUPPORTING OFFICIAL DOCUMENTS	CASE STATUS UNTIL JUNE 2011
ROKAN HILIR	AM	2006 - 2011	1. Illegal provision of Forest Utilization (illegal logging) and gratification that governor of Riau and four others mayors in Riau.	Rp 1.2 Trillions	Police Report to Attorney General's Office and Permission Letter to President for Mayors investigation on September 27, 2007	Police and Comission for Eradiction of Corruption (KPK) investigation. Two others mayors already named as the suspect.
MUSI BANYUASIN	AN	2001 - 2008	1. The operational funds of Regent in 2004 exceeded the ceiling allowed in the law. 2. The procedure for procurement on the development of E-Government Project in 2004 and 2005 not in accordance with the provisions of the legislation. 3. The misuse of financial assistance for social organizations to finance the operational activities of the Regent	Rp 606,718,767.00 Rp 774,360,000.00 Rp 2,019,859,490.00	Audit Supreme Board Report (BPK RI) No. 91.a.1/S/IV.2/06/2007, June 13 2007	Has not Followed Up
KUTAI TIMUR	AWI	2006 - 2008	1. The Attorney General's Office named the Mayor a suspect in corruption case in the divestation of the local government owned cooperation.	Rp 609 billions	Letters Warrant Investigation No. PRINT 82/F.2/Fd.1/7/2010	Suspected - Investigation Phase

Source: Author compilation from news website

First, the essay finds that in the local governments observed, there is no significant influence of the central government transfer in the form of natural resources revenue sharing to the local tax effort. The resources-rich local governments, beside gain huge natural resources revenue, also still depend on the general purposes grants from central government. The evidences show that the natural resources revenue has become disincentive for the local government to increase another source of local revenue. This result also indicates that local governments prefer not to optimize their local revenue resources in order to get the central government transfer in larger amount.

Second, in the implication of the low level of the effort to collect the locally raised taxes to the accountability of the local governments, the essay finds some initial evidence of weaknesses in the both axes of accountability: upward accountability to central government and downward accountability to the citizen. Upward accountability to

central government in financial reporting is low due to lack of transparency, low quality of their financial statement and low capacity of the local staff. Downward accountability, especially the accountability of the mayors to the local people is undermined by the fact of many corruptions, frauds, and illegal activities alleged to the mayors.

The implication of this research to the decentralization policy is that there is a need to formulate the sharing mechanism that encourages the local government to enhance the effort to collect the local taxes within their taxing power. However, the conclusion of this research cannot be generalized for the all resources-rich local governments. This limitation is due to the samples are only from the three regions and covers only short-periods of time, while the overall local governments consist of provinces, cities, and more than 400 regions. Therefore, future research is expected to broaden the scope of research and to enrich the understanding of the behavior of local budgets at different levels of autonomy. Another challenge now is to ensure that resources-rich local governments spend the revenue gain from natural resources effectively in order to maintain the sustainability of development.

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ANNEX
THE LOCAL TAX EFFORT CALCULATION
FISCAL YEAR 2004 - 2008

2004

No.	Regions	Local Tax Effort (Local Tax/GDRP)	GDRP (Non Oil & Gas)	Local Tax
1	Rokan Hilir	0.0005077	5,543,140,440,000.00	2,814,100,000.00
2	Musi Banyuasin	0.0009873	3,146,002,000,000.00	3,105,940,000.00
3	Kutai Timur	0.0020297	1,496,655,590,000.00	3,037,700,000.00

2005

No.	Regions	Local Tax Effort (Local Tax/GDRP)	GDRP (Non Oil & Gas)	Local Tax
1	Rokan Hilir	0.0004516	6,802,945,410,000.00	3,072,460,000.00
2	Musi Banyuasin	0.0016123	3,398,920,000,000.00	5,480,000,000.00
3	Kutai Timur	0.0014822	1,596,100,070,000.00	2,365,741,000.00

2006

No.	Regions	Local Tax Effort (Local Tax/GDRP)	GDRP (Non Oil & Gas)	Local Tax
1	Rokan Hilir	0.0013593	7,984,034,760,000.00	10,852,870,000.00
2	Musi Banyuasin	0.0022059	3,636,263,000,000.00	8,021,150,000.00
3	Kutai Timur	0.0023159	1,751,396,390,000.00	4,056,080,000.00

2007

No.	Regions	Local Tax Effort (Local Tax/GDRP)	GDRP (Non Oil & Gas)	Local Tax
1	Rokan Hilir	0.0007582	9,831,652,350,000.00	7,454,449,164.00
2	Musi Banyuasin	0.0021294	3,919,943,000,000.00	8,347,133,118.40
3	Kutai Timur	0.0041309	1,841,789,540,000.00	7,608,240,349.44

2008

No.	Regions	Local Tax Effort (Local Tax/GDRP)	GDRP (Non Oil & Gas)	Local Tax
1	Rokan Hilir	0.0008680	12,066,536,560,000.00	10,473,705,521.41
2	Musi Banyuasin	0.0018044	4,139,645,000,000.00	7,469,397,942.18
3	Kutai Timur	0.0072501	1,940,215,070,000.00	14,066,704,727.00

Power, Sexuality and Transience: Policing of Indonesian Migrant Domestic Workers in Singapore

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INTRODUCTION

The small city-state of Singapore is well-known for pursuing capitalist development since independence in 1965. Less-known however, is that this development has been and is still based on large demands for migrant labour from poorer neighbouring countries to bring in new knowledge and fill in labour gaps for low-skilled, low-paid and high opportunity cost jobs that Singaporeans are not willing to do.

Domestic work is commonly considered as one of these abovementioned jobs as most of the population is highly-educated. The need for migrant domestic workers (MDWs) is thus often framed as an economic necessity (Verma, 2009). MDWs are seen as practical alternatives for low-valued domestic work in order to free Singapore's high-skilled but limited human resources for highly-valued work. MDWs are also a convenient response to Singapore's ageing population as families get smaller and there are less potential carers.

As domestic work is still considered the private, female domain, MDWs are also considered as 'cheap, disposable' female labour from developing countries (Sassen, 2002). The existing pattern of migrant work was characterised by the Foreign Maid Scheme in 1978, where women from mostly Indonesia and The Philippines, but also from Sri Lanka, India and other Southeast Asian countries were allowed to migrate to Singapore to work as live-in domestic workers. There are currently about 196,000 MDWs in Singapore, making up about 18 per

cent of Singapore's non-resident labour force (Ministry of Manpower, 2011).

While the government of The Philippines has made it a law to oblige Singaporean employers to give their Filipino domestic workers a day off once a week, the Indonesian government has no such law. Various sources estimate that about 50 to 80 percent of MDWs do not get a weekly day off. As Indonesian MDWs in particular are not guaranteed any rest days, they are subject to the most surveillance, such as only entering public space under close supervision (e.g. to nearby mosque) or by chance (e.g. to supermarket), and the reason of 'falling into bad company' is often invoked to justify such social control (ibid.).

Verma (2009) deconstructed the 'economic necessity' of MDWs as hiding 'specific socio-cultural and historically determined issues of power, control, status and relative levels of affordability', which is in turn based on Chin's (1998) contextual approach of 'relating the politics of governance to the politics of social reproduction'. In other words, what is seen as economic rationality is related to social morality and population control. Keeping Verma's insights in mind, I argue in this essay that the policing¹ of Indonesian MDWs is based on specific discursive constructions of their sexuality, which reinforces power relations of gender, class, and ethnicity in the service of global capitalism.

In the first section, I situate the Indonesian live-in MDW economically, socially and politically. In the second section, I analyse the negative discursive representations of Indonesian MDWs in Singaporean law and media, which form a narrative for both state and employers. In the third section, I provide examples to show how the policing of Indonesian MDWs is based on ideas of their sexuality, and finally, I discuss the implications of these heteronormative and gendered ideas of Indonesian MDWs' sexuality for the reproduction of power relations.

¹ This is a term I take from Catherine Campbell, Yugi Nair and S bongile Maimane's (2000) analysis of the stigmatization of young people or women with HIV/AIDS as a form of 'psychological policing', or the disciplining and punishment of those who 'breach power relations of gender and generation'. However, here I use the term 'policing' to refer to defensive actions undertaken to prevent the breach of any power relations.

1. SITUATING THE INDONESIAN MDW

MDWs help to bridge Singapore's 'economic rationality' and 'social morality' (Verma, 2009). This section deconstructs the economic, political, and social needs for MDWs.

Economic rationality prevails in all spheres of Singaporean society, as pushed by an interventionist state that finds its legitimacy by 'delivering its citizens a high standard of material life via guided capitalism' (Chua 1995, in Verma, 2009). The ruling elite, the People's Action Party (PAP) considers itself a moral leadership, accountable for inculcating the right values in its citizens.

In Foucauldian terms, MDWs are the state's instrument of bio-power; their commoditised bodies are controlled in order to uphold the PAP's moral leadership (Verma, 2009). MDWs started coming into Singapore in the context of increased female labour force participation in Singapore during industrialisation in the 1970s and 1980s. Soon after, the PAP introduced its 'Shared Values', which consisted of a list of 'five shared core values for all Singaporeans', promoting 'family as the basic unit of society', upon which to build larger social structures.

In their analysis of PAP's narratives, Heng and Devan (1992) show that the gendered and patriarchal ideologies of reproduction revolved around a 'biologically and socially reproductive' heterosexual, nuclear, and self-reliant family. Men live primarily in the public sphere as breadwinners and household heads, while women manage the private, domestic sphere. Historically, women's legal status and protection in Singapore were accorded based on the traditional roles of wife and mother, with attendant duties of childcare and domesticity, as stated in the 1961 Women's Charter.

The increasing numbers of women leaving the domestic sphere² and subsequent inflow of MDWs from neighbouring countries did not upset state-endorsed patriarchy because women (of a different class and ethnicity) were still primarily responsible for the domestic sphere. Declining fertility rates meant a growing need for elderly care, and state rhetoric insisted that the 'best care' is that provided within the household and family. Thus, women are valorised as mothers and care-givers while also being encouraged to work. This rhetoric is accompanied by policies

² In 2008, female labour force participation was 55.6% (Huang & Yeoh, 1996).

that make it cheaper and more convenient to hire domestic workers than professional services or institutions such as nursing homes (Teo & Piper, 2009; Yeoh & Huang, 2010).³

At the same time, the growing urban middle class aspired to a kind of lifestyle that only the previously rich could afford. While family members (mostly women) carry out some household chores and do care work by themselves, other domestic work is transferred to the MDWs, allowing female employers to enjoy the emotional value of motherhood. Verma (2009) concludes that employing MDWs is a luxury; it facilitates aspirations and affirms status for those aspiring to a middle-class lifestyle.

The increasing demand for domestic servants across Asia and the Middle East over the last two decades meant that Indonesian women are increasingly leaving to work abroad. This is facilitated by being offered capital (in terms of debt) to migrate for work as they usually face restrictions on their mobility as live-in domestic workers in the destination country, making them simpler to control than male Indonesian migrants, who often have greater freedom of mobility. Being a MDW also offers divorced women the possibility of supporting her family, while many young rural women see it as a way to at least temporarily escape a restrictive village life.

Lindquist's (2010) ethnographic study of labour recruiters in Indonesia provides a comprehensive account of the labour recruitment process the commoditisation of MDWs' bodies. While there is a formal process, migrants instead often rely on 'middlemen' who must 'deliver migrants before they are paid in full' – and thus the women's bodies rapidly transform into valuable goods to be controlled and protected. Besides the licensing of labour agencies by the state, other aspects of the migration chain⁴ are left to the caprices of the employment agencies and market forces. However, in the last five years there have been stricter measures to monitor these labour agencies.

³ Indeed, the Jamiyah Darul Takrim nursing home will only take in patients who have 'exhausted all possible care arrangements such as hiring a domestic helper' (Jamiyah Nursing Home, 2011).

⁴ For example, the 'demand and supply of foreign domestic workers in Singapore, the matching of potential employers and prospective employees, and the drawing up of employment contracts' (Yeoh & Huang, 2010).

Although the vast majority of Indonesian MDWs in Singapore are documented, they experience precariousness in their contracts and salaries. MDWs are governed by the vague Employment of Foreign Manpower Act, where the terms and conditions of their contracts and their actual salary is left to the employer or market forces. They are regulated by a work permit system that only allows live-in arrangements with a single household. Most contracts last two years and are subject to renewal by the same or another employer, who can cancel a contract with only seven days notice to the Ministry of Manpower. The latter also does not stipulate mandatory off-days. The lack of a clear job scope means that a MDW's duties, working hours and rest days are left to the employer's needs and wants – 'potentially exploitative conditions of a different order' (Yeoh & Huang, 2010).

In helping employers aspire to a middle-class lifestyle, a specific kind of MDW is needed. Constable's (1997) study on the surveillance of Filipina MDWs' dress and appearance gives us insight into the possible kinds and implications of policing. As MDWs are seen as extensions of the local women in a household, they are more often than not policed with respect to their appearance, personal hygiene, sexuality and/or morality. Such policing consequently has effects on their mobility and ability to organise, form interpersonal relationships outside of the family, gain access to education or religious services. In the context of Indonesian MDWs in Singapore, I argue that such policing is based on ideas of their sexual morality.

In order to understand the examples of such policing in the third section, one must first take a look at the discursive constructions of MDWs in Singapore's law and media in the following section.

2. DISCURSIVE REPRESENTATIONS OF MDWS IN LAW AND MEDIA

One assumes that any legislation enacted to protect a marginalised group is beneficial, having been designed with their welfare in mind. One expects that such laws were formulated to provide them with options of safety measure on the grounds of their apparent powerlessness and propensity to become victims of would-be exploiters. However, this section argues that the Singapore's Employment of Foreign Manpower Act (EFMA) is inadequate in protecting 'foreign manpower' in general and MDWs in particular. Instead, it gives employers the license to

control this marginalised group by creating negative discursive representations of their sexual morality.

There are several clauses in the EFMA that discursively and collectively represent foreign workers in general as being potentially deviant:

S1.1: The worker shall be under the employer's direct employment, and the employer shall be responsible for the control and supervision of the worker.

S1.7: The employer shall not involve or allow the worker to be engaged in any illegal, immoral or undesirable conduct or activity.

S4.11: The foreign worker shall not indulge or be involved in any illegal, immoral or undesirable activities, including breaking up families in Singapore.

S4.10: If the foreign worker is a female foreign worker, the foreign worker shall not become pregnant or deliver any child in Singapore during the validity of her Work Permit/Visit Pass, unless she is a Work Permit holder who is already married to a Singapore Citizen or Permanent Resident with the approval of the Controller (Ministry of Manpower).

(Ministry of Manpower, 2011)

The first two points construct MDWs as being child-like and a heavy responsibility as charges to their employers. The emphasis on 'control' and 'supervision' construct MDWs as incapable of norm-abiding behaviour and requiring constant management. These two points could reasonably encourage or even make it mandatory for employers to police their domestic workers. As for the reasons for policing, the vague nature of 'illegal, immoral or undesirable' activities leaves the scope of criminality up to the employer.

In the third point, the given example of 'breaking up families' is illegal because of their migrant status (otherwise divorce is legal in Singapore), and is deemed 'immoral' and 'undesirable'. This is in line with the state's construction of the family as a 'basic unit' vital to the well-being of society at large. The fact that MDWs and not other Singaporeans, are singled out as potential 'home-wreckers' is possibly partly due to their status as live-in household help. They do not 'completely belong to the 'public' or 'private' realm, instead dwelling somewhere in between',

where they are ‘often treated ambivalently, neither as a rightful family member nor a trained employee’ (Yeoh & Huang, 2010).

‘Breaking up of families’ implies that the domestic worker is a threat to a female employer’s roles as a wife and sexual partner. In modern Hong Kong, controlling a MDW’s sexuality could be a wife’s attempts to ‘control her husband and defend the integrity of her family unit against a potentially aggressive outsider’ (Constable, 1997). In line with the state’s construction of the heterosexual and nuclear family, the law preemptively criminalises seduction of the male employer, a potentially easy act due to the intimate nature of domestic work and the live-in status of MDWs. Such stories in the media have lasting influence potency because they construct MDWs as a sexually transgressive ‘social Other’, thus helping to forge a ‘collective urban identity’ (Sun, 2008).

MDWs have to adhere to strict rules of conduct. They have to be law-abiding, morally upright and engage in ‘desirable’ activities – implicit recommendations that are as vague as the stated ones. This ambiguity becomes problematic due to their live-in situation, and their migrant status. Situated at the intersection of various marginalisations, MDWs are at high risk of potential covert or overt abuse and exploitation.

The media also constructs MDWs as being helpless victims, through sensational articles on the publicised cases of molestation by male employers or male migrant workers, emotional and physical abuse by female employers, unsafe work practices and the less publicised cases of receiving insufficient food, rest, salary (or having their salary withheld), or being deprived of freedoms (to use the phone, leave the house, meet friends).

A recent case in the local newspaper describes the murder of Ruliwayati, a Indonesian MDW, by a Bangladeshi male migrant worker after a ‘tempestuous’ relationship (Soh, 2011). The article details her extra-marital affair as being fraught with arguments about her husband and son back in Indonesia. The sub-headline (“Woman, whose body was found in tank, had ‘near break-ups’ with her boyfriend”) highlights two common themes in the media about MDWs: criminality and sexuality.

The writer describes the relationship as being a consequence of loneliness, a normal aspect of being a migrant worker – thus giving it a sense of inevitability. Ruliwayati is constructed as a sacrificing migrant, ‘forced’ to leave her young son due to ‘financial problems’. She is

described as 'petite and attractive' while there is no description given of the Bangladeshi lover, suggesting that the former's attractiveness made the latter attracted to her. Finally, although she often argued with her lover, they often reconciled even though she wanted to break it off. This constructs her as having an uncontrollable need for affection, stemming from loneliness and her migrant status. Implicitly, the article claims to show the negative consequences of breaching society's standards of morality, especially if one is a migrant.

On the flipside, MDWs are also represented in the media as being perpetrators of minor and major crimes. Such representations by state laws and the media create a dominant discourse of MDWs' sexuality; they 'have no modes of sexual subjectivity to identify with except as transgressive figures or victims of sexual offenses' (Sun, 2008).

In fact, there are no official statistics available on the numbers of abuse perpetrated by either employers or MDWs themselves – neither from the Ministry of Manpower, the Department of Statistics, or the Singapore Police Force – however, Verma's (2010) triangulated qualitative and quantitative data shows that 'there is more violence enacted than is being recorded, and in various other forms besides the overtly physical'. Sexuality-based policing is part of such violence, which is difficult to estimate given the private nature of domestic work.

Sexuality as a unit of analysis has been hidden or overwhelmed by concepts of 'gender roles, morals, deviance, and pathology'. Manalansan (2006) finds that many 'queer scholars argue that all social discourses...more often privilege, if not exclusively promote, hetero-normative ideas, practices, and institutions'. The next section looks at some examples of such hetero-normative policing of MDWs by labour agencies, state law and employers.

3. POLICING BY AGENCIES, STATE AND EMPLOYERS

The EFMA expressly states that MDWs cannot get pregnant while in Singapore or marry any Singapore citizens or residents throughout the duration of their work permit. The state assumes that MDWs could use their sexuality to create and manipulate situations to 'garner material and cultural capital through emotional and monetary relationships with (Singaporean) men who may eventually enable the women to live more comfortable lives' (Manalansan, 2006). Any MDW who is pregnant will

be repatriated and until recently, employers could lose a SGD5000 security deposit if their MDW goes against any of the conditions in the EFMA.

In Lindquist's (2010) ethnographic study of Indonesian labour agencies, he is told by the manager of a Jakarta-based agency that pregnancy is one of the 'most common type of disease (*penyakit yang paling biasa*)' for female migrants. By making pregnancy equivalent to serious diseases like hepatitis B and thus vital to vaccinate against, these labour agencies legitimise their practice of forcing MDWs to get (sometimes additional) contraceptive shots before leaving Indonesia. Labour agencies also often 'encapsulate' or isolate these women in their offices for a short period of time (akin to detention) before sending them out, on the basis of the risk of pregnancy.⁵ In return, these agencies limit their losses, since the fees to send MDWs to destination countries are exacted in the form of debts. These strict and harsh practices are legitimised with a certain conception of the MDWs' fertility.

In Singapore, the state imposes obligatory medical examinations on MDWs every six months, which includes tests for pregnancy, HIV and sexually-transmitted diseases in addition to a general medical check-up. These requirements construct the state as fearing the MDW's sexuality. After detailing one rule after another, it appears that MDWs are more bodies than people. These strict rules help to 'create docile, productive bodies needed to service capitalism', who embody transience and relative powerlessness (Verma 2009).

While employers also police their MDWs in ways linked to the latter's sexuality, they may not do so because of primarily politico-economic motives. They may police the MDWs on the grounds of cultural-based morality, fear of bad influences or fear that their MDW will run away (in which case they will forfeit part of their SGD 5000 security bond).

Through personal communication and personal observations of Malay Muslim employers of Indonesian MDWs, a cultural-based policing becomes salient. These employers claim that they treat their MDWs as part of their own family, based on the similar religion, language and dietary practices between these employers and their MDWs, but such

⁵ It takes several weeks after conception to test for pregnancy 'with any certainty' (Lindquist, 2010).

rhetoric is problematic it masks structural inequalities and relations of power.

Narayan's (2000) argument of viewing cultures as a 'package' can help our understanding of why these employers can justify their policing based on MDWs sharing the same religion (Islam). While Constable (1997) found that it was more difficult to integrate Filipina MDWs as fictive family members, due to among other factors, their cultural differences, in this case similar ethnic heritage (Javanese, Sumatran, or Batak) and ensuing similar dietary practices and preferences make it easier for employers to put aside differences between their cultures and use the rhetoric of family.

In addition to the infantilising tendency of the primary, female employer (usually also a wife and mother in the household) which is also promoted by the state, Indonesian MDWs tend to be younger and less-educated than their Filipina counterparts, so they are consequently treated like young daughters of a conservative Malay Muslim family and subject to the same (or stricter) policing of their dress code, activities outside the home, relationships with the opposite sex, deferential attitudes (or lack thereof) towards older family members, and assumptions about their social and sexual naïveté. Most these forms of policing are rooted in notions of sexuality.

For example, in my home, my parents always exhorted our Indonesian MDWs to pray and they also kept tabs on how they dressed (whether an outfit was too tight or too revealing). Some of my more conservative relatives also ensured that their MDWs wore a *tudung* (headscarf) each time they left the house. At times, the MDWs were subject to stricter policing than the young girls of the family themselves, revealing the relations of power between employer and employee.

Alternatively, some employers or even MDWs themselves insisted on short, masculine, hairstyles. Constable's (1997) study on how employers in Hong Kong controlled the dress codes of their Filipina MDWs, including cutting their hair short, resonates with my personal observations. In this context however, the masculine hairstyle is not merely to dampen the MDWs sexuality and create neutral, non-threatening androgyny but also to subvert the Islamic mainstream requirement of covering the hair of adult women. As most MDWs do not end up covering their hair constantly in a household (due to reasons

of practicality), shorter hair helps employers feel less threatened as the MDWs themselves appear and possibly feel less attractive.

Policing helps employers to legitimise not giving their MDWs any days off. Although the EFMA recommends⁶ to employers to give their MDWs rest days that allow them to leave the household, this depends on the employment contract, and often financial compensation can be exchanged for no rest days at all. The examples below show how TR and LR, both female Singaporean Malay Muslim employers in their 30s, use reasons of social and sexual naïveté to justify not giving their Indonesian MDWs any rest days.

TR: Looks like there will soon be many cases of maids with Banglas found in rooftop water tanks... Giving them a day off will make me *kepala pusing*. Already now I *makan hati*. No [days off] from me. I hope one day you ... [will get] a chance to feel of having a maid who take care of your kids and do housework then you know what we are going through. If we were given a choice, we will go without a maid too. Maybe you all haven't felt it yet, that's why. *Main hembus aje!*

LR: They have a different level of emotional and mental tolerance and I worry that the maids themselves may not be able to cope with the social effects that they may face when they are out during their off-days. Too many people are out there to take advantage of them. Spill-over effect is the safety and well-being of my very young kids could be at stake.

(Personal communication, 8 Jun 2011)

Both employers use the examples of Bangladeshi male migrant workers as potential predators preying on their socially and sexually naive MDWs. TR refers to the murder case of Ruliwayati to as an example of the dangers of letting her MDW move around beyond the house. She sees the rest days as opportunities for her MDW to get into trouble and potentially violate laws or the conditions of her work permit,

6 The EFMA recommends rest days among other recommendations, such as providing medical treatment, 'adequate' food and rest, 'safe' working conditions and 'acceptable accommodation'. However, such recommendations are not legally binding and are thus left to the employers' discretion. Accommodation arrangements vary for live-in domestic workers vary, depending on family size, housing conditions and the consideration of employers.

which could in turn give herself a headache (*kepala pusing*) and make her angrier (*makan hati*) than she is already.⁷

LR also does not give her MDW a day off because she is afraid that they will be exploited. Such a fear is in line with the gendered assumptions of violence, that it will be men (specifically male migrant men) that will take advantage of or exploit women. The ‘spill-over effect’ and compromise of the ‘safety and well-being of (her) very young kids’ that LR alludes to could be referring to the word-of-mouth cases of MDWs who invite their Bangladeshi boyfriends into their employers’ homes when the latter are not around. LR seems to suggest that by allowing her MDW out of the house, she could seduce or be seduced by dangerous strangers and bring them into her house.⁸

4. DISCUSSION

Luibhéid (2002) remarks that the state’s legal, political, cultural and economic regulation of migration ‘reproduces sexual identities, practices, and categories’, because these regulations are ‘mediated through implicit sexualized ideas’ about migrants. Therefore, the MDW embodies such policing based on race, ethnicity and sexuality and represents the site for ‘promoting’ or ‘repressing sexualised images, desires and stereotypes’ (Manalansan, 2006).

The gendered stereotype perpetuated by the media and employers of a socially and sexually naive MDW who will be taken advantage of by migrant men highlights male violence and exploitation of women. The gendered focus on male violence towards women serve to draw attention away from the violence or exploitation that female employers inflict on

⁷ It is also interesting how TR victimises herself as being forced to hire a MDW. This phenomenon echoes Verma’s (2010) insight on how some female employers that ‘make a mockery of the idea of the ‘second shift’ by becoming ‘stressed’ over having to take on the role of micro-manager to a ‘stupid’ or ‘frustrating’ maid.

⁸ LR also infantilises her MDW by assuming that they are unable to handle the ‘social effects that they may face’ when they are outside the employer’s household. The casting of MDWs as being ‘needy, immature and inadequate’ may help employers perceive themselves to be ‘generous, thoughtful and superior moral guardians’, as suggested by Verma (2010).

MDWs, or MDWs on the less-powerful young children or elderly people in their care.

On the other hand, the heteronormative stereotype of the sexually active MDW who will bring dangerous male strangers into the employer's home excludes MDWs with other sexual orientations. Indeed, Constable (1997) found that some Filipina MDWs in Hong Kong preferred to emulate men's dress; she also found a sizeable number of Filipinas in lesbian relationships, partly due to the greater freedom that migration brings but also due to the sexual 'safety' (no risk of pregnancy) of a same-sex relationship. In fact, Von der Borch (2008) found that many Indonesian MDWs saw their migration to Singapore as a chance to explore their sexuality and gain sexual experience.

Both stereotypes justify the social repression of MDWs and reproduce existing gender roles. These gendered and heteronormative stereotypes legitimise the restriction of the MDWs' mobility and related access to education and social association (meeting other MDWs can allow them to share unpleasant experiences but also strategies of coping). This is because 'family and migration policies are in dialectical relation' i.e. any reform of the working and living conditions of MDWs depends on the state's approach to welfare and especially its construction of the 'ideal Singapore family' (Teo & Piper, 2009). As long as state rhetoric about the family and welfare provision stays the same, it is difficult to change policies affecting migrants.

Regional-level relations of gender, class and ethnicity are reproduced, and mimicked at the national level. The policing of MDWs reproduce power relations of gender in the household by reproducing normative meanings of reproduction and mothering for both MDWs and employers. By hiring MDWs as an extension of themselves for the private sphere while they work in the public sphere, female employers do not challenge economic rationalism and the state's rhetoric of family. Capitalism and patriarchy go in tandem because of the 'process of (re)domestication of women – including both wife and domestic worker', establishing instead a 'class-based sexual sensibility' and a 'new moral hierarchy' (Sun, 2008).

CONCLUSION

This essay analyses the heteronormative and gendered policing of the sexuality of Indonesian MDWs. In essence, it argues that such policing, while it uses the pretexts of cultural sameness and familial harmony, actually serves to reinforce national and regional power relations of gender, class, and ethnicity in the service of global capitalism.

It takes as an overarching framework the deconstruction of discourse in the law and media, to uncover deeper discourse that reveals multiple relations of power. The analysis is divided into four sections that look at four different aspects of the policing of MDWs. The first section situates the Indonesian MDWs as occupying the intersection of economic rationality, Singapore's rhetoric of the 'ideal family', and the gendered nature of migration for paid domestic work. The second section looks at the discursive representations of MDWs in general in state laws, and Indonesian MDWs in particular in the media.

These discursive representations of infantile, naive and helpless victims, yet uncontrollably deviant and sexual, are echoed in the ways that labour agencies, the state, and Malay Muslim employers police Indonesian MDWs, as elaborated on in the third section. This policing by labour agencies construct MDWs as 'valuable commodities to be controlled by agencies and employers and later workers to be regulated and citizens to be protected by state actors' (Lindquist 2010), legitimising strict immigration policies, exploitative labour relations and imbalanced employer-employee relations.

The final section discusses the implications of policing. Heteronormative stereotypes of migrants and gender roles of employers are reproduced, thus taking attention away from female-female violence and sexual agency of MDWs. At the regional level, the continual hiring of MDWs reproduce power relations of gender, class and ethnicity, thus maintaining patriarchy, authoritarian rule and global capitalism.

While the examples used here are specific and contextual, they help us to understand some of the mechanisms of power at work in the policing of MDWs, one of many types of top-down violence against marginalised groups. It is above all important to understand the mechanisms of power in order to find the opportunities for social action.

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12

American Women's Movement in Turmoil: An Analysis of "American Electra" by Susan Faludi

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Within feminist circles, there has been much hand wringing over the fate of the movement's future since its heyday in the 1970's. There have been different interpretations from feminist scholars and activists over why American society has seemed to turn away from feminism. Of particular concern has been the growing observation that many young women are not embracing feminism. Susan Faludi's piece, "American Electra," published in *Harper's Magazine*, is a provocative contribution to this debate. Faludi analyzes the historical rise and fall of feminism through a generational lens and argues that the women's movement is being threatened by a legacy that pits generations against each other along a mother-daughter divide.

Faludi, a well-known American feminist, makes her argument in a complex and extensive essay, which is part historical, part social analysis, and part personal narrative. While the breadth and depth of her essay does not allow for an exhaustive analysis within the constraints of this paper, I have chosen to examine several components of Faludi's essay, as a narrative. The first part of this paper will examine how Faludi, as a feminist, situates herself within the structure of a personal experience narrative (PEN) in a way that allows her to launch a very public critique of the women's movement. The second part will examine Faludi's conception of the women's movement, as a narrative concept, because for Faludi and many other feminists, the women's movement is first and foremost, a political movement. As such, her essay can be viewed as a

political narrative, which aims to change society “by stating claims about the future based on assumptions about the past and the present” (Shenhav 2004: 82). Due to space constraints, I will restrict my application of Shenhav’s narrative conceptualization analysis to the chronological re-ordering of the women’s movement and its key words to understand how Faludi’s conceptualization of the narrative past and present informs her prescriptions for the future. Lastly, I will examine the essay’s two main categories of the women’s movement (mother/older and daughter/young) to show how Faludi’s choice of categorization constructs her feminist social world by privileging particular social identities.

CONTEXT

The American women’s movement began as a political project to emancipate women from oppressive structures that hindered their participation in public life. Later, the movement extended its critique into the private domain and argued that family life and intimate relations are also imbued with relations of power. By the late 1970’s, the Second Wave movement was not only engaged in political and social activism, but also in the production of a body of feminist thought. It is safe to say that one of the greatest achievements of the Second Wave was the institutionalization of women’s studies within the academy.

As a discipline, women’s studies (like its political activist branch) was based on its “description of a particular kind of subject: women” (Salamon 2008: 118). However, the coherence of this social category, which had long served as the foundation of the women’s movement, was soon interrogated by various scholars and activists in the 1980’s, who argued that various subjectivities, derived from race, ethnicity, and sexual orientation for example, had been excluded. In essence, their critique challenged the universality of the category of women and highlighted its dimensions of exclusion. The response was to expand the definition of woman to include these excluded subjectivities into the category as well (Salamon 2008: 119).

In the 1990’s, this interrogation expanded into the very notions of gender and sex, which aimed to destabilize binaries of gender (feminine/masculine) and sex (female/male) by pointing to alternative forms of identities, such as trans-gendered identities, and to intersex

persons, like hermaphrodites. Feminist theorists like Judith Butler questioned the very nature of woman, arguing that not only gender, but also sex, is socially and discursively constructed, and therefore, a product of power. None of these debates, relating to race, sexual orientation, gender, and sex, have been resolved, nor have they completely uprooted earlier traditions of feminist thought. As such, these conflicting analyses and political visions co-reside uneasily within U.S. feminism.

The effect of these interrogations has not only shifted the terms of the debate within feminist theory, but also within women's activism. This is because contemporary feminism is both an analytical and political project (Mahmood2001:206). Ever since feminist analysis has questioned the universality and coherence of the category of woman, feminist politics has been struggling to formulate a broad-based political vision for the future. In other words, on what basis can the women's movement organize when there is no longer a solid consensus on who or what "women" are?

Susan Faludi's piece is another contribution to this debate, which was published in *Harper's Magazine*. The choice of magazine is interesting for several reasons. Faludi has chosen to write a critical piece about feminism in a non-feminist journal. Faludi is not an academic so one would not expect her to write in a feminist academic journal. But why not write in a feminist magazine? It could be that there are very few feminist print magazines for a popular audience and most have limited circulation. Instead, she has opted to write for a respected magazine known for its progressive, left-leaning politics and history of over 150 years. Keen to *Harper's* long history, perhaps she wanted her essay to remain safely stored in a magazine whose historical legacy in progressive American journalism is secured.

Yet, *Harper's* long history raises another issue: Faludi's essay is compelling for many reasons, but in light of the debates within feminism outlined above, it is significant for her inclusion of yet another social identity into the debates, and that is of youth. In Faludi's essay, the tension is not organized along racial or sexual lines, although the subtext is definitely there, but rather between generational lines. It is a battle between older and younger within the women's movement. The new group or social identity that is rocking the boat this time is youth. From what is popularly known about youth and from what Faludi tells us in her piece, youth mostly read and write on the Internet. The most

influential young feminist forums are on the Internet and much discussions and networking are taking place through social media. *Harper's Magazine* is not available on the web without a subscription so its articles are not freely available on the Internet. It's safe to assume, considering its "old reputation" and relative inaccessibility to youth, that young feminists are not reading *Harper's Magazine* in significant numbers. So, who is Faludi's audience? It would seem that Faludi intended her audience to be the older feminists and other sympathetic progressives, who are more likely to read *Harper's*.

If so, such an intention could account for her generally sympathetic tone to the older generation, in which she makes efforts to articulate their sense of betrayal. In other words, Faludi is treading a delicate line: Her blunt critique is intended for older feminists but written with a style that says, "I am sympathetic to your plight." This way, her auditors can safely feel that they are not objects of attack while maintaining an open ear to her critique.

I. ANALYSIS OF TEXT AS NARRATIVE STRUCTURE

The text's structure will be analyzed using Labov's structuring of the personal experience narrative (PEN), as discussed in Johnstone's article, "Discourse Analysis and Narrative". However, due to the essay's complexity, length, and use of different styles of writing, I have expanded on the PEN model to provide a more thorough illustration of the essay's structure.

Abstract Clause and Introduction

The abstract clause sets up the narrative by announcing "that the narrator has a story to tell and makes a claim to the right to tell it, a claim supported by the suggestion that it will be a good story, worth the audience's time and the speaking rights the audience will temporarily relinquish (Johnstone : 638). In this section, I will examine the essay's title and its opening sentences, as part of the abstract clause. Because the essay is lengthy and the breadth of its narrative is extensive, I also include a brief discussion of the two-page introduction, of which the abstract clause is one part. The introduction provides Faludi's conceptualization of the problems within the women' movement, the justification for the conceptualization, and the stakes that are involved.

Abstract clause

Harper's Magazine readers are introduced to the essay on the cover page of the magazine. It is listed first, as the lead article, under the heading, "American Electra." Electra refers to the Greek mythological character, who along with her brother, plot to kill their mother and step-father for killing their father (Wikipedia: "Electra"). The ancient Greek tragedy writers, Sophocles and Euripides, each devote a tragic play to her life. Later, in 1913, the psychoanalyst, Carl Jung, uses her name as a metaphor to describe the mother-daughter "psychosexual conflict," in which the daughter's initial attachment to her mother is transferred to her father, hence initiating a sexual competition with her mother (Wikipedia: "Electra Complex").

Continuing the metaphoric use, Faludi also uses Electra's name as a metaphor to describe a mother-daughter conflict. The preceding word, "American," informs the reader that the essay's story is specifically about America. The subtitle provides the rest of the necessary information to understand what the story will be about: "Feminism's Ritual Matricide". The mother-daughter conflict is taking place within feminism and it is the mothers who are being killed. So who are the perpetrators? Referring back to Electra, we can conclude that the killing is taking place at the hands of the daughter. More ominously, the killing is ritual, which according to the *New Oxford American Dictionary*, means it has become "convention or habit". So, not only are mothers being killed, but the repeated killing has somehow become acceptable within feminism!

Feminism has a long history of contesting unequal relationships between women and men and their related gendered constructs, such as patriarchy, masculinity, and so on. Needless to say, Faludi's selection of a title, which suggests repeated acts of violence between women, is unusual and definitely provocative. Furthermore, the subtitle's use of the word, matricide, suggests Faludi's position about this mother-daughter conflict: It is the mothers who are the object of their daughters' violence and destruction.

The essay's opening sentence provides the reader with an elaboration of the problem: "No one who has been engaged in feminist politics and thought for any length of time can be oblivious to an abiding aspect of the modern women's movement in America—that so often, and despite

its many victories, it seems to falter along a 'mother-daughter' divide". As someone who is involved with feminism, Faludi makes her claim to tell the story of a historical legacy that weakens the women's movement: The division between mothers and daughters within modern U.S. feminism. The metaphoric use of familial terms constructs feminism as a family or community of women. This long-standing problem is so obvious as to be inescapable to those who are "engaged" with and ostensibly sympathetic to feminism. As a well-known American feminist who previously authored a best-selling book about the backlash to feminism in American society, Faludi is one such person. This time, she turns her critical eye not to external factors that are weakening the movement, but to internal ones. As a concerned member of the family—not as mother or daughter but perhaps older sister—she is authorized and compelled to write this piece and to provide a critical assessment of the women's movement.

The opening sentence also defines feminism as both a political practice and a body of thought. By using the word, "and" instead of "or" between the two components, we are to understand that the practice and theory in feminism are intertwined, co-constitutive, and as such, largely inseparable. Put another way, feminism can be understood as a political project that challenges unequal power relations on both political and analytical fronts. And it is on both fronts, that the movement is in trouble.

Introduction: What's at stake

According to Faludi, feminism is being threatened by "the battle of the ages" which she metaphorically describes as a mother-daughter rift (29). By the second paragraph, Faludi assesses the battle as one of power in which American feminism "hasn't figured out how to pass power down from woman to woman, to bequeath authority to its progeny" (29). The costs of this inability threaten "women's progress not just within the women's movement but in every venue of American public life" (29). For Faludi, the women's movement is a political movement that needs to "*reproduce* itself as a strong and sturdy force" (30). Why, one may ask, is it so necessary for the movement to stay strong? The reader is to understand that gender inequalities remain a significant social problem that threatens women's advancement in society and threatens the wellbeing of American society, more broadly. As a feminist, Faludi is

concerned with unequal power relations in society organized along gender lines. Therefore, what is at stake is not just the equality of women, but the achievement of social justice.

Faludi identifies some of the ongoing problems of women today, such as unequal pay, lower employment status, women's poverty, lack of social support for working mothers, the weak presence of women in decision-making positions in economic, political, and social spheres, and sexual and domestic violence (30). As a feminist, Faludi identifies the social position of women as a political issue and as a key indicator of society's advancement. In her framework, the women's movement is THE political movement that is able and responsible for advocating and securing women's advancement. As such, the internal battle between women within the movement threatens its ability to successfully improve women's lives and to achieve gender equality. For Faludi, the social category of woman is a given and what is at stake is their emancipation from economic, political, and social systems of oppression.

The urgency and graveness of feminism's internal problems are illustrated through sentences such as, "How can women ever vanquish their external enemies when they are intent on blowing up their own house?" (30). Instead of using Harper's Magazine as a forum to address the external obstacles, her essay serves as a wake-up call to her fellow feminists—as a trustworthy, authoritative and concerned insider—to pay attention to feminism's "self-destruction" (30).

Lest the reader think that Faludi has imagined the problem, she provides numerous examples of statements by fellow feminists from both camps (old and young) that support her assessment: "How many times have we heard women say, 'No older woman has helped me in my career—my mentors have all been *men*'?"; "...a more general dismay about feminism I hear all the time from women:... 'Young women are narcissists who don't care about politics'"(29-30). Such sentiments are presented as so prevalent within the movement that they have practically become truisms. As we will see later in the essay, Faludi's task is to show that the generational divide is not new, but rather, a legacy from the past. By using the word, "we", Faludi makes clear that she is referring to herself and other women who are engaged in the movement and who are familiar with this internal discourse.

Later within the introduction, Faludi switches to the first person singular and implicates herself as "not exempt" (Faludi 2010: 30). She

recounts a lunch date with a fellow feminist, where after they complain about younger feminists, her friend claims, “We’re really furious with these young women, aren’t we?”. And Faludi writes in response, “And they with us” (Faludi 2010: 30). Even though Faludi implicates herself in the camp of the older feminists by using the words, “we” and “us”, she uses her response, “And they with us”, to show her willingness and intention to understand both sides of the conflict. As such, she will be judicious and fair and will examine both perspectives. She bolsters this claim by situating herself as a 51-year old woman who does not fit neatly into the older or younger birth cohorts within the movement. Sometimes she feels sympathetic with the younger women’s position and other times, “a middle-aged grumpiness tends to place me on the ‘old’ side” (Faludi 2010: 30). By extension, she is telling the reader that her ambiguous generational status enables her to better examine the two camps, of which she is not a full-fledged member of either. Again, perhaps Faludi can be considered as an older sister—old enough to identify with her mother and young enough to have a rapport with her younger sister.

Orientation

Within the personal experience narrative, orientation “introduces the characters, temporal and physical setting” (Johnstone 2001: 638). In the next section of the essay, Faludi takes us back a year to the annual meeting of the National Organization for Women (NOW) in the Sheraton Indianapolis Hotel to meet the characters that will drive the events and tensions that take place later in the piece. Here, we are introduced to the characters that play supporting and major roles in the major event to take place: the election of the next NOW president.

For readers who are not familiar with the women’s movement in the U.S., they may be confused by the significance of the event and Faludi’s omission of any explanation of NOW’s role within the women’s movement. Here, again, we are reminded that Faludi’s intended audience are those people who already have some information about feminist politics and who already are familiar with NOW’s historical role. Therefore, no explanations are forthcoming about NOW’s founding in the early 1970’s at the height of the second wave of the women’s movement to advocate for women’s equality. For Faludi, the significance of NOW, past and present, is self-evident, thus revealing her own

orientation within the movement, since there are many feminists who would argue that NOW is no longer a significant player. More ominously, they could argue that NOW privileges white middle-class identities and political priorities at the expense of others. Or at the very least, other feminists could argue that NOW is just one of many players within a movement that not only includes different generations but also different feminist orientations and identities, and therefore, Faludi needs to justify why she chose NOW over other organizations. One justification could be that as a 30something-year old organization, NOW includes members of both camps and therefore provides a useful site to examine the generational divide within the movement.

Faludi informs the reader that the impending election of the next president could serve as a seminal moment since the leading candidate, Latifa Lyles, if elected, “would be the youngest NOW president ever, and the first black president since...the early Seventies” (Faludi 2010: 31). This is one of several places in the essay where Faludi acknowledges other social identities, such as race, within the women’s movement. But because her argument is based on generational identities, she does not explore and integrate these tensions further. Such elisions, even for the sake of making her argument clearer, are problematic because multiple factors of identity (and power) cannot be neatly peeled off and separated from one another. This is especially relevant in the case of NOW, which as an organization has only had one black president, “who held the position for a year,” despite the significant contributions of black women to the women’s movement (Faludi 2010: 31).

Various characters declare that their support and enthusiasm and make far-reaching claims for Lyles’ probable win: her young age (33 years old), youthful disposition, commitment to a more diverse constituency, and technological savvy could propel NOW to “a different level” and make it “super-relevant” again (Faludi 2010: 31). We also learn that Lyles is a long-term member of NOW who gradually moved up the ranks and whose development was nurtured by the incumbent 55-year old president who supports her candidacy. At this point in the story, things are looking good: A young black candidate who was nurtured from within the organization could rise to leadership. There is little indication of the destructive generational rift, even though the introduction of another candidate, 56-year old Terry O’Neill, hints at an impending shift.

Complicating Action: "Unity" deteriorates to a "standing joke"

According to Labov, complicating action clauses "refer to events in the world of the story and, in the world of the telling, they create tension that keeps auditors listening" (Johnstone 2001: 638). With the introduction of O'Neill, who boldly declares to resurrect the priorities and strategies of NOW's older members, the optimistic world of the NOW election soon disintegrates. The generational rift explodes to the surface and overshadows all other internal differences as both camps hurl accusations at each other. Faludi has access to both camps and quotes the hostile comments, even those that are made within each camp's respective confines. Faludi's goal is not to present a unified front to the external world or to take sides, but rather to show the destructive nature of the inter-generational battle, of which both sides are complicit.

The NOW election deteriorates into a site of bitter differences, recriminations, and power struggle. In response, Faludi, makes her emotional evaluation, "...an event recently imagined as an institutional baton-passing was suddenly threatening to tear the organization apart—and tear it apart along dismayingly predictable lines" (Faludi 2010: 32). Faludi is at once both insider and outsider: a fellow feminist who is emotionally distressed by what she is witnessing while working as an outsider journalist/ social critic, "comment[ing] on the story from the outside" (Johnstone 2001: 638).

Narratives within the PEN Narrative: Historicizing the Generational Conflict

Once Faludi establishes the conflict and tension within the story of the NOW election, Faludi breaks with the narrative to provide a historical background to the conflict. She provides two historical narratives: The past decade, when the current conflicts began, and a historical account of the establishment and development of the women's movement. By historicizing the women's movement, Faludi's intention is to establish how and why the roots of the mother-daughter conflict began.

When providing the recent context for the current conflict, she discusses the various debates within the women's movement since 2000 that serve to reiterate her conceptualization of the mother-daughter divide. This section is filled with angry and resentful sentiments from both sides. We learn that race, sexual orientation, and sexuality are

frequent issues of contestation, in which the older generation is oftentimes put on the defensive. Again for Faludi, the underlying theme in these debates is the age-divide, thus subsuming these other issues to her privileging of generational relations. At times, she sarcastically recounts the younger generation's critique, as when she states that younger lesbians "reject their Sixties predecessors by typecasting older lesbians as frumpish big mamas plodding around in hausfrau muumuus and baking nutritional nut loaves, while their bad-girl daughters are breaking the bedsprings with their battery of sex toys and strap-ons" (Faludi 2010: 34). Reading such statements, it is hard not to sympathize with the older women who are ridiculed for not being sexy enough.

However, one gets the sense that in her quest to prove the graveness of the mother-daughter conflict, Faludi sacrifices the substance of the debates. For example, serious criticisms have been launched at queer communities in the U.S. for relinquishing their radical edge for the sake of acceptance in U.S. society. One specific topic of debate concerns the movement to legalize gay marriage. While it is outside the scope of this paper to engage in the debates, numerous lesbians have expressed concern about the push for making homosexuality another normative category alongside heterosexuality; where the goal is to legitimize homosexuality by its inclusion into the institutionalized realm of the family. My point is not to affirm these critiques, but rather to say that looked upon from this other perspective, the older women can be viewed differently: Not as radicals who are losing their ground in an increasingly conservative, consumer-saturated society, but rather as conservatives who no longer want to stand outside and critique mainstream society and who desire inclusion instead.

The second part of her historical account is an interesting review of the development of the American women's movement. Here, we are told that early feminists of the 19th century relied heavily on the mother-daughter alliance to empower women of both generations and to enable their entry into social life. However, the bond breaks by the 1920's with the rise of consumerism in American life, thus pitting daughters against mothers, and establishing the divisive legacy that continued through the second wave of the 1970's and that flourishes in the third wave of today. In this section, Faludi herself, as observer, is not present in this section. Rather, she writes as a historian, removed and personally absent.

Result/Resolution: There are no real winners

The resolution “releases the tension and tells what finally happened” (Johnstone 2001: 638). After eight pages of extensive historicizing of mother-daughter relations within the American women's movement, Faludi returns to the site of the NOW election on its last day. The legacy of generational division has wreaked havoc on the once hopeful NOW election; the scene has turned bitter, as expressed through “rumors and allegation” from both sides (Faludi 2010: 40). Faludi chooses to be present in the younger Lyles' suite to witness reactions from the election result. By a slim margin, we learn that Lyles loses the race, to which “The room fell silent in shock” (Faludi 2010: 41). Lyles optimistically reassures her supporters that they will prevail as the leaders of the future, which she calls “twenty-first century feminism” (Faludi 2010: 41). Does this framing imply a break from the past or rather a continuing development from the past? Faludi provides no answers, yet she tells us that several of the younger promising members of NOW, including Lyles, ultimately leave the organization after the election. Whatever their future holds, it will no longer be linked to the organizational future of NOW.

For now, the older members of NOW have prevailed. Their positions secured once again, Faludi, the insider-outsider, interrogates the older members over breakfast the following day about NOW's future and their “failure to pass the torch to a younger generation” (Faludi 2010: 41). Faludi's overriding concern is that inter-generational battles are weakening the movement's effectiveness and the NOW election serves as evidence of the movement's self-destructive tendencies. It is this larger concern that emboldens her to reveal the nastier, behind the scenes fights between the women. This was, after all, an internal battle, a family-fight of sorts, and Faludi wants us to know that there are no real victors. Throughout the essay, Faludi is at pains to show both sides of the battle through her extensive quoting of younger and older members. She shows us their conflicting emotions and the emotional costs: The disappointment of the youth and the remorse of some of the older members who want reconciliation. Others remain angry and accuse the young of ageism and a presumptuous desire for power.

Through these revelations, we also see how power is organized along generational lines. On the one hand, the older women maintain their hold on institutional power, but they are operating in a social context that devalues women as they age and that tends to favor youth. The

reader gets the sense that while the older women have won the battle, they may ultimately be on the losing side of the war.

The Coda Clause: The End of History?

The coda clause announces that the story is over, sometimes “connecting the world of the story with the present” (Johnstone 2001: 638). For the coda of the story, Faludi moves the narrative ten months after the election, when she attends an academic conference on the future of gender studies. Here, Faludi examines the other key aspect of feminism, its theoretical and scholarly side, where there are also anxieties about the future. Faludi takes us to the other important institutional legacy of the movement’s second wave in the 1970’s – the institutionalization of gender studies in the academy. In this section, we are to learn that this achievement is also in peril, and once again, the danger is largely emanating from within.

For Faludi, the circulation of power straining inter-generational relations emanates from a newer “consumer-saturated feminism”, which celebrates dubious characters such as the pop-star Lady Gaga, as the future (Faludi 2010: 41-42). This embrace and integration of consumer culture into feminism is received by the older generation as a betrayal of “the political projects and promises of other generations” and an indication of a “shared generational political apathy in the face of widespread social injustice” (Faludi 2010: 42).

In this section, the lines of division are clearer for Faludi: Between one generation who wants to maintain the liberatory vision of the past and the other who wants to “shed the weight of history” (Faludi 2010: 42). Faludi aligns herself on the side of the older scholars, who feel betrayed by the younger feminists, when she states that the past feminist vision “now faces displacement from an even more infantile transgressiveness... that posits a world where pseudo-rebellions are mounted but never won nor desired to be won, where ‘liberation’ begins and ends with wordplay and pop-culture pastiche and fishnet stockings, and where all needs can be met by the bountiful commercial breast, the marketplace’s simulacrum of the mother” (Faludi 2010: 42). The costs for this ahistorical, commercially-inspired feminism is the de-institutionalization of feminism within the academy and the de-linking of the political with the theoretical. Here, Faludi does not give airtime to those feminist scholars who critique women’s studies for their emphasis

on politics at the expense of theoretical rigor. Faludi, like the older feminists, believes a “new theory” means an inferior politically compromised one. The essay ends with her sympathetic encounter with “a lone woman with graying hair,” a professor, who despite her efforts to integrate her curricula with younger feminist scholarship, has been pushed out of the university.

Her exclusion signals the demise of feminist studies for Faludi even though this conclusion is questionable considering that the New School, the institution in question, has plenty of other feminist scholars who teach in other departments. For Faludi, the feminist project cannot continue if it is integrated into other disciplinary departments. The establishment of women's studies as a separate discipline was a significant achievement of the second wave. Its elimination can only signal a larger demise of the movement and not arefiguring of its future.

II. NARRATIVE CONCEPT: THE WOMEN'S MOVEMENT

The following section provides a chronological ordering of the women's movement, which Faludi uses as a narrative concept. Since Faludi does not structure her essay and use of the concept in a linear temporal order, I have re-ordered it chronologically to understand how her claims for the future are informed by her conceptualization of the past.

Women's Movement

The “women's movement” serves as a narrative concept, which Shenhav defines to be, “a special sign, in which ‘the signifier’ links with a ‘signified’ ‘story’ or a type of story, consisting of at least two events” (Shenhav 2004: 83). The key words of the concept constitute the various historical incarnations of the movement, which Faludi characterizes as “America's most fruitful political movement” (30). Within this narrative concept, there are synonyms and types that have been shaped according to the political goals of a particular historical period. The “feminist movement” often serves as a synonym for “women's movement.” Following Shenhav's Step 6 of the “narrative conceptualization analysis,” I have arranged in chronological order, Faludi's discussion of the important events “in which the key words are involved” (2004: 83-84). Faludi uses the mother-daughter relationship as the metaphor to describe the changing relationship between the two generations.

18th century

The decades following the American Revolution are characterized as a kind of pre-women's movement, when the nation's founders constructed a notion of "republic womanhood" that linked women's roles as mothers to their roles as citizens. This newly found "maternal authority" enabled and justified "women's entrance into public life" (Faludi 2010: 35).

19th century (Early First Wave of the women's movement)

- The abolition movement as one kind of female reform movement, in which slavery was condemned as a "violation of maternal rights" (Faludi 2010: 36).
- The temperance movement, as the "largest and most powerful female reform movement of the nineteenth century ... built around a mother-daughter protective vision" (Faludi 2010: 36).

Early 1900s (Peak of the First Wave)

The women's suffrage movement emerged as "the culmination of all these reform efforts," which framed its cause "as mothers protecting the bodily integrity and bolstering the power of their daughters" (Faludi 2010: 36).

1920s - 1960s

The 1920's were a "cataclysm," the "hinge moment" that broke the mother-daughter alliance, destroyed the "old maternal feminism," and lay the groundwork for a later "matricidal feminist culture" (Faludi 2010: 36 & 39). It also ushers in a period in which the women's movement "went dark for nearly half a century" (Faludi 2010: 39).

1960s - 1970s (The Second Wave)

The women's liberation movement revives the women's movement but abandons the mother-daughter bond in favor of "sisterhood" (Faludi 2010: 39). In this critical historical moment, the movement is founded by "motherless daughters" and is driven by generational conflict and the "driving principle of matricide" (Faludi 2010: 39).

2000 - present (The Third Wave)

Third Wave feminist movement embraces a pop-culture politics of “being seen” and a post-modern gender theory that challenges “notions of sexualized identity” and questions the very category of “women” (Faludi 2010: 41 & 42). Its commercialized notion of liberation and insistence on shedding the weight of history have continued the twin legacies of matricide and “commercially infused relativism in feminist activism and scholarship” (Faludi 2010: 40).

III. CATEGORY ANALYSIS

Within the narrative concept of the women's movement, Faludi constructs two categories of women: Older/mother and younger/daughter across several centuries. Using some elements of Yanow's methodology of category analysis, I will discuss some of the similarities and differences between the categories and examine the meanings assigned to them across time, according to the chronological ordering outlined in the previous section. Again, due to space constraints, the following category analysis is not exhaustive. I have chosen to focus on how the power dynamics between the categories shift over time and to examine the implications of Faludi's privileging of the two categories' social identity as women, at the expense of other identities.

The most obvious similarity between the categories is that they are all women. But as we will see, they are not always feminists. Furthermore, as relational concepts, the two categories are defined in relationship to each other: Older women are those that are older *than* the younger women and vice versa.

Faludi exalts the early period of U.S. feminism as a time when the mother-daughter relationship served as an empowering framework for women. However upon a closer reading, it becomes apparent that within this framework, it was largely the mothers who did the organizing and formulated feminist demands. The symbolic “stately woman,” “the older women named Justice, Liberty, Peace, and Hope” are “accompanied by their symbolic heirs,” who are the younger women (Faludi 2010: 35). The younger women are members of the supporting cast—they are nameless beneficiaries. The “Bereaved Mother,” “Mother Frances,” and “Mother State” are other symbolic figures that Faludi includes in

her category of older women, who “rescue American daughters” (2010: 36). With the exception of the “Daughters of Temperance,” the early feminists derive their identities, agency, and power, not as daughters but as mothers. Furthermore, the discourse of women’s emancipation is formulated and owned by the older women. As such, an age hierarchy and unequal power relation between the two categories are clearly discernable.

With the arrival of the 1920’s, the onset of the dark period of the women’s movement and the critical turning point in Faludi’s historical narrative, the visibility of the respective categories is reversed. The significant symbols become the young flapper, “the iconic female image of the Twenties” and Miss America, who forge their relational identities by rejecting their prudish “obsolete” mothers (Faludi 2010: 38). Here, Faludi acknowledges the reversal in authority in the mother-daughter relationship and for the first time, problematizes the unequal power relationship, which she calls matricidal. Faludi does not question the power dynamics of the previous period because the older women protected and empowered their young within the framework of an emancipatory feminist movement. But the younger women’s autonomy from the older women in the 1920’s is achieved through their submission to and identification with exploitative men. Within this new relational paradigm, younger women are again denied agency since they are being exploited and manipulated by a discourse and by economic conditions that are controlled by powerful men.

When the women’s movement is revived in the 1960’s and 1970’s, it does so carrying the baggage of the previous period’s mother-daughter conflict. However, this time, the discourse of the conflict is framed and controlled by the younger feminists of the second wave movement. Here again, mothers are on trial, not for prudishness, but for being “consumer saps,” and older feminists are interrogated for serving as “dupes of a capitalist system” (Faludi 2010: 39). What is noteworthy about this period is the emergence of younger women as social and political agents. For the younger women, their mothers and feminist forebears are implicated in the structures that they seek to dismantle. In other words, age and generation become factors of structural power in their analysis. As a result, the relationships that sustain the younger women are not vertical relationships with older women or oppressive men, but rather horizontal peer relationships among women.

With the arrival of the third wave of the women's movement, Faludi is more equivocal about the balance of power between the two groups. In fact, the problem seems to be two-fold: The older and younger women continue to remain oppositional but now the power seems to be more evenly distributed. Neither group can gain enough momentum and support to jumpstart a movement resembling the impact of the previous waves. As a result, the movement remains mired in the mud of its own internal battles.

For Faludi, the solution is for both groups to de-center their oppositional generational identities and re-center their shared identities as women. Inevitably, and even naturally, Faludi believes that the mother-daughter metaphor will continue to give meaning to the relationship between younger and older feminists. By pointing to the historical precedent of the First Wave, she believes that the mother-daughter relationship can be framed again as one of unity and mutual empowerment. However, as discussed above, I believe that Faludi's sentimentalizing treatment of the First Wave ignores and serves to naturalize the unequal power relations within that earlier relationship.

Furthermore, the social conditions under which the First Wave formulated the mother-daughter bond have significantly changed. Since the early 1900s, the expansion of high school and university-level education significantly expanded, which helped to create a distinct life-stage between childhood and adulthood, which we call youth. Between 1910-1940, the numbers of young Americans who entered high school dramatically increased – from less than 20% to 73% (Wikipedia: “High School Movement”). As a result, young people no longer directly moved from childhood to adulthood, which is commonly marked by marriage and the establishment of families. This new life stage, which was enabled by the expansion of education and the abolition of child labor, led to the emergence of youth identities and cultures. Within the U.S. context, youth culture left its first explosive mark in the 1960's, at the time of the Second Wave women's movement.

I believe it is no accident that Faludi discerns the first self-inflicted generational rupture during this period. However, because she privileges the movement's shared identity as women and ignores youth as a social identity, she tends to pathologize the generational divide as unnatural and destructive. I do not mean to suggest that generational divides are inevitable or natural, but rather to argue that the way out of this conflict

is not to suggest a return to a sentimentalized past, when social conditions differed and when particular social identities had yet to emerge or be given a voice. Faludi's failure to historicize the category of youth, I believe, hampers her assessment of the generational divide.

A similar point can be made about the other lines of division that Faludi mentions but does not elaborate on—the conflicts and debates about race, sexual orientation, and sexuality. These were not divisive issues in the First Wave because particular practices had yet to become widespread, or because members of these groups were so excluded that they had yet to gain the opportunity to assert their concerns. While Faludi's concern is the generational divide, it is hard to ignore the fact that the vast majority of women within her two categories, past and present, are white. On the one hand, by keeping her categories as racially homogenous as possible, Faludi is able to keep us focused on her issue of concern, which is generational difference. On the other hand, it is very difficult to keep race out of any discussion concerning power relations in American social and political life, and feminism is no exception. For example, Faludi informs us that one of the most intensely contested issues in recent years between the older and younger women were the last U.S. presidential elections. We are told that younger women said over and over again that they would not vote for Hillary Clinton because she reminded them of their mother. But we are not informed that most of those women voted for Obama, a black male candidate instead. So how to interpret their choice? Do their votes for Obama indicate that young feminists prefer patriarchy—Obama, is after all, a man—over an older powerful woman? Or are other power relations and identities, in addition to those based in gender, also shaping young feminists' political values and beliefs? If so, does that mean that they are betraying feminism?

There are other ambiguities and omissions in Faludi's categorization. For example, the professor, Judith Halberstam, whom Faludi introduces as a "daughter" was 49-years old at the time of the essay's publication. Halberstam was only seven years younger than Terry O'Neill, the NOW candidate representing the older generation. Therefore, it seems that it is neither age nor generation, but rather theoretical and political perspective that seems to define the categories. Furthermore, only those perspectives that are deemed oppositional to the other category are relevant. In other words, feminists who hold viewpoints, attitudes and

values that are not considered oppositional to either group, are not included as a category. As such, they are omitted from the debates and social world, which Faludi constructs. In fact, there are plenty of feminists who challenged and questioned the tenets of Second Wave feminism but who neither deny the significance of history nor embrace consumer-saturated feminism. Their contribution to the debate is missing.

CONCLUSION

Susan Faludi's provocative and interesting essay uses the mother-daughter relationship as a metaphor to give meaning to the inter-generational relationship of feminists within the American women's movement. Through an historical account of the movement's earliest days to the present, Faludi shows how the mother-daughter relationship has changed from one of cooperation to one of conflict. Faludi holds up the early cooperative years as an ideal, in the hopes that today's feminists find answers to some of their problems in the past.

By examining Faludi's essay as a narrative, I have tried to show the ways in which Faludi positions and reveals herself in what must have been a difficult essay to write. Faludi is emotionally, intellectually, and politically invested in a movement, which she fears is losing strength and momentum. The extensive space she gives to airing both sides' emotional positions serves to drive home the point that the battle is painful for both sides.

As a narrative concept, Faludi's portrayal of the women's movement across time reveals what I believe to be a certain sentimentalizing of the past, when conflicts were few and maternal authority was unquestioned. Holding the narrative concept of the movement against the categories Faludi invokes led me to conclude that the privileging of the women's movement as first and foremost a movement of women, denies the multiple, intertwined social positions that produce complex identities, which can no longer be reduced to just a woman's sex. For Faludi, what holds the women's movement together is that ultimately they are all women. However, if using woman as a social category and mobilizing point for political action was once possible, it was made possible partly because other identities were excluded and submerged. I believe that Faludi's essay falters because she does not address this problem.

The construction of “youth” as a category has changed the dynamics of the mother-daughter relationship, problematized the hierarchal relationship, and positioned age/generation as another structure of power. As such, it is no more or less abnormal than other relationships of power and is equally deserving of critique and analysis. As a member of the Children and Youth Studies specialization at the ISS, I appreciated Faludi’s attempt to critically examine the feminist movement along generational lines.

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13

Global Value Chain of Somali Piracy

CURRUN SINGH
(United States)

INTRODUCTION

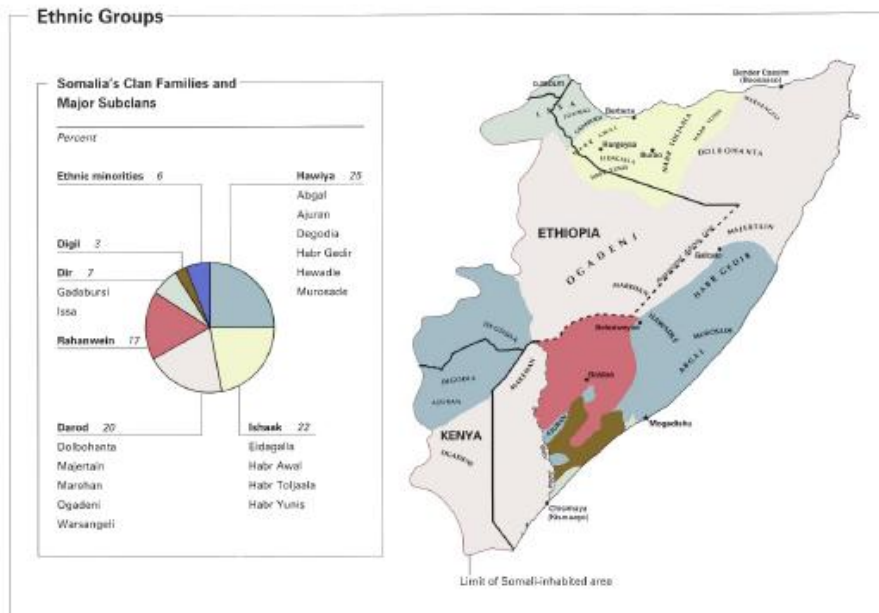
Somalia currently tops every ranking of failed states and is characterized by radical decentralization and deregulation. Production and trade are loosely governed by clan-based polities, warlords, criminal gangs and private entrepreneurs, making Somalia the “world’s largest duty free shop” (Menkhaus 2004: 51). In the wake of state collapse in 1991, and especially since 2005, the frequency and sophistication of pirate attacks off the coast of Somalia have dramatically increased, amounting to a US\$8 billion loss in global trade annually and further destabilizing a beleaguered territory of geostrategic interest (Bowden et al. 2010). The pirate business emerged when local fishermen began to collect fees from foreign trawlers who were overfishing Somali waters, but has evolved into a transnational industry linking ship and arms dealers, financiers in Dubai and London, twelve major pirate enterprises, and shipping companies and insurers. A global value chain of the pirate business can help illuminate its processes, estimate its costs, and identify its embedded interests. The crucial role of trust among non-state actors in the piracy value chain displays how relational mechanisms of value chain governance can mediate fragmentation and crisis, especially when the implicated value chain is informal.

TRUST MITIGATES SHOCKS AND UNCERTAINTY IN GLOBAL VALUE CHAINS

International value chains are the “central neural system” of the global economy, coordinating information and behavior among producers, consumers, and state and non- state actors (van Bergeijk 2010: 80).

Fragmentation and vertical disintegration of globalized states, firms and consumers are said to propagate shocks, increasing the severity and simultaneity of trade collapse, but there is weak empirical evidence in support of this hypothesis (van Bergeijk 2010: 86-91). Rather, it would seem that value chains “may actually have supported international business to business markets” to recover from collapse, given that such chains “breed trust amongst firms because of the long run character of their trade relationships” (ibid.: 92). Trust is the “expectancy of positive outcomes that one can receive based on the expected actions of another party in an interaction characterized by uncertainty” (Sahay 2003). Such trust enables “a full exploration of what each partner has to offer to the exchange and value creation process”; allows synergies that lower costs and risks; and cultivates long-term, interpersonal relationships that guide supply chain processes (ibid.: 553).

Figure 1: Ethnic groups in Somalia

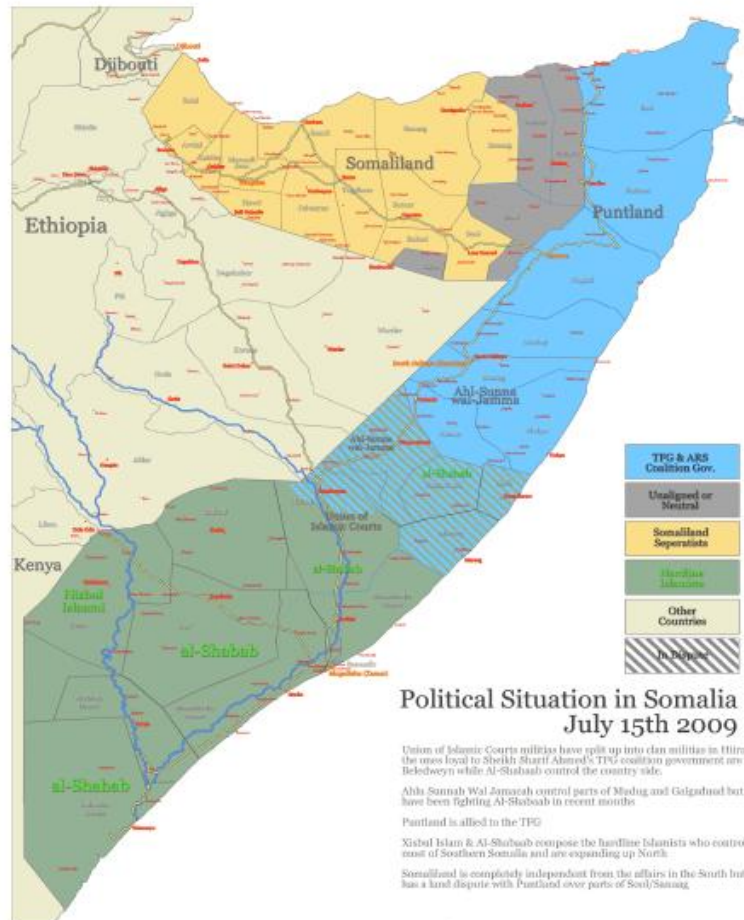


Source: Central Intelligence Agency, 2002

The empirical literature demonstrates that a one standard deviation increase in trust corresponds to a minimum 24 percent increase in exports.⁸ Such analysis conceives of distrust and cultural diversity as non-economic barriers to trade. Cultural explanations of trust are common among relational network theorists, who claim that “reputation or family and ethnic ties” manage complex interdependencies in a value chain, “dampen[ing] opportunistic behavior” (Gereffi, Humprey and Sturgeon; 2005: 81). Socio-spatial proximity in this system facilitates the exchange of “tacit” information, guaranteeing a high level of coordination through face-to-face interaction (ibid: 85).

Information and coordination are especially relevant for Somalia’s market structure, currently a neoliberal’s dream: existing goods and services are privatized, trade is internationalized and there is no enforced regulation. Facing trade liberalization in the absence of formal, modern institutions, Somalis have looked to pre-colonial, clan-based traditions to organize economic life. Somalis are divided into large provincial networks of familial sub-clans that are not strictly delimited territorially, but are nonetheless quite distinct spatially (see Figure 1). The persistence of tribal organization in Somalia, where patrilineal lineage has never so clearly dictated political and economic alliances, reveals the hold of the segmentary kinship model on everyday life (Little, 2003: 12). “Trust and fair practice especially are critical in the Somali economy where legal enforcement is minimal” (ibid:10). The vibrancy of clan-based trade networks has enabled “resilience” in the face of an uncertain future since the independence era, helping the population “survive dismal formal economic and political circumstances” (ibid: 3). For example, “[livestock] traders in the border region have always invoked...kinship and ethnicity to gain access to markets” and have developed institutions like *dilaaal* (market brokers) to facilitate and guarantee transactions (ibid 11). “The notion of trust is inherent to the institution of *dilaaal* and relevant to understanding ‘unofficial’ economies like Somalia’s” (Baars and Riedige n.d.).

Figure 2: Political situation in Somalia

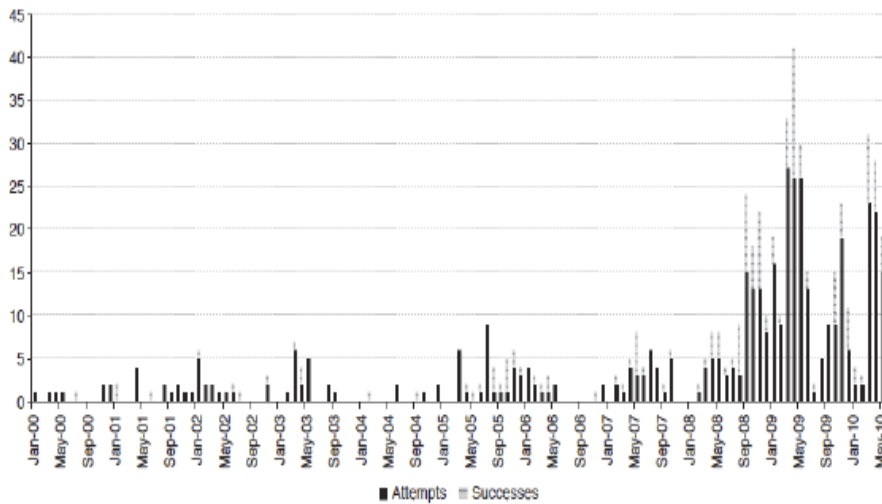


Source: Mapsof.net

Under conditions of conflict, the role of non-state actors in value chains becomes weightier, and can be destructive, as with violence, or constructive, as in the “use of economic assets and relationships to increase the cost of conflict and to strengthen...politically stable relationships...[and] economic security”(Van Bergeijk 2010: 17). Modern terrorism, for example, usually occurs at the non-state level, increasing uncertainty and reducing trust between trading partners. This is particularly resonant in Somalia, which has been framed largely by the

counter-terrorism discourse since 1991, due to the presence of violent Islamists who now control most southern and central territories, as well as much of Mogadishu, the capital city. While the international community has made fourteen failed attempts to reinstall a central government, ongoing chaos has propelled Somalis to seek non-state solutions to political and economic insecurity. Clan-based governments in Somaliland and Puntland, northern regions of Somalia, have proven persistent and have declared their autonomy (see Figure 2). Similarly, informal livestock and fishing trades have persisted through state collapse, and profitable industries in warlordism and khat (a stimulant leaf) have thrived in the past two decades. Non-state strategies of economic security—and particularly their dynamics of trust—therefore merit greater attention in Somalia. Maritime piracy is one such informal economy.

Figure 3: Attempted and successful Somali pirate attacks, 1/2000-6/2010



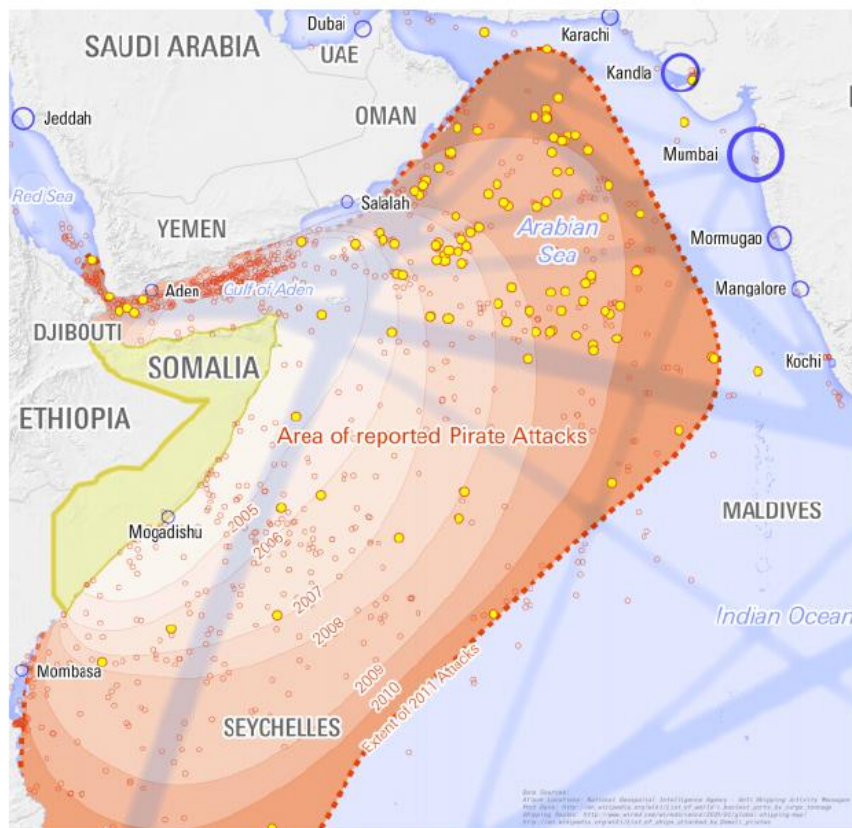
Source: Anja Shortland and M. Vohtknecht, "Combatting maritime terrorism," *European Journal of Political Economy* (2011)

TOWARD A GLOBAL VALUE CHAIN FOR PIRACY

With the longest coastline in Africa and its status as a failure among failed states, Somalia experiences half of all pirate attacks globally. The Gulf of Aden north of Somalia feeds into the Suez Canal and is an important shipping corridor that links the Mediterranean Sea with the Arabian Sea in the Indian Ocean. Pirate gangs have their pick among 21,000 ships that transit the Gulf of Aden annually, including those carrying 10 percent of the world's oil supply (United Nations, 2010). The International Maritime Bureau attributed 65 boardings and hijackings and 152 attempted attacks to Somali pirates in 2010 (see Figure 3). Of these, 53 took place in the Gulf of Aden, 25 in the Red Sea and 141 in the Arabian Sea or Indian Ocean (see Figure 4). Pirates launch attacks with motherships, small skiffs (speedboats), GPS and satellite technologies, automatic weapons and rocket-propelled grenades. Last year, 49 vessels were hijacked and 1016 seafarers were held hostage for ransom. The vast majority of these hostages were released unharmed after ransom payments averaging US\$1-2 million per ship were privately delivered on behalf of shipowners. It is less expensive for shippers to take the risk and pay ransom if necessary than it is to avoid the Suez Canal by rerouting around the southern tip of Africa (Coggins, 2010: 87). To buffer the additional risk, they take out high-premium insurance, streaming profits to multinational insurers.

Piracy organizations range from two fishermen in a skiff to shareholder structures to gangs of several hundred employees. Main pirate hubs include Eyl in Puntland, Xarardheere in central Somalia and Kismaayo in southern Somalia, with about nine smaller operations in Marka, Garard, Hobyo and Bosasso, among other ports (Bowden, 2011:8). These coastal cities have become bustling pirate economies, with injections of capital and the rise of micro-industries around piracy, like arms, housing and feeding hostages, equipment and ship maintenance, real estate, banking, khat and prostitution.

Figure 4: Extent of Somali pirate attacks, 2005-2011



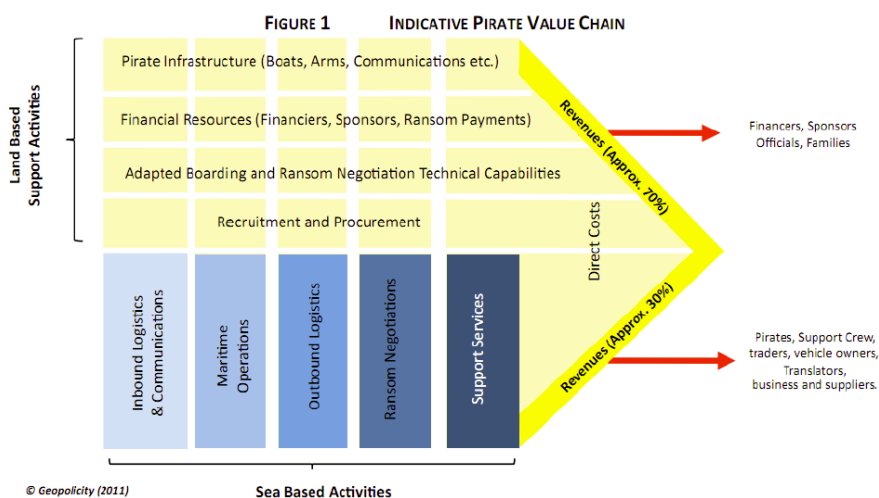
Source: Geopolicity, May 2011

Pirates are financed both domestically and via financiers in Dubai, Beirut, Amsterdam, London, Nairobi and Sana'a. At port, "prominent business and political figures with assets in the fishing industry provide 'seed money' for the pirate groups to function, as well as resources and equipment" (ibid: 8). Abroad, a vast network within the Somali diaspora provides funds, technology and information to pirate gangs. Financiers retain about 50 percent of ransom payments; pirates retain about 30 percent, including large portions for bosses and capital investment; and about 20 percent goes to bribes for government or port officials (UNODC, 2010).

Each pirate earns approximately US\$6,000-10,000 per successful hijacking, with the first pirate on board a target vessel earning a hazard bonus of about \$5,000 (Bowden, 2011: 12). This dwarfs gross national income per capita, less than US\$600. Non-monetary benefits also accrue to pirates, mainly the social capital that comes with the latest technology, the biggest houses and the prettiest wives (Hunter, 2008).

State actors are also implicated in the piracy value chain. Notably, the corrupt government of Puntland tolerates pirates and provides them stable business conditions in the absence of a functional market system, reaping a major share of profits in the bargain. Internationally, 27 state naval forces spend over US\$2 billion combatting piracy annually, with unimpressive results. Also, a dozen governments prosecute pirates at an annual cost of US\$31 million, with another US\$25 million going to fund international anti-piracy organizations (Bowden, 2010: 19-20).

Figure 5: Piracy value chain

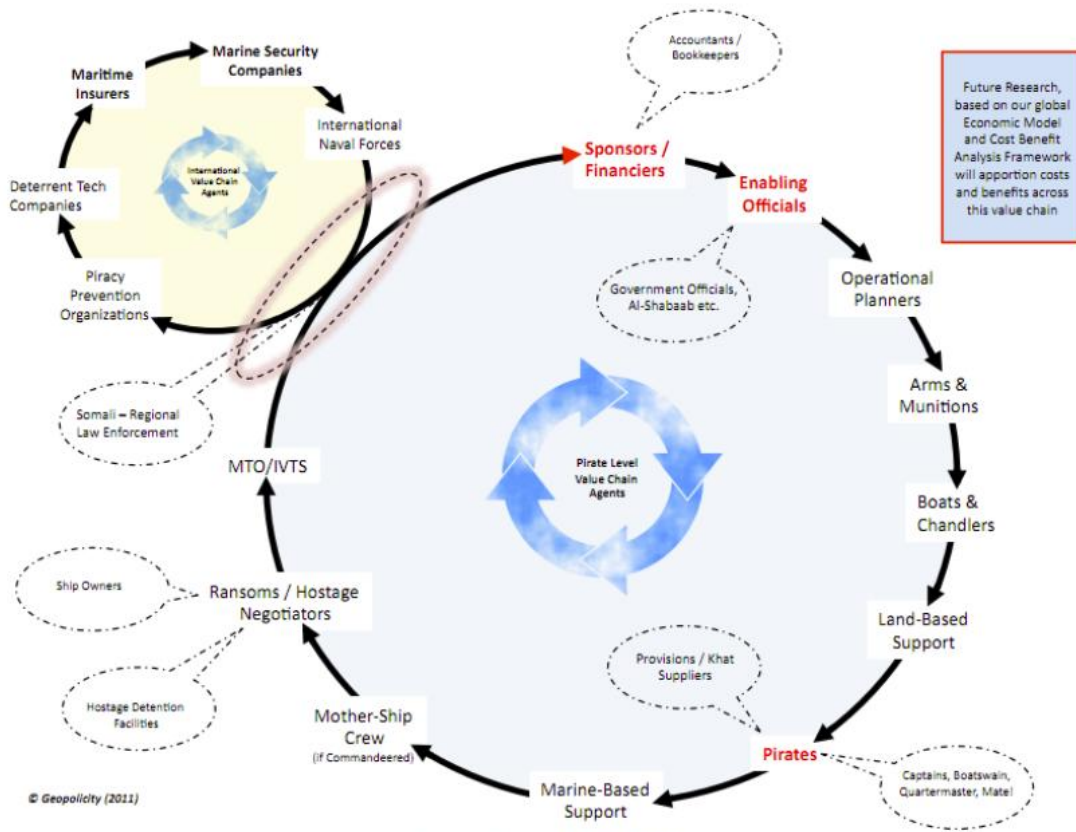


Source: Geopolicity, May 2011

In the face of violence, uncertainty and complexity, clan-based trust glues together the piracy value chain on five fronts: recruitment, financing, land-based support, legal status and organization. Gang leaders are often clan elders or pirate veterans who recruit mainly within their clan and geography to foster trust. Similarly, money follows blood,

as pirate organizations are networked with financiers abroad mostly “informally...along family or clan lines” (Bair, 2009: 30). The pirate economy relies heavily on the relational “division of labor provided by [a] large network of individuals” who drive the micro-industries around pirate operations. This “division of labor increases...vulnerability to others’ failures to fulfill their responsibilities...and as our dependence on the cooperation of others grows, so does the importance of trust in their reliability.” (Sztompka, 1999 in Bair 2009: 42).

Figure 6: Actors in the piracy value chain



Source: Geopolicity, 2011

Aside from recruitment, financing and land-based support, trust is also important to piracy because of its legal and organizational ambiguity. Local institutions of sharia (Islamic law), *xeer* (clan-based law) and *diya* (blood payment) precondition actor attitudes toward crime and governance. *Xeer*, for example, holds that there is no ultimate authority in law, which may fuel the state weakness piracy requires to thrive (Little, 2003: 11). Amid this confusion, “trust becomes an indispensable strategy to deal with” the aura of secrecy around piracy, or its “organizational opacity” as an organized crime (Sztompka, 1999 in Bair, 2009 :43). In other words, pirates and their supporting actors along the chain are only able to navigate uncertainty and generate serious value through trust rooted in kinship.

In short, “piracy is a long and complex supply chain, involving literally hundreds of land-based support staff and increasingly large and sophisticated maritime-based operations” (Bowden, 2011: 6). A first attempt at depicting the piracy value chain, produced last month, is thus accurate in its complexity, but fails to capture relational dynamics of clan between linkages (see Figures 5 and 6). Key to the global value chain of piracy is trust among kin and the social capital it generates to facilitate coordination and perpetuate operation.

CONCLUSION

Of course, piracy is terror on the high seas, and despite its conflictual realities, all attempts must be made to freeze its value chain. Because of the recognized salience of clan-based trust to piracy, naval forces are experimenting with ‘trust and influence’ operations to undermine relationships along the chain and thereby thwart pirate attacks (Bair, 2009). The piracy value chain demonstrates the salience of trust within clans, but admits that this trust heightens conflict and distrust between clans, a fact exploited by counter-piracy operations. The global value chain of piracy can also help revise econometric conclusions about the empirical costs of piracy. Moreover, it highlights how relational mechanisms of governance guide global value chains through crisis. Particularly amid the debris of state collapse, clan-based trust engenders a mutual dependence among actors in the chain. Such dependence can support resilience through economic insecurity, especially when the activity is informal and performed by non-state actors. But as the interest

in ‘trust and influence’ tactics suggests, the interdependencies of the pirate value chain also leave it vulnerable to shocks that undermine its bonds. Of course, piracy is criminal—and it cannot be characterized by any single pattern of value chain governance—but it must be treated as a relational network of enterprises rather than an insurgency.

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14

“Is it worth to target?”

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(Colombia)

INTRODUCTION

One of the major discussions about social policy, in general, and poverty reduction strategies, in particular, is whether targeting schemes or universal schemes are more effective and efficient. Arguments about administrative costs and leakages are in the centre of the debate, however, arguments related with undercoverage, the politics of targeting, and the ‘perverse incentive’, are gaining space among the discussions. In this context, the present essay seek to examine if, given the administrative costs of targeting, and the extent of leakages to non-targeted groups, it is worth targeting at all. We will provide some arguments and evidence related with administrative costs and leakages, but also about the undercoverage and the politics of targeting, to suggest that targeting should not be taken for granted as the best way of doing social policy, and that universal schemes may be analyzed more carefully as they constitute a better option in many cases.

The essay is structured as follows. After this brief introduction, the second section offers a general introduction to the debate around targeting. The third section discusses the arguments around the administrative costs and the effectiveness of targeting (in terms of undercoverage and leakages) questioning the assumption of the cost-effectiveness of this type of programmes. The fourth section brings politics and incentives into the debate while the fifth discusses about the (false) scarcity of resources as a constraint to universal social policies. Some conclusions are presented in the sixth and last section.

BASICS OF TARGETING

Until the early 80s universalism of social policy was a common practice in several developed and developing countries, however, during the 90s this scheme lost popularity vis-à-vis targeted approaches. This shift was a consequence of both external and internal factors of the developing countries. In one hand, economic mismanagement, bureaucratization, and corruption contributed to the move towards targeted programmes; in the other hand, the shift in development theory and practice pushed by the IFIs – changes and conditionality of aid and fiscal constraints related with both economic crisis and neoliberal agenda –, contributed even more to the adoption of targeting instead of universalism (Mkandawire, 2005; Dutrey, 2007).

The ideological shifts in development (and poverty) theories and interventions during the late 80s and during the 90s played a fundamental role in pushing targeting into the mainstream approaches to address poverty and insecurity. Mkandawire (2005) states that behind the efficiency and fiscal arguments in favour of targeting lie fundamental questions about polity's values; about whose interests are being favoured and which is the desirable society that is being promoted. In the same way, Dutrey (2007) argues that it is not a coincidence that “the theory of selectivity in social provision grew stronger along with the rise of the neoliberal ideological shift in the 1980s and 1990s” (op. cit.: 1). Along these shifts in development theories come a change in development practices, both from the international financial institutions and from national donors and NGOs. Mkandawire (2005: 3) identifies two principal factors associated with the influence of the policy discourse and aid strategies in social policy design. The first one is that donor countries follow the directions of the structural adjustments of the 90s and focus their resources to ensure a ‘safety net of social services’ provided to the ‘vulnerable’, therefore limiting the scope and extent of their funds. The second is more related with the discourse shift, where nowadays aid is understood more in terms of helping the poor than in those of helping developing countries. So, shifts in the development discourse, in IFI's approaches and their influence over donors and NGOs, contribute to a move from universal to targeting schemes of social policies.

The third group of external forces that pushed targeting as the main scheme of social policy is the fiscal constraints and the pursuit of ‘efficiency’ of such programmes during the 70s and 80s. The fiscal constraints during the 70s and the economic crisis during the 80s make a perfect environment to ‘legitimize’ those arguments based on the (so-called) higher administrative costs and larger leakages of universal programmes in regard to targeted programmes. This stream of arguments states, against universalism, that “targeting would result in more poverty alleviation with the same or lower total amount of social spending. Improved identification and targeting of the poor would then make social spending more effective without increasing the local tax burden” (Dutrey, 2007: 1). In other words, there was (and still) a belief that targeting will be less costly and will lead to less leakages than universal programmes. This argument will be the aim of the discussion in the next section, where we will contrast some costs of targeting against universalism, and we will make some comments around the question of our concern.

ADMINISTRATIVE COSTS AND LEAKAGES

The most cited argument in favour of targeting is its cost-effectiveness. However, there is large evidence suggesting that targeting not only is more costly than some universal programmes, but also that the former scheme is less effective in terms of the leakages than what it is presumed. In the next paragraphs we will provide some arguments and evidence that highlight these aspects.

The (administrative) costs of targeting have not received a central role in the literature dedicated to evaluate the effectiveness of social policy despite several critiques, and although this data is “often incomplete and seldom possible to compare systematically because of a lack of key information” (op. cit.: 8), there is no regular effort to tackle this. However the difficulties in dealing with the issue, some authors have done interesting evaluations or comparisons that allow us to get a better understanding of the costs of targeting. Reviewing some studies that question the administrative costs of targeted programmes in Asia, Mkandawire points out that “the average cost of administering individual targeting schemes (which shows the best success rates when discussing targeting) is 9 per cent, varying between 0.4 and 29 per cent of total

programme cost” (2005: 11). He also raises the importance of including not only the costs due to leakage but also the costs of undercoverage: in the same studies reviewed, they highlight that although alternative targeting schemes such geographic and self-targeting are cheaper – between 6-7 per cent – they are also less effective due to higher levels of leakages and undercoverage (Mkandawire, 2005; Dutrey, 2007). Additionally, there are some authors that argue that the costs of targeting should not be seen exclusively in the light of identifying the poor. Once the phase of identification is done, there are other important costs related with the delivery of services to the eligible and the exclusion of the non eligible; the costs of fraud; and the incidence of corruption. In this context, there is some evidence that suggest that “at least 20 per cent of the budget of an average targeted programme disappears” in administrative costs and corrupt practices (Dutrey, 2007: 8).

The other main aspect that is focus of the discussions about targeting and universalism is that of effectiveness, measured by the leakages and undercoverage of each scheme. Any intervention that employs targeting is using some kind of mechanism to discriminate or select ‘beneficiaries’. This kind of interventions are always subject to two kind of errors: exclusion error or undercoverage (Error type I), and inclusion error or leakages (Error type II). In a well known and cited article from Cornia and Stewart (1995), the authors analyzed targeting errors in food subsidies among eight developing countries (India, Jamaica, Pakistan, Egypt, Sri Lanka, Tunisia, Mexico and The Philipines) that shifted from one scheme to another (from universalism to targeting in most of the cases). In their study, Cornia and Stewart (1995) suggest a preference for universal schemes in terms of efficiency based on the following conclusions:

- i) Universalism led to lower undercoverage if the subsidies are unrestricted and rationed.
- ii) Although universal unrestricted subsidies can confer larger absolute benefits to the rich, since they can afford to consume more, universal schemes almost invariably offered much greater benefits to poorer groups as a *proportion* of income.
- iii) When moving from universal to targeted schemes, in almost every case there has been a large increase in undercoverage with only some reductions in leakages.

- iv) Administrative costs are estimated to be higher for the targeted food interventions, ranging from 2 to 5 per cent of the total costs of the schemes (Cornia & Stewart, 1995: 93-96)

At this point is worth making two comments about some of their conclusions. The first links the conclusion related with the absolute or relative benefit of the poor, and the one about undercoverage problems of targeted schemes. Even though we focus exclusively on the ‘absolute benefits’ transferred to the poor (and ignore that they receive more relative benefits), there is strong evidence that shows that targeted programmes have very large exclusion error (larger in most cases than universal schemes). Dutrey (2007) shows how several targeting “success stories” – highlighted by the World Bank for their targeting accuracy– have extremely large undercoverage (See Figure 1). For instance, the Bolsa Escola programme in Brazil canalizes almost twice as much resources to the poor than to the non-poor (accuracy of 1.98), but it does so at the same time that excludes 73 per cent of the poor. In the case of the old age benefits in Chile, the programme canalizes more than 2.5 times resources for the poor but it only reach 16 per cent of them! This shows that targeting accuracy (based on the resources transferred to the poor) does not imply that *all* the poor has been benefiting from those resources, indeed we can have very “accurate” programmes that cover less than a fifth of the poor.

Figure 1

Accuracy and undercoverage from selected programmes in the Americas

Country	Name of programme	Targeting accuracy	Undercoverage (per cent) ^a
Brazil	Bolsa Escola	1.98	73
Chile	Pensiones Asistenciales (PASIS) (old age benefits)	2.67	84
Chile	SUF (cash transfer)	3.32	73
Colombia	Subsidized Health Insurance Regime (SHIR) (health social assistance)	1.68	26
Mexico	Oportunidades	2.9	40
United States	Temporary Assistance for Needy Families (TANF) (cash transfer)	3.31	“about half of the eligible”
United States	Food stamps	4.0	“around 50”

Source: Dutrey, 2007: 5

The second comment is an extension of conclusion iv). At this point, one can easily argue that the fact that targeting has high administrative costs does not imply that they are higher than those in the universal schemes. Even though there is no clear and standardized body of evidence that compare both schemes, Cornia and Stewart recall that

“Earlier comparisons between universal and targeted programmes in the United Kingdom indicated administrative costs of 3.5 per cent for universal programmes and between 5 per cent and 15 per cent for means-tested programmes, while studies from the United States found 2.5 per cent versus 13 per cent for universal programmes as compared to means- tested programmes.” (Cornia and Stewart 1995: 96)

Suggesting that, although we cannot make general conclusions, this evidence adds to the claim that targeting signifies substantially higher administrative costs.

So far, we have mentioned some internal constraints of targeting (including administrative costs, high leakages and undercoverage), but in the context of developing countries where the most part of these programmes take place, there is another limitation: one of institutional capacity. In order to avoid or lessen targeting errors, one would require more accurate and sophisticated targeting mechanisms that manage to include the poor (low undercoverage), without including the non poor (low leakages), and with relatively low administrative costs. This theory-perfect targeting mechanism is almost impossible to reach even for developed countries, but in the case of developing countries this is also true for more modest levels of targeting effectiveness. Lack of institutional capacity is a major limitation for developing and implementing targeting schemes in the poorest developing countries:

“Programmes designed to be targeted to the poor, such as those in Africa, actually “target” less effectively than universal schemes, even before the economic costs of poverty identification, targeting management and control have been included, and without including the non-economic costs and considering the levels of undercoverage of the poor.” (Dutrey, 2007: 10)

Although there is no automatic link between institutional capacity and targeting effectiveness, there is some evidence that points out that less developed developing countries are worse able to implement efficient

targeting programmes. For instance, all the “successful” cases of targeting highlighted by the World Bank come from countries in Latin America and other transition countries characterized with better-developed institutions, but there are no programmes from sub-Saharan Africa among this group¹ (ibid.).

In this section, we have tried to show that against the main argument that advocates for the cost-effectiveness of targeting over universal schemes, targeting is often costly, has higher undercoverage and leakages, and requires institutional capacity hardly reachable for the developing countries. Even though the evaluation of both schemes is neither standardized, nor well-developed, there is enough evidence to suggest that due to the economic costs of targeting, in many developing countries this scheme has to be more carefully examine, and that universal schemes may be taken into account as a real and perhaps better scheme for social policy. Universal approaches have even more sense if we take into account not only economic costs, but also political costs and incentives. Some of these associated costs of targeting are addressed in the next section.

BRINGING POLITICS AND INCENTIVES INTO THE DEBATE

Along with the administrative costs and leakages arguments against targeting, there are other claims related with the political feasibility and the creation of incentives from this scheme. As argued by Sen:

“The political economy of targeting has to be concerned not just with the economic problems of selection, information, and incentives, but also with the political support for, and feasibility of, aiming public policy specifically at removing the deprivation of particular groups.” (1995: 21)

In this context, and taking into account that poverty alleviation requires long-term commitments and political sustainability, several authors argue in favour of universal approaches instead of targeted programmes. There are two arguments behind this idea. In one hand, social programmes based on universal criteria tend to received more political support by an alliance between middle classes and the poor than

¹ It is worth noting that “successful” in the way defined by the World Bank, allows for high level of exclusion.

those based on targeting mechanisms and therefore the former are easier to launch and sustain (Mkandawire, 2005; Dutrey, 2007; Nelson, 2003). In the other hand, legislatures tend to be “more willing to approve much larger budgets for popular broad programmes than for targeted ones”, leading to potential increases in the benefits of the poor (Nelson, 2003: 127).

There are two additional political arguments in favour of universalism vis-à-vis targeting. Firstly, programmes or institutions with universal basis can be a better way for governments to promote social capital in the form of common citizenship and solidarity (Dutrey, 2007: 14). Moreover, these programmes are more compatible with social solidarity, less likely to stigmatize the poor and less likely to encourage mentalities disparaging them among the better off (Nelson, 2003: 127). Secondly, targeted programmes can lead to ignore or even restrict ‘empowerment’ processes at the same time that generate stigma among the beneficiaries of the programme (Mkandawire, 2005), as argued by Sen “any system of subsidy that requires people to be identified as poor and that it seen as a special benefaction [...] would tend to have some effects on their self-respect as well as on the respect accorded them by others” (1995: 13).

The last argument we want to mention is that of the ‘perverse incentive’ underlying targeting. Targeted programmes create incentives for people to change their (economic) behaviour in attempts to become beneficiaries of them. These changes of behaviour have both individual consequences such as not taking a job or not saving for one’s own pension (Mkandawire, 2005: 15) as well as social costs including “the net loss of the fruits of economic activities forgone [and] changes in labor supply” (Sen, 1995: 13).

These political and incentive arguments reinforce the economic arguments (administrative costs and leakages) exposed in the previous section in favour of a more complete and rigorous examination of the ‘panacea’ of targeting programmes. Universal schemes have the potential, not only to lower social policy costs, but also can contribute to social cohesion, policy support, and the elimination of perverse incentives.

RESOURCE SCARCITY?

Along the article we have attempted to show that targeting is not the panacea of social policy as many academics, governments and international organizations want us to believe. Contrary to the popular claim that targeting is less costly and more effective (lower undercoverage and leakages) than universal schemes, we have shown evidence that point several limitations of targeting schemes. But arguing against targeting without showing or proposing an alternative would be useless and naive. So, in this section we will give some general arguments directly in favour of universal schemes; arguments in the theoretical and financial stream that complement the arguments discussed in the previous sections (administrative costs; undercoverage and leakages; political feasibility and incentives).

From a theoretical point of view, universalism, by definition, seeks to minimize the undercoverage by including all the population potentially subject of the policy. In this context, universal schemes are compatible with a broader definition of poverty than that based on a (static) poverty line used in targeted programmes. As Saith states,

“If the objective is poverty reduction, then attention must be devoted not just to interventions supporting those already in poverty, but also to those that might not actually be in poverty, but run a serious risk of falling into it. There is little point in just bailing out water from a boat while ignoring the hole through which it is coming into the boat.” (2008: 20)

That is to say, universal schemes are more capable to deal with vulnerability as they include as part of their ‘beneficiaries’ not only the income poor, but all the population including the ‘middle strata’ that fluctuate around the poverty line.

One of the strongest critiques against universal schemes is about the financial costs of such approach to social policy. Critiques of universalism argue that extending social services to all the population will require large amount of financial resources and that those costs are impossible to cover for most part of developing countries.² We agree

² It is worth mentioning that when we refer to extend a specific social service to ‘all the population’ we mean to extend it to the population that is subject to that service. For instance, if we are talking about prenatal health, we are saying that

that universalism require large amounts of resources, but we have two objections about the second part of the critique. First, the fact that universal schemes of social policy demand large financial resources does not imply that targeting schemes do not. In fact, in previous sections we presented some evidence that suggest that in many cases targeted programmes are indeed more expensive than universal programmes due to their administrative costs, high levels of undercoverage and leakages, and fraud costs. Second, and following Saith (2008) and International Labour Office (ILO) (2008), it is not true that those costs are impossible to afford. Below we expand this argument giving some insights on how universal schemes can be financed. First we present some general thoughts about the sources of such resources (Saith, 2008) and then we will go more into details examining the estimated costs of some universal programmes in selected developing countries as an example (ILO, 2008).

In one hand, Saith (2008: 30-32) presents six rejoinders to the argument of resource scarcity as a constraint to universalize social policy. First, he states, resources can be obtained through a redistribution of the growth component in the economy. Second, several schemes can be self-financing in the medium term if they are judiciously and efficiently designed and implemented, for instance in the case of infrastructure development projects and the spillovers associated with them. Third, social protection expenditure should be seen, in most of the cases, as an investment rather than an expenditure. It has been widely proved that expenditure in health and education contributes to human development and provides valuable inputs for economic growth. Fourth, “given the obscenely high and rising levels of inequality within many developing economies, only Neo-liberals could seriously claim that there is a scarcity of resources for meeting the basic needs of the population” (Op. cit.: 31). Fifth, there will be more available resources if both rich countries and poor countries’ governments change their expenditures priorities from armaments, for instance, to social protection. Sixth, overseas assistance programmes can contribute substantially by providing more and better canalized resources. In sum, Saith debates the validity of the

under a universal scheme that service may be available to all pregnant women, regardless of their income level, social strata, etc., but not to all the population (including non pregnant women, and men), which would be foolish.

resource scarcity for universal social policy and question “what really is scarce: financial resources or humanist values?” (Op. cit.: 32).

In the other hand, ILO (2008) give us some details about how much can cost to have a universal Basic Social Security Floor in 12 countries from Africa and Asia.³ Even though their study is based on simulations with several assumptions, they do make interesting conclusions that can help us to exemplify the feasibility of financing some universal social policies. Their estimations show that a basic social security floor will cost, among these countries, between 3.7 and 10.6 per cent of the 2010 GDP of each country, requiring “a level of resources that is higher than current spending in the majority of low-income countries (which rarely spend more than 3 per cent of GDP on health care and rarely more than 1 per cent of GDP on non-health social security measures)”. Under this constraint, they examine two scenarios: in the first one they assume that governments would not change the level of spending of social protection of 2003; while in the second they assume a policy change. The *status quo* scenario (the first one) shows that if countries are not able to break out of the levels of social protection, they will not be able to implement the social protection package without largely dependency on external funding. But here we are more interested in the second scenario, where they assume that governments will increase the resources for the social protection floor until they reach one fifth of their total expenditure.⁴ Under this scenario, by 2010 four countries out of twelve “will be able to finance 100 per cent of the universal basic social protection package domestically” while the rest will be able to afford between 35 and 70 per cent of the package

³ 4 ILO (2008) defined the Basic Social Security Floor as a scheme that ensures that: i) All residents have access to basic/essential health care; ii) All children enjoy income security facilitating access to nutrition, education and care; iii) Some targeted income support is provided to the poor and the unemployed in the active age group; and iv) All residents in old age or with disabilities enjoy income security. The countries studied are: Burkina Faso; Cameroon; Ethiopia; Guinea; Kenya; Senegal; United Republic of Tanzania; Bangladesh; India; Nepal; Pakistan; and Viet Nam.

⁴ “This would still be below prevailing proportions of public budget spent on social protection in many middle and high-income countries (which is usually between one third and one half of government expenditure)” (ILO, 2008: 11)

(Ibid.). In the latter case external financial support would be needed for some more time, external resources that are available today but that need to be better canalized, as showed above by Saith (2008).

The arguments made in this section suggest that against the common critique of the financial unfeasibility of universal schemes for social policy, the resource scarcity is more a fallacy than a reality. Financial resources are available but are not used for universal social protection; this will required a shift in governments and donors' expenditures priorities, and a conception of social protection as a "powerful form of social investment" that can "form a platform for accessing untapped sources of growth over the medium term" at the same time that being "intrinsically desirable in shaping a societal framework worth living" (Saith, 2008: 36).

CONCLUSIONS

One of the major discussions about social policy, in general, and poverty reduction strategies, in particular, is whether targeting schemes or universal schemes are more effective and efficient. This essay sought to examine if, given the administrative costs of targeting and the extent of leakages to non-targeted groups, is it worth targeting at all. We gave some arguments and evidence related with administrative costs and leakages, but also about the undercoverage and the politics of targeting, in order to examine the merits of this scheme.

Against the main argument that advocates for the cost-effectiveness of targeting over universal schemes, targeting is often costly, has higher undercoverage and leakages, and requires institutional capacity hardly reachable for the developing countries. Moreover, universal schemes have the potential, not only for lowering social policy costs, but can also promote social capital in the form of common citizenship and solidarity; they tend to receive more political support; they help in the elimination of 'perverse incentives'; and they are compatible with broader definitions of poverty.

In the same way, the resource scarcity argument against universal social policies is more a fallacy than a reality. Financial resources are available but are not well canalized and used for universal social protection. Changing this will required a shift in governments and donors' expenditures priorities, and a conception of social protection as

an investment (rather than expenditure) that can generate economic growth and contribute to shape a society of equal citizens.

Even though the evaluation of both types of schemes is neither standardized, nor well- developed, there is strong evidence to suggest that due to the costs of targeting (economic and non economic), in many developing countries this scheme has to be more carefully examine, and that universal schemes may be taken into account as a real and perhaps better alternative for social policy and poverty eradication strategies.

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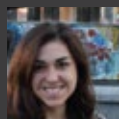
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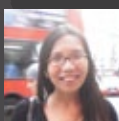
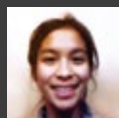
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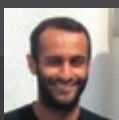
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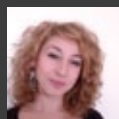
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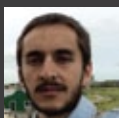
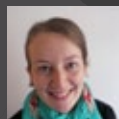
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