

THE JOURNAL *of* INTERNATIONAL POLICY SOLUTIONS

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PEPFAR'S DETRIMENTAL ANTI- PROSTITUTION POLICY

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EDITOR'S LETTER

*Clear and sweet is my soul, and clear and sweet is all that is not my soul.
Lack one lacks both, and the unseen is proved by the seen,
Till that becomes unseen and receives proof in its turn.
Showing the best and dividing it from the worst age vexes age.*

-Walt Whitman, "Song of Myself"

I am sitting inside a cool, air-conditioned office writing this letter while the seemingly permanent San Diego sunshine scorches the earth outside. The contrast is evident, but rather than being a paradox that confounds, it is a reminder that opposites occupy the same space with surprising regularity. A paradox contains the starkness required to make sense of what cannot – and does not – exist independently of its other parts. This edition of JIPS focuses broadly on the interconnectedness that buoys up the world today – the world of nations and, equally so, of people divided.

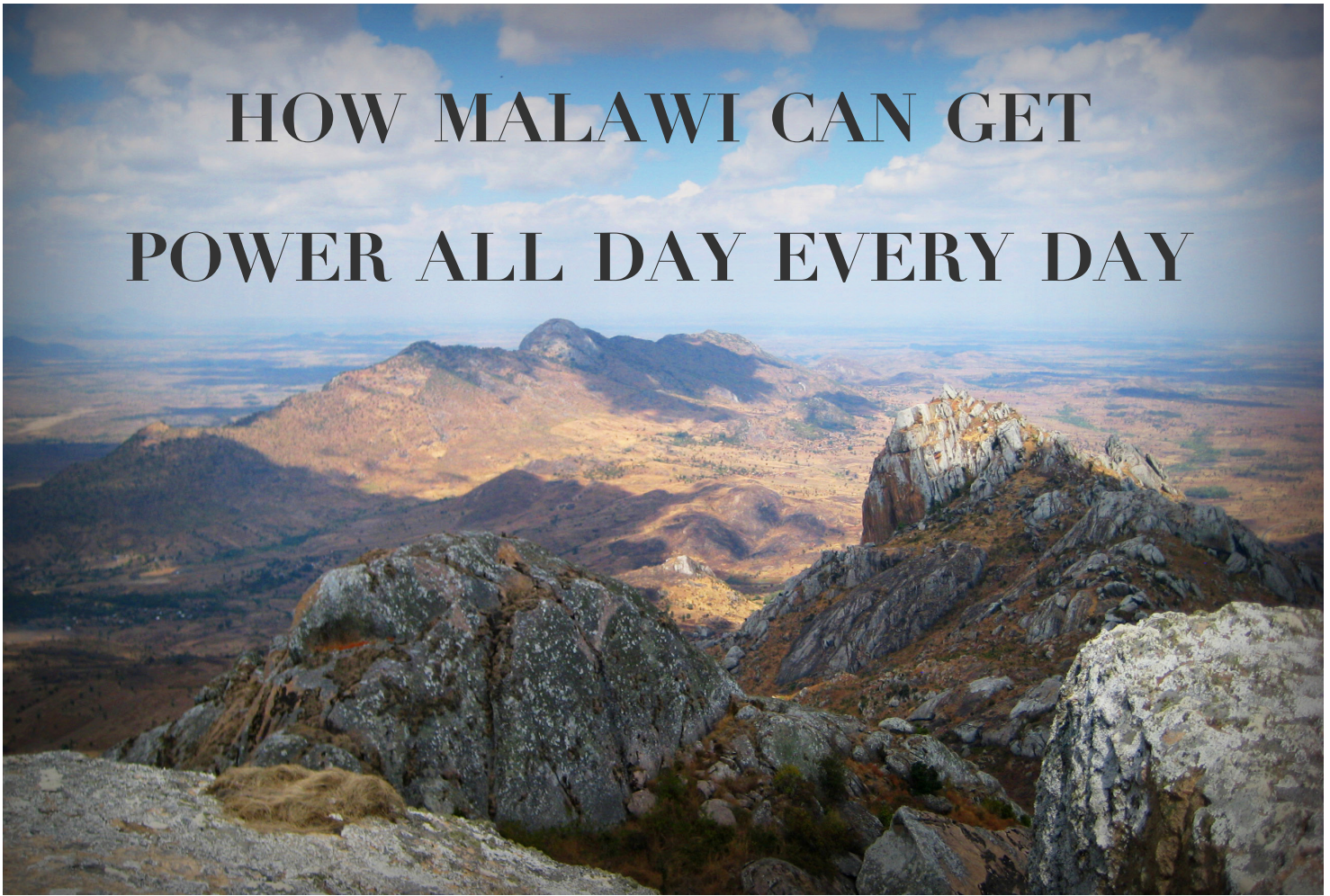
As a journal of international relations and policy, JIPS strives to include a diversity of topics from around the world, both those visible to the public – sometimes glaringly so – and also those less visible, less understood. Included in this year's journal are pieces about Mexico, Korea, Malawi, the Solomon Islands, Southeast Asia and the U.S. Whether dealing with immigration and xenophobia, fractured states and transnational coalitions, or the search for peace and justice in the face of violence, the juxtapositions essential to each of these circumstances serve as the reference points for our understanding.

While international relations is outwardly focused, often on divining the strategy and structure of nations, institutions and policies abroad, it yearns to look inward as well. If tantalizingly obscure fields such as astrophysics have taught the public anything it is that the things there affect the things here. The study of international relations and globalization should do the same, and embolden us to see ourselves as others see us. Not only to find the familiar in the foreign but the foreign in the familiar. This means turning on ourselves the lens that we level to observe and dissect the quarreling, bargaining, strategizing and suffering of others on the international stage.

Since I became a part of JIPS over one year ago, the world has clashed with itself over a multitude of issues, some new but many old. The most bloody and divisive of these are often called tragedies. But a tragedy connotes a resignation to the inevitable. Terrible but inevitable nonetheless. Here at the Journal of International Policy Solutions we and our contributors create solutions – we don't describe inevitabilities. And from the pages of our namesake we hope that our readers may glean knowledge and power to change the world for the better – both for us and for them.

Shahin Firoozmand
Editor in Chief

HOW MALAWI CAN GET POWER ALL DAY EVERY DAY



View from Nkhoma Mountain, Malawi; Photo by Leila Ahlstrom

Improving Hydropower Reliability through Establishing a Payment for Ecosystem Services Mechanism in the Shire River Basin

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I. INTRODUCTION

Formerly known as Nyasaland, Malawi is a small, landlocked country located in southeastern Africa which celebrated 50 years of independence from Britain in 2014. With a population of approximately 15 million, it is consistently ranked by various international organizations as one of the top ten poorest countries in the world. Less than 10 percent of Malawians have access to regular electricity, with the existing electricity infrastructure remaining woefully inadequate in meeting the needs of that small portion of the population fortunate enough to have access to the electric grid. Without any other meaningful energy resources on which to rely, Malawi is highly dependent upon hydroelectric power generation for electricity production, with the majority of Malawi's existing hydropower dams located along the Shire River.

The Government of Malawi ("GoM"), along with technical and financial assistance from international partners including the World Bank, the African Development Bank, and the United States' Millennium Challenge Corporation ("MCC"), among others, has embarked upon and is continuing to implement wide-ranging energy sector reform measures aimed at improving the production, accessibility and reliability of electricity. Such reforms range from the creation of an independent regulatory agency to increased tariffs. However, numerous challenges to these goals must be overcome if the GoM's aspirations with regard to the development of the energy sector are to be achieved. In one example, MCC is partnering with the GoM in the creation of an environmental trust and a payment for ecosystem services ("PES") scheme in the Shire River Basin to address the build-up of sedimentation resulting from mismanagement of the ecosystem and environmental degradation upstream from the dams, as well as non-native aquatic weed infestation.

These two issues have become the most significant factors contributing to decreased hydropower generation for the Shire River dams.

This paper examines the political and economic factors likely to contribute to a successful PES scheme in the Shire River Basin as a feasible and appropriate approach to ensure the maintenance and the improvement of the hydroelectric system along the Shire River. To do this, I first summarize the state of national energy sector reforms in Malawi. I then analyze the relevant stakeholders, their motivations and how to engage with them effectively. Next, I discuss factors affecting the design, implementation, and management of a PES program in the Shire River Basin. Finally, I examine three important political economy considerations for such a program.

II. OVERVIEW OF MALAWI'S ENERGY SECTOR AND RECENT REFORMS

A. THE IMPORTANCE OF THE SHIRE RIVER BASIN FOR ELECTRICITY GENERATION

The Shire River, which eventually flows into the Zambezi River in Mozambique, is Malawi's largest river and Lake Malawi's only outlet. This area comprises 16% of Malawi's landmass and is home to 22% of Malawi's population (United Nations Development Program 2006). Importantly, the Shire River Basin is the primary source of Malawi's electricity supply, with three hydroelectric power stations located along the middle portion of the Shire River: the Nkula, the Tedzani, and the Kapichira Falls Stations. The total installed capacity for these hydroelectric plants is approximately 285 megawatts, although outages are frequent due to factors discussed below (Electricity Supply Corporation of Malawi (ESCOM) Limited n.d.). The demand for electricity in Malawi is expected to rise to 600 megawatts by 2015 (LTS International 2013). In an attempt to meet this increased demand, the exploration of additional capacity through the construction of more dams along the Shire River is currently underway.

B. OVERVIEW OF KEY REFORMS

1. Summary of Reforms

Energy sector reforms commenced in Malawi at the turn of the 21st century in large part due to the establishment of the UN's Millennium Development Goals ("MDGs") and Malawi's complementary domestic goals of poverty reduction, industrialization and economic growth. In the creation of these goals, the GoM recognized that the inadequate supply of electricity was a significant hindrance for Malawi's development. An increasingly robust energy supply was needed as a critical input for manufacturing, as a source of government revenues, and as a much-needed source of employment. As an extremely poor country fortunate to be endowed with abundant water resources, the GoM recognized that an insufficient supply of energy would continue to cripple meaningful economic growth. Consequently, the GoM sought the assistance of international partners to devise strategies in order to address these problems and find viable solutions toward improving energy production.

2. Adoption of Energy Policy

Reform of Malawi's energy sector began in 2003 with the drafting of a national energy policy by Malawi's Ministry of Energy and Mining. This policy set the three following long-term goals:

- (i) "Make the energy sector sufficiently robust and efficient to support GoM's socio-economic agenda of poverty reduction, sustainable economic development, and enhanced labour productivity;
- (ii) catalyse the establishment of a more liberalized, private sector

driven by the energy supply industry in which pricing will reflect the competition and efficiency that will develop in the reform process; and (iii) transform the country's energy economy from one that is overly dependent on biomass to one with a high modern energy component in the energy mix...(Government of the Republic of Malawi, Ministry of Energy and Mining 2003)" To achieve these goals, a series of policies and legislation soon followed.

3. Passage of Energy Reform Legislation

In 2004, the legislature passed four energy-related laws. These legislation laid the groundwork for: (i) establishing an independent regulatory agency (the Malawi Energy Regulatory Authority – "MERA"); (ii) expanding access to electricity for rural populations; (iii) creating a mechanism to govern electricity licensing, tariffs, generation, transmission, and distribution; and (iv) devising a mechanism to address liquid fuels and gas production and supply (Gamula, Peng and Hui 2013). Such legislation provided the legal framework for further reforms and new energy related initiatives.

4. Adoption of a Growth and Development Policy

Finally, in 2006, the GoM published the Malawi Growth and Development Strategy ("MGDS"), which serves as the GoM's roadmap for "poverty reduction through sustainable economic growth and infrastructure development" (Government of the Republic of Malawi 2006). With regard to energy generation and supply, a key priority area, the MGDS set specific medium- to long-term goals, including: (i) reducing the number and length of electricity blackouts; (ii) increasing accessibility of electrification in rural areas; (iii) improving coordination and balancing the interests of those who need energy and high growth sectors such as tourism and mining. The expected outcomes of these goals is to provide access to electricity to 30% of the population by 2020 and increase electricity generation to 1000 megawatts (Ibid.).

C. ENVIRONMENTAL CHALLENGES FACING HYDROELECTRIC GENERATION ALONG THE SHIRE RIVER

Two central environmental issues currently affect the generation of electricity by the existing hydropower dams: increased sedimentation of the Shire River resulting from erosion, and non-native aquatic weed infestation. Due to Malawi's high population density and the increase in unsustainable land use practices, soil in the river basin is more susceptible to erosion, which then flushes into the Shire River. Additionally, this sediment carries increased nutrient loads due to an extended use of fertilizers by farmers, resulting in the explosive growth of invasive weeds in the river (primarily water hyacinth and water lettuce). Weed infestation and increased sedimentation inhibit water flow thereby increasing the operating costs and reducing the efficiency of the hydropower dams (Campbell 2014). The implementation of a PES mechanism seeks to lessen the effects of these two problems by incentivizing the primary stakeholders to change land use practices in exchange for cash payments.

III. STAKEHOLDERS, THEIR INCENTIVES AND WAYS TO ENGAGE THEM

A. KEY STAKEHOLDER GROUPS

Numerous stakeholders have an interest in a PES approach in the Shire River Basin. The primary stakeholders are known as the "Upstream Group": local communities comprised of poor farmers, fishermen, and herders, with an average landholding of 0.54 hectare per household (United Nations Development Program 2006). The Upstream Group depends upon the land and water of the region for their

livelihood, with the Shire River Basin's local economy reliant upon rain-based subsistence agriculture (maize being the primary crop). The members of this group, who live and work upstream from the hydropower dams, are the providers of environmental services and the likely recipients of payments made by the second category of stakeholders: the users who pay for the provision of environmental services.

The second group of stakeholders, the "Downstream Group", uses the basin's water resources in bulk for commercial purposes, such as electricity and water utilities, and companies such as ESCOM, Illovo Sugar (Malawi) Limited and Carlsberg Malawi Limited. The Downstream Group requires dependable water flow from the Shire River in order to conduct business activities. The third group of stakeholders consists of the GoM (primarily the Department of Fisheries and the Ministry of Energy), NGOs, and foreign aid agencies (the "Institutional Group"). This group acts as an intermediary by advising and implementing PES-related policies and programs within the Shire River Basin. In this context, an effective PES mechanism will incorporate the interests of these three categories of stakeholders in the furtherance of mutually shared benefits.

1. Women Stakeholders within the Upstream Group

Women stakeholders are a unique subset of the Upstream Group who deserve special consideration for the success of a PES mechanism in the Shire River Basin. In areas of the basin region, matrilineal inheritance is a common practice, where women inherit land and husbands move into their wives' homes. Notwithstanding, men (either the husbands, uncles or brothers of women) are the likely decision-makers with regard to household income and use of land. But although this situation can lead to men being the primary decision-makers in the household, they are usually not as invested in the land due to their lack of ownership in it.

Given the custom of matrilineal inheritance, MCC research finds that despite men being involved in activities that directly cause environmental degradation, women feel the impact the most (LTS International 2013). This is because women generally make the health and food related decisions for the households most impacted by environmental degradation. In this sense, determining how women view the impacts of environmental degradation on health outcomes of their families will be a prudent exercise in engaging them in the PES process.

B. STAKEHOLDERS' INCENTIVES

These stakeholder groups are expected to participate in the design, implementation and management of a PES mechanism in the Shire River Basin according to their respective interests and the extent to which they have an incentive to do so. The Upstream Group, large and poorly organized, will be incentivized to participate in the PES mechanism through compensation for adopting better land use management practices. In Mancur Olson's terms, this is a latent group where no single member can make a noticeable contribution. Hence, no member has an incentive to provide the collective good on his or her own (Olson 1965).

In contrast, the Downstream Group, smaller in size than the Upstream Group but with shared interests among members, will be incentivized to participate based on prospects of increased profits for each member of the group. Increased profits will come through improved hydropower generation resulting from better land use management practices, which will be achieved through payments made to the Upstream Group to maintain the river. Olson would define the Downstream Group as a privileged group, where each member has an incentive to provide the collective good, even if it had to bear the entire cost in doing so (Ibid.).

Finally, the Institutional Group will be incentivized to participate in the PES mechanism given their desire to advance GoM economic

and environmental development initiatives and further the interests of donor countries and non-governmental organizations. Each group is driven by unique incentives, which alters their likelihood to participate in a PES mechanism. Nevertheless, all three stakeholder groups share the same goal of improving economic livelihood.

C. CHALLENGES TO INCENTIVIZING STAKEHOLDERS

Mancur Olson's logic of collective action is helpful in analyzing each stakeholder group's likely level of participation in the design, implementation and management of a PES mechanism. Without adequate incentives or coercion, Olson argues that individuals will not act in their common interest despite being rational, self-interested actors (Olson 1965). Of the three groups, the Upstream Group is less likely to organize independently without adequate incentives given the very large size of the group and the small benefit each member will receive. In contrast, the Downstream Group and the Institutional Group, both of whom are smaller in size and contain diverse members, are more likely to organize in support of a PES mechanism. Participation in a successful PES mechanism for these two groups will likely result in significant, yet distinct, gains. It should be noted, however, that members of Institutional Group are more prone to changing course, due to each member's unique political considerations and constituents to whom they are accountable.

D. WAYS IN WHICH TO ENGAGE STAKEHOLDERS

Engaging the Upstream Group in the PES process will require more effort than engaging either the Downstream Group or the Institutional Group. During the design and implementation phases, the Downstream and Institutional Groups should employ regular and meaningful meetings with community leaders (such as teachers and village heads) from the Upstream Group to share information, consult, collaborate, make joint decisions, and foster empowerment (Daviet, Mabel and Halverson 2011). Once the PES mechanism is implemented, members of the Upstream Group should receive regular and adequate training on the ecosystem services they are expected to provide, as well as a means to address and resolve grievances. Dynamic and consistent interaction with the Upstream Group by the Downstream and Institutional Groups will improve the likelihood of successful engagement by the Upstream Group in the design, implementation, and management of a PES mechanism.

Women within the Upstream Group should be specifically targeted for engagement in the PES mechanism. There are various ways to do this, including providing leadership training targeted at women and designing mechanisms to increase women farmers' access to markets. In this sense, establishing a social and gender enhancement fund is part of MCC's larger energy sector reform pact with the GoM. This \$2 million fund will award grants to NGOs and community-based organizations ("CBOs") who promote activities and interventions targeted at social and gender equity with the goal of enhancing the impact and sustainability of the larger environment and natural resource management project (Millennium Challenge Corporation 2014). The types of activities and interventions eligible for funding will likely include ones which promote participation by women in land use planning and trainings focused on women's leadership, literacy and small business development (Millennium Challenge Corporation 2013). The fund will be administered by the GoM-run Millennium Challenge Account-Malawi ("MCA-Malawi"), who will decide how the funds will be distributed. Support of programs and interventions specifically directed at women is intended to ensure equitable participation of all stakeholders in order to maximize the benefits of the PES program.

III. FACTORS AFFECTING THE DESIGN, IMPLEMENTATION, AND MANAGEMENT OF A SUCCESSFUL PES MECHANISM IN THE SHIRE RIVER BASIN

A. FEASIBILITY AND DESIGN

Ensuring a successful and sustainable PES program begins with great attention to feasibility and design. As an initial consideration, a PES feasibility study should be undertaken in to examine the legal framework (particularly property law) for PES in Malawi, preliminarily define the actors, and establish the area in which the program will be implemented (Food and Agriculture Organization 2003). This study should also include an analysis of the capability and political will of the GoM (USAID 2007). An effectively designed PES program should be formulated based on the following criteria: a definition of the ecosystem service involved; a clear identification of the providers and users of the ecosystem services; the existence of additionality; the development of penalties for non-compliance; and a benefit-cost ratio greater than one (Arriagada and Perrings 2009). These factors should be incorporated into a carefully designed program, focused on conditions specific to Malawi's needs. Such attention will significantly increase the likelihood of success for a PES program.

B. IMPLEMENTATION

Effective implementation of PES schemes requires: the accurate valuation of an ecosystem service (no measure of value currently exists); identification of how additional amounts of that service can be provided in a cost-effective manner; determination of which service providers to compensate; and the level of compensation conditional on the provision of the ecosystem services (Arriagada and Perrings 2009). MCA-Malawi and MCC have already begun fostering relationships with potential members of the Downstream Group, as well as outreaching to members of the Upstream Group likely affected by the program. However, implementation should not commence until careful design of the PES mechanism has been completed.

C. MANAGEMENT

On-going management of the PES program by capable trained staff is needed to ensure its sustainability. Regular monitoring of the Upstream Group by the Downstream Group is necessary to fulfill the conditionality requirement in making payments to the Upstream Group. Since the monitoring required for conditional payments can be quite costly, international partners, such as MCC, should take advantage of technological resources, such as Geographic Information System analysis, to assist in reducing costs, while providing effective monitoring capabilities. Payments should be made at regular intervals, as opposed to up-front, in order to incentivize the recipients of payments to continue to provide ecosystem services. Finally, financial sustainability is also a factor in the successful on-going management of a PES mechanism. Preferably, the provision of financial assistance from Institutional Groups should be limited due to the possibility of members in that group changing their priorities or reducing funding.

D. POLICY CHALLENGES

Dozens of PES mechanisms have been implemented or are under consideration in low-income countries. For as many advocates of such programs lauding their potential, one can find just as many critics touting their shortcomings. Less than desirable returns or outright failure can occur at many levels: either in the design, implementation, and management of the program, or at a larger systemic level.

Developing the correct valuation of ecosystem services in the Shire River Basin will be extremely challenging. Equally difficult will be the

implementation of monitoring systems. Ensuring the program's long-term financial sustainability provides for further complications. On a more systemic level, the countries that would most benefit from this type of program, such as Malawi, are often the ones who suffer most from poor governance and high levels of corruption. Malawi's political situation is potentially concerning to the effective development and implementation of a PES mechanism. Fortunately, experts within the Institutional Group have conducted a lot of analysis on PES schemes so that those developing such programs can learn from past mistakes.

IV. THREE KEY POLITICAL ECONOMY CONSIDERATIONS WITH REGARD TO A PES MECHANISM IN THE SHIRE RIVER BASIN

A. THE CREDIBILITY OF THE GoM

A government's ability to make credible commitments can be broken down into two components: it must show it has the capability to follow through with the commitment, and it must have the political will to actually do so. At present, the GoM's capacity to make credible commitments is dubious.

In September 2013, a corruption scandal hit the GoM; dubbed "Cashgate", tens of millions of dollars were found to have gone missing. Following a number of investigations and audits, government ministers in charge of agencies accused of involvement in corruption were sacked, trials of over 60 people accused of perpetrating Cashgate have commenced, and a special police unit focused on monitoring public finance was created. Despite these steps, many donors (the most important of which is the UK's Department for International Development or "DFID"), have withdrawn funding. In a country that relies on foreign assistance for 40% of its national budget, these cuts have been painful.

Further, Malawians elected a new President, Peter Mutharika, in May 2014. Interestingly, in his inaugural address, President Mutharika recognized the importance of existing international partnerships, but suggested exploring new relationships with Russia, China, and South Africa (AFP 2014). With his presidency just months old, it remains too early to tell whether his administration truly desires to shift away from its reliance upon traditional Western donors. Moreover, this statement brings some doubt as to whether Mutharika's administration will have the political will to carry out its responsibilities under agreements with international aid partners.

With a new president also came a new parliament for Malawi. The elections resulted in no party gaining a majority of representatives, which means coalition building must occur. Where Malawi is coming from (with Cashgate's lingering effects) and where Malawi is headed (with uncertainties surrounding Mutharika's presidency) have jeopardized the GoM's ability to make credible commitments.

These recent events have potentially long-lasting effects for Malawi. The GoM's various economic and sector-specific development plans expressed a desire to attract private foreign investment in the energy sector. Although foreign governments have been providing financial assistance to the GoM for decades, private sector investment has been limited due to an absence of valuable natural resources within Malawi, a lack of competition given the prevalence of state-owned enterprises, and an overall dearth of infrastructure and economic development. These constraints, coupled with uncertainties surrounding President Mutharika's mandate, might prevent future significant foreign investment in Malawi.

B. THE USE OF PES TO ALLEVIATE A MARKET FAILURE

Historically, the provision of ecosystem services has operated out-

side of the traditional market. By introducing market functions, land users are provided compensation as a direct incentive to include better land use practices in their land use decisions. A PES mechanism in the Shire River Basin will serve to alleviate a market failure by creating more socially-optimal land uses. A PES scheme of this nature is likely to be sustainable, since maintaining the program is in the interests of both the users and the providers of services, the Downstream Group and the Upstream Group, respectively. However, if the Downstream Group fails to receive the services it is paying for, it will eventually cease paying into the program, which is why correct design, implementation, and management are so critical.

C. THE SECONDARY BENEFIT OF PES AS A POVERTY REDUCTION TOOL

The purpose of a PES mechanism is not generally as a poverty reduction tool. As defined by the World Bank, the objective of a PES scheme is to address “environmental and natural resource management problems by providing a mechanism to internalize externalities” (Pagiolo 2007). Notwithstanding, regular payments to the poor in exchange for ecosystem services do contribute to higher household incomes.

Of all income groups, the poor are most likely to depend on the environment around them for their livelihood. Over the last decade, Malawian farmers have suffered from unpredictable pricing for agricultural goods, which has introduced further instability for poor households. Most agriculture production in Malawi is rain-based, leading to feast and famine periods for poor farming households. Additionally, precipitation patterns are changing with the onset of climate change, meaning it is more difficult for farmers to predict when the rains will come and to plan their planting accordingly. Finally, the poorest households are often run by women, which lack the labor power that households led by men have access to. Due to these factors, a system of regular payments in exchange for ecosystem services can assist in smoothing out households’ finances during periods of lower income.

V. CONCLUSION

The introduction of a PES mechanism in the Shire River Basin will not singlehandedly solve Malawi’s hydroelectric generation challenges. Such a scheme is not to be undertaken lightly, given the numerous challenges that will affect its chances for success (both project specific and more general). However, provided it is designed, implemented and managed correctly and efficiently, this project is a movement in the right direction: a movement towards improving energy reliability in Malawi.

The GoM, along with its international partners, faces huge challenges, since the planned energy sector objectives and reforms are substantial. Despite this, the overall goals of promoting economic development, enhancing Malawians’ social well-being, and investing in much-needed infrastructure projects are too important not to succeed if Malawi is to shed its undesirable distinction as one of the poorest countries in the world.



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FOREIGN AID FOR TRUTH COMMISSIONS: MAKING AID WORK BETTER

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ABSTRACT

Over the past two decades, foreign aid donors have directed substantial aid resources in support of truth commissions, to help redress the legacies of massive human rights abuses. Yet despite truth commissions being a site of significant international development co-operation, gaps remain in knowledge about truth commission aid. Foreign aid donors have provided substantial funding for truth commissions despite a 'virtual absence in knowledge about how and how well this type of aid works' (Petersen, Samset and Wang, 2009: 441). This paper critically assesses foreign aid to truth commissions as an international aid policy solution for conflict-affected developing countries. The analysis identifies steps that foreign aid donors might take to enhance the success of their truth commission aid.

The purpose of this paper is to unpack truth commission aid and look at what has and has not worked well, and why. The analysis highlights examples of effective foreign aid for truth commissions, with the aim of informing improved international aid policy approaches. It does so in part through a comparative study of aid directed in support of truth commissions in Guatemala, Kenya and Solomon Islands. The three countries selected for analysis function as country case studies for framing the research and analysis; they facilitate more in-depth understanding and illustrate key arguments of the paper. The intention is to understand the degree to which effective truth commission aid leads to more effective truth commissions, and so greater opportunities for the healing of countries, communities and individuals afflicted by atrocity.

INTRODUCTION

'The eyes of the buried will close together on the day of justice, or they will never close.'

-Miguel Angel Asturiasⁱ

Some 1.5 billion people live in conflict-affected states or in countries marred by repeated cycles of criminal and political violence (World Bank, 2011). This represents almost one quarter of the world's population so impacted. Today, the vast majority of armed conflicts and severe violence occur in developing countries, whose populations and econo-

mies are 'further impoverished' as a result (Mani, 2002: 3; Collier, 2011; de Greiff and Duthie, 2009; Hoeffler, 2010). Such violence constrains development and frequently reverses hard-won development gains (Collier, 2008). Demonstrative of this, progress towards the United Nations (UN) Millennium Development Goal targets has been comparatively much slower in conflict-affected countries. While poverty is on the decline for much of the world, countries affected by repeated cycles of conflict and violence are being left behind, with economic growth stymied and human development undermined (World Bank, 2011).

Conflict and violence are significant development challenges: the effects can be harrowing in 'human and material terms' (Mani, 2002: 3; World Bank, 2011). Human rights and international humanitarian law violations manifest in the 'loss of life, limb and livelihood', with populations suffering massive trauma and psychological harm (Mani, 2002: 3). The scale and horror of human suffering and misery underscores the need to prevent further conflict and violence. We know that many countries are affected by repeated cycles of violence: numerous countries that have concluded political and peace agreements continue to endure high levels of violence 'constraining their development' (World Bank, 2011: 2). We know also that 'post-conflict situations are fragile', and that some 40 per cent revert to violence within ten years (Collier, 2009: 75). Such reversions into violence – 'conflict traps' (Collier, 2008: 5) – constitute almost half of the world's internal armed conflicts (Collier, 2009: 75). Indeed, 90 percent of the last decade's internal conflicts were in countries afflicted by internal conflict within the past 30 years (World Bank, 2011; Hewitt, Wilkenfeld & Gurr, 2010). So as Collier suggests, better maintaining post-conflict peace than in the past would be the 'single most effective way' of preventing conflict (Collier, 2009). The question then arises as Galtung (1996) envisages, how peace may be maintained, and conflict and violence avoided (Galtung, 1996)?

Responding to this question, truth commissions are one tool that may contribute to ending cycles of conflict and violence, understood to impede development. Truth commissions may fulfil a valuable peacebuilding function in conflict and violence-affected contexts (Lenzen, 2009), implemented in concert with other efforts to promote peace (Galtung, 1996). The term 'truth commission' is defined in greater detail in Part 4 below, though very briefly here (for the sake of clarity), it refers to:

A temporary body, set up by an official authority (president, parliament) to investigate a pattern of gross human rights violations committed over a period of time in the past, with a view to issuing a public report, which includes victims' data and recommendations for justice and reconciliation [Emphasis in original] (Bronkhorst, 2004).

This definition, put forward by Bronkhorst, functions as a working definition underpinning the analysis of this article. The UN highlights the role of truth commissions in achieving justice and accountability for past abuses, societal understanding and acknowledgement of atrocity, and helping prevent future abuses through recommendations for institutional and policy reforms (OHCHR, 2006). Truth commissions constitute a form of transitional justice: transitional justice refers to 'the set of judicial and non-judicial measures that have been implemented by different countries in order to redress the legacies of massive human rights abuses' (International Center for Transitional Justice, 2014).ⁱⁱ Transitional justice connotes an array of

ⁱ Miguel Angel Asturias, Guatemala's Nobel Laureate for Literature, quoted in Guatemalan Commission for Historical Clarification, 'Guatemala: Memory of Silence: Report of the Commission for Historical Clarification' (Guatemala, 1999).

ⁱⁱ Note that the International Center for Transitional Justice's (ICTJ) definition of

measures or mechanisms including, but not limited, to truth commissions. Other examples of transitional justice measures include criminal prosecutions, reparations and institutional reform. While the focus of this article is squarely on truth commissions, it helps to define transitional justice here as it is a term referred to throughout.

It is increasingly common for countries emerging from conflict to establish a truth commission (OHCHR, 2006). Indeed, the vast majority of truth commissions today are being implemented in developing countries. (While the discussion of this article focuses on truth commissions implemented in developing countries, it is worth noting from the outset that truth commissions have been and continue to be implemented in developed countries too. It is certainly not only developing countries that are dealing with legacies of abuse, and various traditional donor countries have themselves experimented with truth commissions.) This trend towards establishing truth commissions in the wake of conflict has emerged in recent years as international attention has shifted to focus more on the nexus between 'rebuilding peace and restoring justice' (Mani, 2002: 4). In this vein, truth commissions are increasingly coming to be understood as an approach for obtaining truth/justice for human rights abuses (Popkin & Roht-Arriaza, 1995), and by extension, a valuable peacebuilding tool in transitional societies (Lenzen, 2009: 81; UN Doc S/2004/616). The idea being, in broad terms, that a country needs to come to terms with the horrors of its past as a foundation for a just and durable peace. That impunity and injustice deny the rights and experiences of victims and allow major grievances to linger unaddressed, thereby risking unsettling a fragile peace (Lenzen, 2009: 81; United Nations, 2010).

This has sparked the interest of and enticed foreign aid donors to engage with truth commissions (and other transitional justice measures) in developing countries emerging from violent conflict and crises. Logically, if conflict and violence threaten development, and truth commissions can help to build peace, then it makes sense for development practitioners to think about truth commissions. Wherever international development agencies do support truth commissions, effective engagement is key. That is the focus of this article: how foreign aid donors may more effectively support truth commissions to achieve positive development outcomes. In this regard, aid effectiveness matters for reasons of accountability (to maximise benefits and to harness the truth commission's potential) and to avoid doing harm (Lenzen, 2009: 80).

This article seeks to contribute to the ongoing conversation on the relationship between transitional justice and development aid, with a particular focus on truth commission aid (Duthie, 2008; de Greiff & Duthie (eds), 2009; Mani, 2002; Petersen, Samset & Wang, 2009). It does so through a comparative study of overseas aid directed in support of truth commissions in Guatemala, Kenya and Solomon Islands. The three countries selected for analysis function as country case studies for framing the research and analysis; they facilitate in-depth understanding and illustrate key arguments of the thesis (Burns, 2000; Feagin, Orum & Sjöberg (eds), 1991). The research design incorporated empirical, socio-legal fieldwork in the three countries. This article forms part of a larger study on transitional justice aid in the three countries.

STATEMENT OF KEY ARGUMENTS

Based on the findings of fieldwork research, this article puts forward some initial ideas and reflections for how foreign aid donors might enhance the success of their truth commission aid. The purpose is to unpack truth commission aid and look at what has and has not worked well, and why. The analysis highlights examples of effective foreign aid for truth commissions, with the aim of informing improved international aid policy and practice. Field-

work research indicated that truth commission aid has not always worked so well in Guatemala, Kenya and Solomon Islands, such that there is a need for aid approaches to be improved. This study addresses the question of what constitutes effective, or successful, truth commission aid, and makes three interrelated arguments.

First, that truth commissions can be a sound policy solution for conflict-affected countries, worth pursuing – under the right conditions – to remedy the legacy of atrocity. It is concluded that a truth commission's potential for 'social change' may be 'modest' but is 'important' (OHCHR, 2014: 6). While truth commissions often encounter 'complex challenges' such as a lack of 'economic and human resources and/or moral and political capital', done well, they can positively impact on a society and its prospects for peace. For example, through officially recognising past violations, creating spaces for reconciliation, and empowering victims (OHCHR, 2014: 6). Second, it follows that in developing countries reeling from gross human rights abuses, foreign aid donors can play a role in aiding and shaping a truth commission's success. Effective aid may enhance the success, or effectiveness, of a truth commission. Equally, ineffective aid may hinder success. Third, that the shortcomings of truth commission aid in Guatemala, Kenya and Solomon Islands suggest a corresponding need to rethink and recalibrate truth commission aid approaches. Likewise, the strengths and successes of truth commission aid in the three countries should be studied so as to learn from these experiences.

RESEARCH METHODOLOGY

This article forms part of a larger, ongoing study of transitional justice aid effectiveness in Guatemala, Kenya and Solomon Islands. The larger study critically assesses the quality and relevance of foreign aid to the range of transitional justice measures: criminal prosecutions, truth commissions, reparations, institutional reform and mechanisms for local and traditional, or customary justice. The analysis of this article presents the preliminary ideas and findings of this larger study, focused entirely on the truth commission aid component of the research.

The study features a qualitative comparative case study methodology, comparing and contrasting transitional justice aid (including, but not limited to truth commission aid) across Guatemala, Kenya and Solomon Islands. The case study methodology functions to 'portray the reality' of foreign aid for truth commissions, 'enabl[ing] intensive study of...phenomenon through individual cases in detail, depth and wholeness' (Armytage, 2012: 306). As Armytage (2012: 20) explains, 'collectively', the three country case studies compared 'present a substantial body of new evidence with which to appraise the existing academic commentary'.

To test assumptions, facilitate critical insights, access data, and identify actors to interview, the study incorporated empirical, socio-legal fieldwork in the three countries. Inclusion of fieldwork in the research design was intended to garner more nuanced, reliable and valid research findings (Burns, 2000: 33; Erzberger & Prein, 1997). Further, given the study's focus on violence and conflict-affected contexts, and given the complexity of such contexts, it was felt that time spent in each country would deepen understanding of complex conflict and development dynamics. Endeavouring to apply the 'skills of an anthropologist', as Eberle recommends, to the disciplines of international relations and comparative law (Eberle, 2009: 3).

To study truth commission aid to Guatemala, Kenya and Solomon Islands, aid program documentation was reviewed and qualitative, semi-structured interviews were conducted. Representatives of international development agencies, (former) truth commission staff, members of the law profession, and civil society actors (international, national and 'grassroots') were interviewed.ⁱⁱⁱ The focus

transitional justice draws on and reflects ideas from a range of definitions of the term. For example, it aligns with (at least the first clause of) the United Nations' definition of the term as 'the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation'.

ⁱⁱⁱ Ethics approval for this research was granted by the University of Sydney Human Ethics Committee in Human Ethics Committee (HEC) protocol 15164. Additional to ethics approval granted by the University of Sydney Human Ethics Committee, a research permit was granted by the Solomon Islands Ministry of Education.

was on interviewing those who had engaged with the truth commission – predominantly on a professional level – in the three countries. Through the conduct of interviews, the intention was to build a ‘solid empirical basis’ for the article Feagin, Orum & Sjöberg (eds), 1991: 7). The diversity of actors interviewed provided multiple perspectives and also functioned to control bias. In terms of selecting informants for the research, the decision was taken not to interview victims of conflict. However, in a few instances it came to light during the interview that the respondent had been directly and adversely affected by the conflict. In the few situations where this did occur, the interviewer avoided asking direct, personal questions about their experiences during the conflict. This was to avoid re-traumatisation, and the associated ethical dilemma of capitalising on the stories of suffering of victims without any clear benefit to them.

Interviews were used in the research to build on and ‘enrich’ the other data relied upon in the study (scholarly literature and aid program documentation),^{iv} ‘by adding qualitative commentary’ and ‘valuable subjective, explanatory material’ (Keats, 1993: 18). As Miles and Huberman (1994: 46) describe, interviews added ‘meaningful, vivid flavor’ to the research. The value of qualitative data lies also in its ‘local groundedness’, its being collected in close proximity to the specific situation being studied... ‘The influences of the local context are not stripped away, but are taken into account’ (Miles & Huberman 1994: 10). Moreover, Miles and Huberman (1994: 10) also suggest that through accessing qualitative data, ‘[t]he possibility for understanding latent, underlying, or nonobvious issues is strong’. This goes towards ensuring the depth of insight that the study evokes as well as its originality.

CURRENT STATE OF KNOWLEDGE ABOUT TRUTH COMMISSION AID

Fieldwork research, coupled with a comprehensive literature review, indicates that there is varied understanding among aid donors of the relevance of truth commissions to development and poverty reduction, and their role in supporting truth commissions. Further, while foreign aid donors have provided substantial resources in support of truth commissions over the past two decades, there has been limited critical analysis of this (Petersen, Samset & Wang, 2009).^v The phenomenon of truth commission aid is understudied: there is limited relevant scholarly literature, and foreign aid donors seem not to have systematically confronted the topic or evaluated their aid in this space (Petersen, Samset & Wang, 2009; Hellsten, 2012; Duggan, 2010). By assessing the effectiveness of aid to truth commissions, this article seeks to contribute to filling the knowledge gap.

DEFINITIONS

DEFINING TRUTH COMMISSIONS

There is no single, broadly accepted definition of that which constitutes a truth commission (Hayner, 2011; Brahm 2007), though there have been numerous attempts to define the term. With this in mind, Bronkhorst’s definition of a truth commission, set out in the introduction to this article, offers a clear articulation of the

mechanism. In particular, Bronkhorst’s emphasis on the issuing of a public report as being central to the object of a truth commission, resonates particularly with the experiences of Kenya and Solomon Islands. Issues of censorship (Kenya: relating to alleged irregular land dealings) and delays/failure to release the report publically (Solomon Islands) have stymied the success of the truth commissions in both countries. Further, Bronkhorst’s explanation that a truth commission report includes recommendations for justice and reconciliation very aptly captures the essence and central aims of a truth commission, that is, promoting justice and reconciliation. It is (presumably) precisely this hope – that a truth commission can contribute to such outcomes in a country marred by atrocity – that drives their uptake and that piques the interest of the international donor community.

Notably, Freeman has suggested an additional element to the definition: that truth commissions are victim centered (Freeman, 2006). The importance of this victim-centered approach is supported and articulated also by Gready (Gready, 2011). Likewise, Bronkhorst alludes to ‘victims’ data’ in his definition of the term. Freeman, Gready and Bronkhorst’s perspective is an important and very valid articulation of how truth commissions should be constituted and implemented (though this has not always been the case) in order to facilitate a process that best contributes to sustainable peace – empowering and giving voice to the experiences of victims.

DEFINING TRUTH COMMISSION AID

Truth commission aid is defined as foreign economic assistance provided to support truth commissions. It is adapted from the definition of transitional justice aid put forward by Petersen et al in their 2009 study of foreign aid to transitional justice. Note that the definition by Petersen et al applies to the full gamut of transitional justice measures, and not only truth commissions. However, truth commissions fall within the bounds of their definition and so it is deemed adequate to explain the phenomenon studied. The advantage of drawing on the definition by Petersen et al is that such uniformity more easily facilitates comparisons across case studies, adding to the body of knowledge about transitional justice aid. The term truth commission aid is used interchangeably in the article with foreign aid to truth commissions. This nomenclature aligns with international practice and international development scholarship.

Language describing foreign economic assistance should not be understood narrowly to connote only the provision of funds for truth commissions. Rather, truth commission aid may take a range of forms including loans, sector budget support, project-type interventions, core contributions and pooled programmes and funds, and provision of experts and other technical assistance (OECD: DAC Statistics: Classification by type of aid). Truth commission aid may also involve, or be complemented by policy dialogue and other efforts to build the political will of partner governments for truth and justice. The focus is on development aid activities – to support truth commissions – flowing from expenditure that may qualify as official development assistance (ODA).

THE ISSUE

Over the past two decades, foreign aid donors have directed substantial aid resources in support of truth commissions, to help redress the legacies of massive human rights abuses. This has occurred as truth commissions have come to be viewed by some in the international donor community as an important peacebuilding tool in the aftermath of conflict (UN, 2004). When implemented well, truth commissions are thought to provide the truth about past violations, accountability for perpetrators, justice and recognition for victims, reconciliation, healing, closure, and reduced violence (de Greiff, 2012; Mendeloff, 2004: 355, 359-361; Peterson et al, 2009: 441). The value of truth seeking rests also in its contribution to the ‘creation of a historical record’, helping prevent manipulation and the deliberate rewriting of history and a denial of atrocities by perpetrators (ICTJ: Truth and memory

^{iv} Other data relied upon in the research includes: observations from site visits described above, academic literature, grey literature and program documentation regarding development activities such as program/project design documents and monitoring and evaluation data and reports.

^v Note, however, that various donors have conducted/commissioned some internal and independent reviews of their truth commission aid. For example, a review was conducted (presented in the form of a final project report) of the International Support Facility to the Solomon Islands Truth and Reconciliation Commission (TRC). However, it does not involve substantial detail and critical reflection on the effectiveness of the TRC and corresponding aid, providing more of a factual overview of the Support Facility. Further, internal and independent reviews of RAMSI’s support for criminal prosecutions and institutional reform have been conducted. Yet, these generally do not contemplate nor situate this aid within the broader array of transitional justice measures implemented in Solomon Islands such as truth-seeking and reparations.

International Centre for Transitional Justice). Therefore, foreign aid donors have supported truth commissions in countries emerging from conflict as a way to deal with past abuses and in so doing, build peace.

There are compelling reasons for thinking about the ways in which truth commissions and development aid connect (Duthie, 2008: 11). This is because most armed conflicts and severe violence today occur in developing countries, which generates a corresponding need for justice (and truth, as a form of justice) to remedy harm suffered in those contexts. While poverty, inequality and underdevelopment may not alone cause conflict and rights violations, they can be 'contributing or enabling factors' (Duthie, 2008; Collier, 2011). Further, conflict and violence can have an 'immensely negative and long-lasting impact on development' (Duthie, 2008: 19). It follows that development and truth commissions will frequently simultaneously be pursued in the same context (of underdevelopment), with overlapping goals and spheres of influence and impact.

In Guatemala, Kenya and Solomon Islands, truth commissions have been implemented in response to devastating conflicts and periods of severe violence. In the three countries, people were killed or disappeared, suffered abductions, illegal detentions, torture and ill-treatment, sexual violence and property violations (Asaala & Dicker, 2013; Arkwright, 2010: 2; Dinnen, Porter & Sage, 2010; Guatemala's Historical Clarification Commission, 1999; Jeffery, 2013; Kenilorea, 2008; Solomon Islands Truth and Reconciliation Commission, 2012; Truth, Justice and Reconciliation Commission of Kenya, 2012). Rights to work, to access education and to enjoy the highest attainable standard of health were also restricted. Grave human rights and international humanitarian law violations caused massive trauma, setting back development dramatically.

Foreign aid donors have engaged with truth commissions in the three countries to remedy effects of conflict and violence, as part of their development work. What is evident is that in contexts where aid is the sole or dominant funding source for a truth commission process, aid can greatly affect its trajectory, and overall success. One risk (and reality) is that the truth commission becomes a kind of foreign aid project (or is at least seen to be so), with all of aid's associated challenges (local legitimacy and ownership). This became clear through fieldwork research and is certainly a finding applicable to Guatemala, Kenya and Solomon Islands. The three case study countries invoke a direct correlation between development (in) effectiveness and truth commission (in) effectiveness.

As the situations of Guatemala, Kenya and Solomon Islands demonstrate, the nature of contemporary forms of conflict and violence create a particular need for truth commissions, and other forms of transitional justice. In recent decades, the vast majority of conflicts have occurred internally, within rather than between states (Mani, 2002; World Bank, 2011). As Mani (2002: 15) aptly explains: '[v]iolent internal conflicts today are no longer distant military and political phenomena fought in remote battlefields, but direct personal events that ravage each household and affect all aspects of social and economic life...'. They '[pit] former neighbours, friends or family members against each other' (Mani, 2002: 15). Moreover, citizens may distrust their own state actors and institutions, those that participated in the conflict – those that failed to protect against or even inflicted abuse. This reality creates strong political and social imperatives for truth commissions, and other transitional justice measures in the aftermath of violent crises (Mani, 2002).

Crucially, change, or transition, in these societies must come primarily from within; transitional justice must be locally driven and owned, it cannot be imposed by international actors (Collier, 2008). Logically, local ownership goes towards demonstrating commitment for transitioning away from conflict. International actors do have a critical role to play but it is largely one of 'strengthen[ing] the hand of the [local] reformers' and of working to support local actors and institutions in the pursuit of change (Collier, 2008: 15). The role of an outsider can go no further than bolstering national efforts to achieve justice for past atrocities.

So then with the above in mind, what does effective truth commission aid look like? The question is important because

foreign aid donors are increasingly becoming involved in directly supporting truth commissions, globally (Lenzen, 2009). As at 2014, some forty official truth commissions (the precise number dependent upon the definition to which one subscribes) have been set up for truth-seeking and peace-building purposes (Hayner, 2011). This phenomenon throws up complex questions for international policy.

INTERNATIONAL LEGAL BASIS FOR TRUTH COMMISSIONS

Prior to moving to a critical discussion of steps that foreign aid donors might take to enhance the success of their truth commission aid, to highlight that there is an international legal basis for truth commissions. Specifically, that international law protects the right of victims and survivors to know about the circumstances of gross violations of their human rights, including who was responsible for the violations.^{vi} The right to truth is contained in a number of international human rights instruments as well as the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (A/RES/60/147, March 12, 2006, Principles 22 & 24). This is important in justifying why truth commissions are necessary and warranted. It helps to build a case for why foreign aid donors might seriously consider supporting truth commissions as part of their development aid in a conflict-affected country, understood as an international legal obligation binding on states.

DISCUSSION

OVERVIEW OF THE THREE CASE STUDY TRUTH COMMISSIONS

Kenya's Truth, Justice and Reconciliation Commission (TJRC) was established in response to the harrowing two-month period of violence that devastated Kenya in the aftermath of disputed presidential elections in December 2007, resulting in the deaths of over 1,200 Kenyans. The TJRC was established, according to the Truth, Justice and Reconciliation Act 2008 (Kenya) (TJRC Act), to promote peace, justice, national unity, healing, and reconciliation among the people of Kenya; to respond to the legacy of human rights violations marring Kenya's development (Asaala & Dicker 2013).

Guatemala's Historical Clarification Commission [Comisión para el Esclarecimiento Histórico] (CEH) was established at the signing of Peace Accords, initiating its work in 1997, pursuant to the 'Agreement on the establishment of the Commission to clarify past human rights violations and acts of violence that have caused the Guatemalan population

^{vi} The first judicial decision on the right to the truth was by the Inter-American Court of Human Rights in the Velásquez Rodríguez case of 1988.

to suffer' (1994). The CEH was set up with the purpose of clarifying the human rights violations and acts of violence that have caused suffering among the Guatemalan population, connected with the armed conflict.

The Solomon Islands Truth and Reconciliation Commission (TRC) was established pursuant to the Truth and Reconciliation Commission Act 2008 (No. 5 of 2008). Pursuant to the Truth and Reconciliation Commission Act 2008 (No. 5 of 2008) (Solomon Islands), s 5 (1), its 'objects and function' being 'to promote national unity and reconciliation'. The TRC was mandated to engage stakeholders in reconciliation, and to examine 'the nature, antecedents, root causes, accountability or responsibility for and the extent of the impact on human rights violations or abuses' committed during the Tensions. The Tensions – a five year period of violent internal armed conflict – devastated the Pacific Island nation of Solomon Islands from 1998 to 2003. The Tensions resulted in the deaths of an estimated 200 people and left some 35,000 people displaced; many suffered abductions, illegal detentions, torture and ill-treatment, sexual violence, and property violations.

COMPARATIVE PERSPECTIVES

The three truth commissions represent three different levels of foreign aid donor engagement with a truth commission: Guatemala represents the greatest level of donor engagement, and services as a kind of high-water mark of donor support. Donor engagement was extensive (and indeed, most effective), attracting the support of some fifteen bilateral and multilateral development agencies.^{vii} Aid flows were largest from 1999 through 1999, where approximately 2 million USD was provided on an annual basis. Solomon Islands represents a moderate level of donor engagement with truth commissions, supported by four donors^{viii} at a total of 3.5 million USD over the lifespan of the TRC.

Kenya stands as the example of a truth commission that attracted limited development aid, or foreign aid donor confidence. When first established, there was significant support for and optimism surrounding Kenya's TJRC (Robins, 2011; Tolbert, 2012). However, many scholars and practitioners (including national and international civil society and international donor representatives) came to seriously question whether the TJRC would be able to achieve its intended objectives set out in its enacting legislation, specifically, to promote peace, justice, national unity, healing, and reconciliation among the people of Kenya. This was particularly in light of ever-diminishing public confidence in the TJRC mechanism. This resulted due to significant delays, allegations of corruption (including embezzlement of TJRC-designated funds), serious concerns surrounding the character and human rights record of the TJRC Chairperson, Ambassador Bethuel Kiplagat, and dubious political will for and alleged interference with the TJRC process (Asaala & Dicker, 2013b) – in light of this, most foreign aid donors withdrew support.

The following paragraphs highlight some of the key findings coming out of this research project:

First, in countries such as Guatemala, Kenya and Solomon Islands, where aid dependency and saturation is high, the priorities and political imperatives of foreign aid donors can hugely impact on the trajectory of a truth commission – for better or worse. This can include whether a truth commission is prioritised and well resourced, how they are designed and implemented, and even the degree of their success. This reality has implications for local ownership of a truth commission.

vii The governments of Austria, Belgium, Canada, Denmark, Germany, Italy, Japan, the Netherlands, Norway, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the European Union contributed the funds allowing the Commission to cover its budget. The government of the United States of America also made a significant effort to declassify vital documents. The Government of Argentina afforded technical support to the CEH.

viii Australia, New Zealand, the European Union and United Nations Development Programme (UNDP) providing funds for the truth commission. These were provided through a basket fund mechanism managed by UNDP.

For example, the truth commissions of Guatemala and Solomon Islands were almost entirely funded by the international community, and not by the governments of either country. What implications might this then have for how they are perceived and valued locally, and the extent to which the State is committed to taking forward the recommendations contained in the truth commission report? It is suggested that aid donors think carefully about how the partner government can be encouraged to meaningfully contribute financially to a truth commission process. If, for reasons of resource scarcity (certainly a particularly pressing and relevant issue in most post-conflict developing countries), it is not possible for the partner government to contribute financially, then donors must think strategically about how else to secure government buy-in.

Second, for truth commission aid, context matters. There is no cookie cutter mold, or blue-print approach that can be applied – this means avoiding rolling out the same (or very similar) models from other countries. Truth commission aid should be designed based on rigorous analysis of what is meaningful and achievable in the context of its implementation. The starting point should be conflict and human rights analysis to identify drivers of conflict and harm suffered. This should be complemented by analysis of the political economy context to understand what is realistic and politically feasible in the context. This should inform the design and implementation of a 'package of support' best suited for the truth commission in its context of implementation (Cox, Duituturaga & Scheye, 2012: xii). Relatedly, each donor must also consider where they are 'best placed to make a difference' (Cox, Duituturaga & Scheye, 2012: xii), depending on their own comparative advantage, networks/relationships and past history of engagement. Yet a statement of a Solomon Islander 'from the squatter settlements in the hills behind Honiara' that 'Law and order is here but peace is not in our hearts', suggests that for all of the transitional justice aid provided in that country including truth commission aid, this has not been sufficiently relevant to the Solomon Islands context (Powles, 2006: 11). Moreover, the legislation and modes of implementation of the truth commissions across the three countries are remarkably similar: this brings into question the extent to which truth commissions really are adapted and made fit-for-purpose.

Third, a truth commission's contribution to addressing root causes of conflict and repression, at most, will be modest. However, the success of a truth commission and transitional justice at large, depends on these root causes being addressed. Punishment and accountability without also addressing the causes of violence may further aggravate, or escalate, tensions over time, for frustration that grievances are overlooked. It is here that one sees the complementary role of and relationship between transitional justice and development cooperation. Development efforts can and should work alongside and complement truth commissions/transitional justice to address the underlying causes of conflict. Yet this has not been the approach in the three case study countries: local actors and the international community have largely ignored the task of remedying the causes of conflict and so risk of renewed conflict remains.

Fourth, the priority that donors are increasingly placing on gender equality and women's empowerment in their development aid is invaluable for truth commission effectiveness. Particularly in Solomon Islands, aid facilitated women's participation in the TRC and greater rights protections for women. Yet donors (in partnership with the Solomon Islands Government) might have done more: the lack of accountability and reparation for sexual violence suffered during the conflict is an ongoing injustice. This is the case in Guatemala and Kenya too, where impunity for sexual violence continues.

Fifth, as highlighted in part 4, truth commissions in Kenya and Solomon Islands both were marred by serious challenges around the release of a final, public report. In both contexts, to prompt release of the truth commission report and implementation of its recommendations, questions arise as to whether donors should employ a strategy

of aid conditionality. This would involve donors threatening to cut off or reduce development assistance to Kenya and Solomon Islands (and executing that threat) so as to compel human rights compliance (Uvin, 2004: 60). The idea being that donors could try to wield their development assistance to put pressure on the respective governments to release the report, implement its recommendations and in so doing, promote human rights. However, political conditionality is in no way recommended as a viable, effective option for truth commission aid. Aid conditionality is 'beset with problems', most notably that it has a 'track record of not working, of not producing the desired results, and even, possibly, of creating dynamics that undermine the desired results' (Uvin, 2004: 77). It is notable that no donor representatives interviewed during fieldwork indicated any intention to do so, though the general policy idea had emerged as a possible pathway and was alluded to in some fieldwork interviews.

Sixth, there is empirical evidence to suggest that transitional justice approaches that combine trials, and amnesties, or trials, amnesties and truth commissions, are most likely to achieve peace and human rights outcomes (Olsen et al, 2010). Drawing on the experiences of Brazil, Chile, Nepal, South Korea and South Africa, there is evidence to suggest a pivotal role for amnesties in facilitating transitions (Olsen et al, 2010). Nonetheless, fieldwork indicated a tendency of some foreign aid donors to shy away from supporting truth commission amnesties – a more nuanced view of amnesties is recommended, rather than a blanket opposition to their inclusion. In fact, international humanitarian law encourages amnesties at the end of conflict for those who participated in hostilities during non-international armed conflicts. Specifically Article 6 (5) of Additional Protocol II to the 1949 Geneva Conventions recommends that at the end of hostilities, the authorities in power shall endeavour to grant the broadest possible amnesty to persons who have participated in the armed conflict.

CONCLUSION

There is an increasing uptake in truth commissions throughout the world, many of which are implemented in developing countries. If foreign aid donors are to engage with truth commissions (which they do), an understanding of effective approaches is crucial. The devastation caused by violence and conflict places great import on the effectiveness of truth commission aid responses so as to contribute to breaking cycles of violence and injustice. This article has endeavoured to respond to this imperative, shedding light on effective development aid approaches. The intention in highlighting steps that foreign aid donors might take to enhance the success of their truth commission aid, has been to help improve aid initiatives that respond to the legacies of massive rights abuses. This article has been written at a time where foreign development aid is at an all-time high: in 2013, aid to developing countries was recorded at US \$135 billion (OECD, 2014). This increase in aid expenditure speaks to the continuing importance of official development assistance and the need to get it right - this is an ongoing and critical international challenge.



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AROUND THE WORLD



Henna tattooing in Kadapa, India. By Alicia Shull.



La Jolla Shores, California. By Alexander Karpekov.



Tibetan dancer in Jiuzhaigou, Sichuan, China. By Marika Heller.



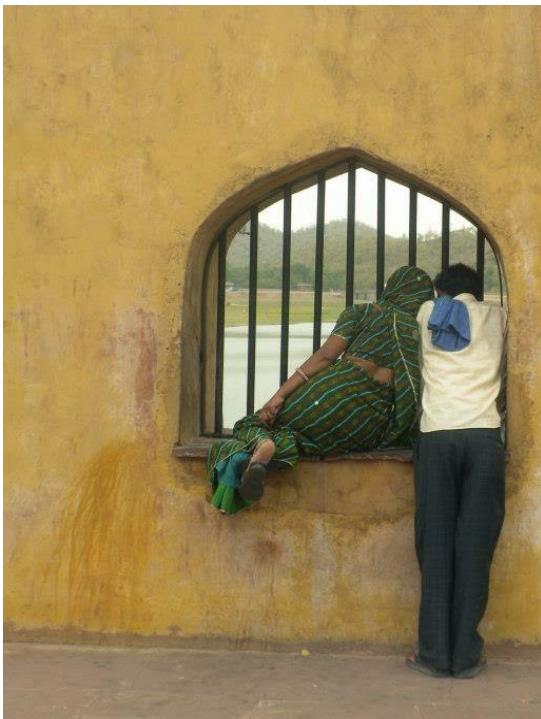
Dinner delivery. Yangshuo, Guangxi, China. By Marika Heller.

IN SEVEN SHOTS

IR/PS Photographers



Factory workers in a camel fiber factory in Alashan, Inner Mongolia in 2009. By Marika Heller.



Amber Fort, Jaipur, India. By Victoria Paykar.



Peaceful protest against a paraxylene plant in Dalian, China in 2011. By Ryan Engler.

HISTORY AND POLITICS OF KOREAN IMMIGRATION

KOREA'S IMMIGRATION HISTORY

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INTRODUCTION

The Republic of Korea's rising status as an economic powerhouse is tightly linked with the new influx of foreigners who are seeking a better life in Korea, much as Koreans made their way to more prosperous countries such as the United States to find better economic opportunities. The relatively sudden influx of foreign nationals into an extremely ethnically homogenous Korea has caused social issues and legislative holes to come into the international spotlight, with Amnesty International and even the United Nations taking notice of Korea's current shortcomings regarding immigrants. Among the newly arrived foreigners are women who marry into Korean families, migrant workers, refugees, and even trafficked persons. These foreigners face racial discrimination and face an immigration system that is severely lacking in prudent policies for an increasing influx of foreigners, the latter being the result of Korea being historically an origin country for immigrants, not a destination country.

Although Koreans have somewhat tried to remedy the situation by introducing new legislation to better facilitate the transition of foreign spouses and establishing organizations to aid immigrants, there is still a large hole in legislation where essential protections of ethnic minorities in Korea are needed. Foreigners in Korea, especially those considered "inferior" because of their darker skin, are discriminated against and sometimes endure open hostility from native Koreans (Park 2006). Korea's immigration policy is also difficult to navigate and often does not provide provisions or rights for migrant workers to obtain naturalized citizenship through increasingly restrictive policies and failure to provide essential human rights protections (Bureau of Democracy, Human Rights and Labor). In the case that a foreign national in Korea is eligible, becoming a naturalized citizen also reflects the insulated nature of a homogenous society, requiring extensive knowledge of Korean language, culture, and customs, which is not reflective of a country that is particularly welcoming toward foreigners from all different backgrounds (Ruhs and Chang 2004; HiKorea). I believe that Korea's large gaps in immigration policy are due to Korea's ethnic homogeneity, as well as historical and contemporary xenophobia that seems to be the reflex of a homogenous society being suddenly exposed to an influx of foreigners. Immigration policy and general legislation for the protection of immigrant rights in Korea must either be reformed or built up from scratch due to the large deficiencies and inefficiencies that exist today.

Korea's rapid rise from a poor, war-torn nation to an OECD member happened within the space of a generation. A country that sent out its sons and daughters to more prosperous countries in search of a better life is now a destination country for migrants from developing countries who seek the same opportunities that Koreans set out in search of in countries such as the United States. Moreover, Korea as a developed nation has been dealing with declining birth rates and a shortage of workers who are willing to work in the so-called 3D fields - dirty, dangerous, and difficult jobs that Koreans are less willing to take as incomes rise (Yun and Park 2011). Although other developed countries such as the United States and the United Kingdom have been dealing with an immigration population for much of their history, Korea's dramatic transformation from a poor peasant country to a metropolitan society within one generation did not give Koreans much time to adjust to their new status as a destination country and resulted in legislative deficiencies in areas where there is now a societal crisis and where legislation was not previously needed.

Korea's declining population and mass migration to urban centers in search of better economic opportunities has also brought with it an influx of foreign brides who are more often than not married to men in rural farm areas, having been matched to their oftentimes much older husbands through a marriage broker service (Choe 2005). The influx of foreign brides is also an unavoidable and direct result of the fact that Korea had a questionable period in its history when there was a gender bias toward sons and as a consequence, there are less eligible females of marriage age (Choe 2005; Lee, Seol, and Cho 2006). Lee, Seol, and Cho state that the rate of Koreans marrying a foreign spouse increased from 4.6% to 13.6% of all marriages in just the four year period of 2001-2005, which has undoubtedly put more strain on a homogenous society that is still very much struggling to come to terms with its new status as a destination country and still places much value on the homogenous status of Korea (Lee, Seol, and Cho 2006). These foreign women are subject to feelings of loneliness in an alien and often-hostile host society and also spousal violence such as battery and rape at rates as high as 69.1% (Lee, Seol, and Cho 2006; MOGEF). The foreign women that come to Korea as brides also must deal with the fact that their multiethnic children will most likely be bullied at school for their status as an other by ethnic Korean children, even though these multiethnic children were born in Korea and identify as Korean. Although the local, provincial, and national governments have taken notice of issues plaguing international marriages and migrant laborers, it seems that the growing population of immigrants to Korea are being treated as subjects to be assimilated and made Korean rather than a truly multicultural asset to Korea and still negatively treated as a "crisis" to be remedied rather than a force of diversification (Choe 2005; Yun and Park 2011). This is indicative of not only a rapidly changing demographic shift causing a cultural shock, but also a deeply rooted xenophobic streak in Korean culture.

EXAMINING XENOPHOBIA IN KOREA

Korea's xenophobia is not only rooted in the rapid diversification of Korean culture causing a cultural shock, but also deeply rooted in the fact that Koreans pride themselves on being an ethnically "pure" nation, the very notion of which espouses fear of anyone even slightly different from the narrow definition of "Korean" (Choe 2005; Yun and

Park 2011). There are well-documented instances of race-based bullying and discrimination that foreigners have faced in Korea, including an Uzbek-Korean being denied entry into a bath house over her ethnicity, migrant workers facing verbal and physical abuse, and all too commonly, children of mixed heritage being bullied at schools across Korea (YTN 2011; Bureau of Democracy, Human Rights and Labor; Shim 2006). Even with blatant discrimination such as this being commonplace, there are still no provisions in place in order to criminalize racial discrimination and violence nor a solid principle that the government is attempting to advance in order to eliminate or even address racial discrimination in Korea (UNCERD 2012). For example, aside from racial discrimination being un-prosecutable, there are also zero mechanisms in place to deal with people who disseminate racist and Korean supremacist hate speech, such as what “Little Psy” Hwang Min-u had to endure after his appearance on Psy’s Gangnam Style music video (UNCERD 2012; Kang 2013). Another point of concern is the evidence that points to Korean employers exploiting foreign unskilled laborers by essentially subjecting them to forced labor by forced overtime, withholding of passports, and withholding of wages (Bureau of Democracy, Human Rights and Labor). Legislation in immigration policy in Korea also reflects the fact that there is a particular emphasis on blood status and there are large gaps that fail to address the nature of changing demographics in Korea.

CURRENT STATE OF IMMIGRATION POLICY

Immigration policy in Korea as it stands at present does provide provisions for immigrants to obtain naturalized citizenship. However, as mentioned before, legislation is extremely restrictive especially toward migrant workers (UNCERD 2012). There are also no provisions for permanent residents, since an immigrant essentially stays in Korea with a visa or permit until they are eligible to apply for naturalization (HiKorea). This eliminates any eligibility for state assistance and ensures that foreign nationals must conform to strict standards set by the Korean government, such as “knowledge befitting a Korean national” in terms of language, culture, and customs, which only fits one narrow definition of what it truly means to be “Korean,” rather than embracing a true multicultural society (HiKorea). Another quirk of the Korean immigration system is that the special provisions for spousal immigration is tied to the marriage and/or family status of the foreign spouse; a foreign spouse must be married to a Korean national and in the case of a separation or divorce, could be in danger of losing their legal status if they do not have children or if they cannot prove that they are the primary caretaker for a member of the family (UNCERD 2012). The UNCERD also points out that Korean legislation only provides for a narrow definition of a multicultural family as a union between a Korean national and a foreign spouse and does not provide any protections or resources toward families present in Korea that are composed of two foreign nationals and their children, if they have them. Children born to these foreign-origin couples do not automatically gain citizenship and instead must wait until they are legal adults to become naturalized citizens of the country that they were born in unless their parents were already naturalized Korean citizens (HiKorea).

Korea’s xenophobia is not only rooted in the rapid diversification of Korean culture causing a cultural shock, but also deeply rooted in the fact that Koreans pride themselves on being an ethnically “pure” nation...

Moreover, while spouses of Koreans have more resources available to them whether public or private, migrant workers face even more restrictions, several of which have been pointed out by the UN Convention on the Elimination of All Forms of Racial Discrimination as harmful and downright criminal. These regulations include the fact that migrant workers must be continuously employed with a maximum 3 month gap in between jobs. However, as of 2012, migrant workers are no longer allowed to access a list of companies that are hiring, which diminishes the chances of migrant workers finding new work and in-

creases the chances that they will get their work visa taken away and either transition to undocumented status or to leave the country with no other choice (Bureau of Democracy, Human Rights and Labor). This makes migrant workers more vulnerable to abuse by employers and less likely to report criminal abuse for fear of losing their jobs and legal status (Bureau of Democracy, Human Rights and Labor).

There is also a lack of concise information detailing the requirements to obtain a visa or naturalized citizenship and confusing information to access resources for foreign spouses and workers. For example, the resource website for multicultural families (Danuri) – again, only within the narrow

definition of a foreigner married to a Korean – lists emergency contact numbers in case of domestic abuse, for consultations, etc. Another website, the Ministry of Gender Equality and Family, also lists a contact number for domestic, sexual, and other abuse which is not listed in the Danuri website. A glance at both websites along with the HiKorea immigration information website also shows errors or ambiguities in English that make information harder to access for foreigners who may not speak Korean well enough to navigate legal or bureaucratic jargon. While this is not inherently rooted in the resistance to change and xenophobia that Koreans have, not enough attention is being given to the fact that information is often unclear and hard to access for foreign nationals who do not speak Korean as a primary language because of the deeply ingrained notion that a true Korean identity is ethnically and linguistically based rather than a chosen destination country.

RECENT EFFORTS AND EXISTING SHORTCOMINGS

Despite all of these problems that still exist, there are signs that the Korean government is attempting to address the struggle that Koreans have with accepting a new multicultural population and foreigners who want to make a living in Korea. For example, there are now numerous local/state/national government-sponsored organizations in order to help foreign women married to rural Korean men, such as the Danuri initiative’s language education programs and basic agricultural training for women who have married into a rural family. Another encouraging sign that Korea is attempting to address the new reality that is a non-homogeneous Korea is that the government is continually updating and maintaining information regarding immigration laws and locations of immigration offices along with providing aid to migrant workers through the Korea Support Center for Foreign Workers (HiKorea; Danuri; Korea Support Center).

In the private sphere, there are popular television programs such as Love

in Asia (KBS) and films such as *He's on Duty* by director Yook Sang-hyo that examine through fact or exaggerated fiction the challenges and discrimination that foreigners in Korea face (H. Lee 2010). This would seem that Koreans are slowly trying to be more accepting of their new foreign compatriots. This is important in that while legislation is important for the acceptance of foreigners under the law, a wider cultural awareness is needed if foreigners are truly ever going to feel that they are in a multicultural Korea rather than outsiders to be assimilated.

However, there are still significant hurdles to overcome in Korean legislation and public perception. As mentioned earlier, the Korean government only sponsors programs to aid multicultural families given that they fit the narrow definition of a multicultural family – one foreign-born spouse and one Korean spouse (UNCERD 2012). Another significant shortcoming is not only the lack of, but the outright ban of resources used by migrant workers to find hiring employers (Bureau of Democracy, Human Rights and Labor). Moreover, legislation effectively prevents migrant workers from ever becoming a naturalized citizen by limiting the maximum stay a laborer may stay in the country to four years and ten months, after which they would need to exit the country and reapply for entry (Bureau of Democracy, Human Rights and Labor). Migrant laborers are also not free to pursue whatever employment they wish, only being able to change jobs three times in a given three year period and requiring the explicit permission of their current employer and the Ministry of Justice in order to change jobs (Amnesty International 2014).

Given that the requirement for naturalized citizenship is five years of continuous presence in Korea, migrant workers rarely have a chance to apply for naturalization because of these extremely restrictive laws and are essentially silenced from making complaints about employers because of the fear of losing their job and losing legal status. Undocumented immigrants to Korea that overstay their visa because of work face even fewer, if any protections; the UNCERD suspects that labor inspections that take place at factories are aimed more toward identifying and detaining undocumented immigrants, and those that are detained also face human rights abuses such as overcrowding and excessive abuse from officials (UNCERD 2012; Kwon 2010; Moon 2010).

While legislation can always be altered, public perception is significantly harder to overcome as an obstacle. Despite better awareness of the plight of foreign spouses and migrant workers, racism, discrimination, and hate speech are still huge issues in Korea. For example, Jasmine B. Lee, the first naturalized member of the National Assembly of Philippine origin, has faced libel and baseless rumors since her election (“Jasmine Lee Faces Racial”). A recent search for Jasmine Lee on the Korean search engine Naver also shows that there are still racist rants regarding everything from Rep. Lee’s nationality to rumors that she would like to turn Korea into a haven for foreigners; translated, the rants read much like the most extremist of far-right opinions in the United States regarding immigrants. Children from multicultural families also face significant challenges, with school bullying running rampant. The dropout rate for multicultural children in Korea is as high as 40% and is most likely fueled by the isolation that these children feel (“Number of Multicultural Kids”). It seems that despite the

efforts of the government and media organizations to promote a more integrated and diverse culture, xenophobia is still widespread in Korea. These xenophobic attitudes held by many voters may be hindering legislative reform, as policymakers are more inclined to appease their voters rather than implementing common sense policies, not to mention the fact that legislators may hold these xenophobic views themselves.

CONCLUSION

While Korea is rapidly becoming a multicultural nation with intercultural marriages and migrant workers, Korea is still very much going through its growing pains as its newly found status as a destination

country. There is a lack of concise information for immigrants and there are obvious ethnic preferences in immigration law, favoring ethnic Koreans over non-ethnic Koreans when granting visas or permits and adhering to a very narrow criteria when granting naturalized citizenships (Ruhs and Chang 2004; Kim 2008). It seems that these gaps in immigration policy are due to underlying xenophobia in Korean culture, as evidenced by legislation specifically tying foreign spouses to their Korean spouse or relatives in order to determine eligibility for naturalization and legislation that effectively bars migrant workers from ever obtaining naturalized citizenship through restrictive rules regarding the length of employment, the maximum amount of time allowed in Korea under a work permit, and even whether migrant workers are allowed to change jobs of their own volition, since there exists legislation that requires foreign workers to obtain permission from employers and government. These

laws (or lack thereof) are not conducive to a Korea that wishes to have any hope of becoming a truly multicultural globalized culture.

Xenophobia and discrimination resulting from it is also not prosecutable under Korean law, which either reflects Korea’s new status as a multicultural country and a lack of need for the legislation until recently, or to take a more pessimistic view, an unwillingness to accept foreign-born immigrants as fellow Koreans deserving of protection. Thus, Korea shows a level of institutional racism that must be remedied if Korea is to become a dynamic, inclusive advanced society with a high degree of economic competitiveness through a strong labor base. Another issue that must be addressed is Korean society’s perception of foreigners, as Korea seems to place too much importance on the dangerous rhetoric of a “pure blooded” Korean people and nation. This level of xenophobia will only result in more restrictive immigration policies that severely diminish the global opinion of Korea or lack of legislation that is protective of basic human rights. There is increasing criticism from global society regarding Korean policy toward immigrants and mounting pressure for Korean legislators to guarantee basic human rights to its many migrant workers. Korea must come to terms with the fact that it is no longer the hermit kingdom of the late 19th and early 20th centuries and must pursue comprehensive legislation addressing immigration and minority human rights befitting an advanced cosmopolitan nation with a place in global politics and economy, lest Korea get left behind and condemned as a backwards nation in the increasingly integrated nature of global affairs.



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DISCUSSING ENERGY AND CLIMATE CHANGE WITH DAVID VICTOR

We pick the brain of David Victor, professor of international relations at UCSD's School of International Relations and Pacific Studies, to discuss energy geopolitics and innovation alongside international organizations and global climate policy. Topics include the 2014 APEC summit, gas and oil, fracking, nuclear power, and sustainable energy in the context of innovation and global energy demands.

JIPS: *One of the largest results of this year's Asia-Pacific Economic Cooperation (APEC) was the deal between the U.S. and China to limit greenhouse gas and carbon emissions. Some analysts say the U.S. will bear the brunt of the agreement while China's pledge to cut emissions would be less taxing. Do you think this is the case? What incentives do nations have to increase or cut emissions?*

Victor: I think the exact allocation of effort is not really what matters here. This is a big deal because this is the first time the Chinese have conspicuously said, "Here's what we think we're comfortable with in terms of controlling our overall emissions." This also sent a signal to the world that America and China are doing something. I happened to be in Oslo and Brussels the day after this came out. The impact on diplomatic discussions in two capitals was enormous. The Norwegians and Europeans see it isn't just "us". The Americans and Chinese are on board. What we see with the U.S.-China deal and the EU pledge to aggressively control emissions is a season of countries making pledges of what they are going to do. These pledges roll into a new agreement we can expect by the end of the year in Paris.

JIPS: *Some previous agreements on climate change such as the Kyoto Protocol have broken down, and there's been a vacuum to fill what these institutions left. Can you comment on the incentives to cut emissions and the credible commitments of countries speaking in this way?*

Victor: I was never a fan of the Kyoto Protocol. But I'm more optimistic now than I have been in a long time because earlier strategies, like the Kyoto Protocol, were organized around a top-down view of how you get coordination. Countries get together to agree on targets and timetables, write them into a treaty, go home and force commitments into practice. That can work for some countries that know reliably what their emissions will be and when the public is enormously supportive. But when public interest comes and goes, where a lot of things are changing such as technology and economic growth, you can't predict what your future emissions are going to be. That's the U.S., China, India, essentially all the world's emissions. The only group of countries that's really thrilled about this top-down target setting, which is the EU – they're less than 10 percent of world emissions. All the other countries in the world need a more flexible strategy, and I think

that's what we're seeing now, more bottom-up and more non-binding, which is gonna give countries a feeling of more flexibility. Now whether they use that flexibility to go off and address the problem is an open question.

JIPS: *How can monitoring emissions strengthen multilateral institutions and cooperation between nations, and how does this affect less powerful nations that might have less of a say or less to be gained?*

Victor: The more we allow power politics into the climate negotiations and let powerful countries set the tune, the better overall it will be. This is not because the powerful should rule the weak, but because if we are serious about agreements with incentives for powerful countries, then other nations will go along with it. It's important to know who emits a lot. In that realm the dominant countries are China, the U.S., the EU, Indonesia, India, and Mexico. What's interesting is when you work with a handful of powerful countries, then you approach almost three-fourths of emissions. But some strategy to monitor agreements must be in place. I can't see that happen except through peer review. We've been talking about this for more than two decades, but it never happens in a serious way. Countries are skittish about serious review mechanisms, especially in global forums, but they will be more comfortable with peer review in these smaller groups. A follow up to the US-China agreements will have some aspects of peer review. My own policy advice is rather than write it into the umbrella agreement in Paris later this year where all countries will sign, allow small peer-review groups to start and let it spread from there.

JIPS: *Regarding the domestic fracking boom in the U.S., many people are worried about contamination of groundwater, degradation of air quality, and perhaps even earthquakes in regions that rarely see earthquakes such as the Mid-Atlantic. What do you think about this?*

Victor: Not possibly. We know there are correlations between fracking operations and seismic activity. Not the same seismic activity we are used to in California, the kind that levels whole cities, but it is measurable. People can feel it, and it makes people nervous. Fracking is very controversial. Regional bans on fracking in the U.S. and nationally, such as in France, have grown. My opinion is that best practices in the industry can man-

age these processes effectively but they require supervision, good practices, and smart and decisive regulations. Done properly, this technology is viable for the long haul. However, the political backlash is already huge. We will continue to see some states and some countries not allowing the technology because of the political fallout.

JIPS: *The upsurge and investment into fracking that preceded the sharp drop in oil prices in the summer of 2014 might lead to an overall lack of investment in oil infrastructure. Could this create a bottleneck in the future where an insufficient amount of investment due to low oil prices today will cause a bottleneck when prices go up again if they do?*

Victor: There are a lot of bottlenecks in the system. When you have a big shift in supply or consumption geography, inevitably bottlenecks arise. The most interesting ones are from the huge surge in shale oil production stranded in the middle of the country and southern Canada, unable to get to market because of pipeline infrastructure. This has pushed this oil onto trains, which is a hazardous way of moving it around. It's created the drama around the Keystone XL pipeline.

JIPS: *Nuclear energy has a dangerous reputation in the U.S. and has caused major social and environmental disasters, such as in Chernobyl, Ukraine and Fukushima, Japan. Regardless, nuclear power is still a major electricity source in the world. What are the economic and environmental pros and cons of nuclear energy, and what do you see as the future of nuclear power?*

Victor: We don't know what the future is. Nuclear power is one of the only major energy supply options that doesn't create CO₂. Renewables are coming along, but introduce other variables into the equations – variability in the grid, cost effectiveness as well. I think nuclear is an important option, but at the same time we have to find out how to keep costs down. There's huge variation, like factor of three variation, in world costs for nuclear. There are a lot of concerns about waste and waste disposal. That's an issue we deal with in Southern California at the San Onofre plant. People are seeing that the waste is still there, and they want to make sure the waste is brought out of the community. We don't have a federal strategy that's worth much in this area and we need to really work on that.

JIPS: *What role do you see the U.S. having in the global economy of the future?*

Victor: The U.S. is the world's largest and most decisive economy. The U.S. is open to investment and sets the tune for what's happening in the rest of the world. The troubles of the eurozone underscore the value of the U.S. dollar. The U.S. is indispensable and shapes global institutions around policies favorable toward it, like market-based investment and rule of law.

JIPS: *How will the growth of new institutions affect this dynamic?*

Emerging economies certainly will have different interests from the status quo. We see large financial institutions like the Asia Development Bank growing, but the question is the level of coordination between these nations. It's harder to do international deals or get everyone to sign on to one deal in anything, like trade or

climate change. Every bargaining arena shows a shift away from getting all countries on a legally binding text. This is the result of a more multi-speed, plurilateral world with smaller groups of countries that want to work on certain shared interests. As these institutions succeed, they expand over time. Developing banking systems in Asia, particularly China, is occurring, but what is the long-term result? Will they thrive on their own, or just put pressure on the World Bank to reform and then retake that market share? We will have to see how new organizations evolve and to what degree they put pressure on long-standing institutions.



FROM SEA TO RISING SEA



Hoi An, Vietnam; Photo by Jason Pham

The Emergence of Trade Flows in ASEAN

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ABSTRACT

Utilizing data from the United Nations Comtrade Database, this paper studies the ASEAN Free Trade Agreement (AFTA), initially signed in 1992, and its effects on Southeast Asian regional trade. For my primary analysis, I restrict the data to a sample of 34 countries: the 9 ASEAN countries and 27 other countries engaged in their own respective regional trade agreements. After conducting several robustness checks, I find that AFTA increases trade by approximately 150 percent in all industries, 200 percent in manufacturing industries, and 170 percent in food goods. Contrary to what many spectators believe about ASEAN and the ineffectiveness of the regional organization, this analysis shows that ASEAN has, in fact, been effective at increasing intra-regional trade as a result of AFTA. However, policymakers should note that trade in manufacturing industries has grown substantially more than trade in food/agricultural goods and there remains room for improvement in this area. In particular, my analysis suggests that policymakers should take steps to deal with tariff barriers on agricultural goods and improve regional cooperation in rice research and production in order to improve global food security.

INTRODUCTION

In January 1992, the six standing ASEAN member countries signed the Singapore Declaration, creating the ASEAN Free Trade Agreement (AFTA). These six countries, Brunei, Indonesia, Malaysia, Philippines, Singapore, and Thailand (ASEAN-6) sought to lower tariff rates to less than 5 percent for intra-ASEAN trade of manufactured goods and processed agricultural goods. In subsequent years, four more Southeast Asian nations, Cambodia, Lao PDR, Myanmar, and Vietnam (CLMV) joined AFTA as one of the requirements to accede to ASEAN. Vietnam joined in 1995, Lao PDR and Myanmar joined in 1997, and Cambodia joined in 1999 to round out AFTA at a total of 10 signatories.

The primary mechanism behind AFTA is the Common Effective Preferential Tariff (CEPT) Scheme. Aside from general agreement to remove import quotas and other non-tariff barriers (NTBs), the CEPT Scheme encompasses four overarching lists of goods to be addressed in intra-ASEAN trade (Appendix: Figure 1):

1. Inclusion List (IL) – products whose tariffs should be brought below 5 percent within a given timeframe; mostly includes manufactured and processed agricultural goods with some unprocessed agricultural goods.
2. Temporary Exclusion List (TEL) – products for which AFTA countries seek temporary exclusion from the main tariff reduction scheme.
3. Sensitive/Highly Sensitive List (SL/HSL) – products that are given a longer time frame to be included in the IL for tariff reduction; usually includes unprocessed agricultural goods.
4. General Exception List (GEL) – products permanently excluded from IL tariff reduction scheme for reasons of “national security, human, animal and plant life and health, artistic, historic, and archeological value” (Southeast Asian Council for Food Security and Fair Trade n.d.).

This paper is motivated by the literature and media reports surrounding ASEAN’s effectiveness as a multilateral regional organization and the set of norms that have come to be known as the “ASEAN Way.” Amitav Acharya argues that ASEAN countries adopted a so-called “soft institutionalism” in response to the legalistic and formal institutions that defined Western multilateral organizations. He states that the ASEAN Way “emphasized informality and organizational minimalism” and adopted the Treaty of Amity and Cooperation in 1976. This treaty emphasized the following aspects of regional cooperation that ASEAN sought to follow in its interactions with member countries: (1) “Mutual respect for the independence, sovereignty, territorial integrity of all nations”; (2) “The right of every state to lead its national existence free from external interference, subversion, coercion”; (3) “Non-interference in the internal affairs of one another”; (4) “Settlement of differences and disputes by peaceful means”; (5) “Renunciation of the threat of use of force” (Acharya 2001). Douglas Webber introduces the political backdrop by arguing that the ASEAN-6 decided to sign AFTA because they believed China’s rise would draw foreign direct investment away from Southeast Asia and into China. Moreover, the end of the Cold War and the drastic shift in the Asian political landscape served as further impetus to form AFTA and attempt to act as a cohesive economic unit with which the rest of the world could trade.

The contemporary media seems to hold mixed feelings regarding ASEAN and its efficacy as a supranational regional organization. A New

York Times piece in November 2012 stated unapologetically, “Asean [sic] has never been very efficient at making policy, nor has it been very good at policing its own members,” attributing this ineffectiveness to the ASEAN Way (McDonald 2012). Taking the opposite view, a recent Economist piece defends ASEAN by saying, “There is no denying the great strides ASEAN has made in liberalising intra-regional trade” (The Economist 2014). It appears that while political scientists view ASEAN as ineffective, parts of the media cannot deny that ASEAN has, in fact, proven effective at improving Southeast Asian trade relationships.

This paper draws from the literature and media reports surrounding ASEAN and applies econometric methods to explore the effectiveness of ASEAN and the ASEAN Free Trade Agreement. In this analysis, I examine the real value of Southeast Asian regional trade and compare it to other regional trade agreements to discern what effect AFTA has had on intra-regional trade. Section II presents the data. Section III describes the econometric specification and methodology. Section IV presents results and robustness checks. Section V discusses econometric problems and the methods used to address them. Section VI concludes with quantitatively-driven policy recommendations.

DATA

For this analysis, I make use of country-level UN Comtrade panel data. I limit the dataset to the years 1984 – 2008; the decision to stop the data at 2008 is due to the plethora of econometric problems posed by the Global Financial Crisis. A key point to note is that Brunei, one of the original members of AFTA, is excluded from the UN Comtrade data—due to the fact that Brunei is dependent on oil revenues and so differs from the other ASEAN nations in many respects—so my analysis is conducted purely on the other nine ASEAN countries. For instance, I will repeatedly refer to the ASEAN-5 and ASEAN-9 countries due to the fact that Brunei has been excluded. I use the UN Standard International Trade Classification (SITC) categories to break the data into three discrete units of analysis:

1. All traded goods (9 general categories)
2. Manufactured goods (includes animal & vegetable oils; chemicals; manufactured materials; machinery, electronics, transport equipment; and apparel, footwear, furniture, miscellaneous)
3. Food goods (processed and unprocessed)

The following chart shows the real value of traded goods for the ASEAN-5 in 1992. In particular, it shows that even when looking at the average value of trade by category, intra-regional trade was strongly concentrated in the “Machinery, Electronics, Transport Equipment” category. This is important to note because AFTA’s explicit purpose was to lower tariff barriers and remove NTBs specifically for manufactured goods. From this chart, we see that trade in advanced machinery was already high among ASEAN countries, partially due to the fact that trade in this sector was generally high all over the world.

Observing the data for the ASEAN-5 countries across the entire sample period from 1984 – 2008 (Appendix: Figure 2), a few common trends emerge when analyzing trade in all products, manufactured products, and food products. In all three charts, trade begins to increase sharply around 1992 after the ASEAN member nations signed AFTA. Trade continues to grow throughout the mid-1990s and be-



gins to decrease leading into 1997. Intra-regional trade hits its lowest point for all industries and in manufactured industries in 1997, presumably due to the Asian Financial Crisis. The data incorporating the four ASEAN nations (Cambodia, Lao PDR, Myanmar, and Vietnam) that joined AFTA after 1992 is almost identical to the data for the ASEAN-5, indicating that the later accession of the four ASEAN countries does not seem to drastically change the trade patterns that existed among the first five (Appendix: Figure 3). My primary econometric specification compares the AFTA countries to a specific sample of other countries that are also signatories to regional trading agreements. If we think of the ASEAN countries that signed AFTA as the treatment group, the set of non-ASEAN countries are the control group from which I attempt to construct a valid counterfactual (Appendix: Table 1). This creates a restricted sample of 36 countries, 9 treatment countries and 27 control countries.

ECONOMETRIC SPECIFICATION

The econometric model I use, Model 1, is specified as follows:

$$\ln(X_{ijt}) = \beta_0 + \beta_1 \ln(Y_i Y_j) + \beta_2 \ln(D_{ij}) + \beta_3 \alpha_{ijt} + \beta_4 A_{ij} + \beta_5 \rho_{ijt} + \beta_6 R_{ijt} + \beta_7 \pi_t + \beta_8 \delta_i + \beta_9 \delta_j + \beta_{10} \gamma + \varepsilon_{ijt}$$

X_{ijt} : the real value of bilateral trade between countries i and j at time t

$Y_i Y_j$: the GDP of trading partners i and j

D_{ij} : the distance between countries i and j

α_{ijt} : a vector of AFTA 1992 and AFTA 1999 treatment dummy variables; AFTA 1992 =1 for any of the ASEAN-5 countries for the years 1992 going forward; AFTA 1999 =1 for any of the ASEAN-9 countries for the years 1999 going forward

A_{ij} : a vector of ASEAN 1992 and ASEAN 1999 dummy variables in all years if any of the ASEAN countries were ever engaged in regional trade with each other

ρ_{ijt} : a vector of other RTA dummy variables, including the European Union (EU-15, as defined in 1995), MERCOSUR, Group of 3, APTA, and NAFTA

R_{ijt} : a vector of dummy variables for countries ever engaged in other regional trade blocs, including the European Union, MERCOSUR, Group of 3, APTA, and NAFTA

π_t : year dummies, 1984 – 2008

δ_i : a vector of importer demand dummy variables

δ_j : a vector of exporter capability dummy variables

γ : a vector of nuisance variables

- Contig =1 for contiguous trading partners
- Comlang_off =1 for common official primary language
- Comlang_ethno =1 if a language is spoken by >=9% of population in both countries
- Colony =1 if ever in a colonial relationship
- Comcur =1 if countries use a common currency

I use the same specification and run three separate sets of regressions to analyze intra-regional trade using the data for all product categories, data for only manufactured products, and data for only food products.

Table: Model 1 Regression Output

VARIABLES	1A t-value
lyy	0.561*** (0.0327)
ldist	-1.063*** (0.0219)
afta92	-0.297*** (0.0955)
asean5	0.0711 (0.115)
afta99	0.790*** (0.107)
asean9	0.244** (0.106)
eufita	-0.538*** (0.0327)
eu	-0.206*** (0.0533)
g3fta	0.377** (0.150)
g3	0.804*** (0.144)
mercofta	-0.00372 (0.113)
mercosur	1.308*** (0.112)
apta	-0.0803 (0.151)
apac	0.236** (0.102)
nafta	0.435** (0.176)
na	0.696*** (0.157)
Constant	6.667*** (0.764)
Observations	26,967
R-squared	0.861
Robust standard errors in parentheses	
*** p<0.01, ** p<0.05, * p<0.1	

RESULTS

The results from Model 1A are shown in the previous table.

My specific variables of interest are the *afta92*, *afta99*, *asean5*, and *asean9* dummy variables. The *afta92* dummy is defined to equal 1 for any of the original ASEAN-5 countries in the years 1992 and later, for all other countries or years before 1992, *afta92* is equal to 0. The *afta99* dummy is defined similarly for the ASEAN-9 countries in the years 1999 and later, otherwise the variable is equal to 0. Therefore, the signing of AFTA in 1992 had a negative and strongly significant effect on the real value of intra-regional trade compared to the non-ASEAN countries in my restricted sample.

Membership as one of the ASEAN-5 countries has a positive but insignificant effect so I cannot say anything meaningful about this relationship. By the time Cambodia acceded to AFTA in 1999, the regional trade agreement appears to have had a highly positive and strongly significant effect on trade compared to the non-ASEAN countries in my sample. However, it is important to note that this coefficient may partially be capturing the region's economic recovery from the 1997 Asian Financial Crisis, and thus may help explain why the coefficient is strongly positive. Membership as one of the ASEAN-9 countries has a positive and significant effect, meaning that simply being a member of ASEAN increases trade by almost 130 percent compared to not being an ASEAN member in the sample.

Using an F-test for joint significance, *afta92* and *afta99* are also jointly significant so the overall AFTA treatment effect from the time of its initial signing and the additive effect by 1999 produce a coefficient of 0.493 that is statistically significant, showing an approximately 160 percent increase in trade due to AFTA.

ROBUSTNESS CHECKS

To test for robust treatment effects, I also run a second specification, Model 2, which includes country-pair fixed effects for all countries in my restricted sample, described in the following equation:

$$\ln(X_{ijt}) = \beta_0 + \beta_1 \ln(Y_i Y_j) + \beta_2 \ln(D_{ij}) + \beta_3 \alpha_{ijt} + \beta_4 A_{ij} + \beta_5 \rho_{ijt} + \beta_6 R_{ij} + \beta_7 \pi_t + \beta_8 C_{ij} + \beta_9 \gamma + \varepsilon_{ijt}$$

Model 2 removes the importer demand and exporter capability dummies in Model 1 and replaces them with a country-pair dummy variable, *C_{ij}*, that sweeps out the variation between country-pairs. Controlling for country-pair fixed effects in the regression allows me to compare trade between country pairs before the AFTA treatment effect to trade between those same country pairs after the treatment effect, where the fixed effect accounts for the baseline level of trade between bilateral trade partners that existed beforehand. The difficulty with the Model 2 regressions is that including numerous country-pair dummy variables in the regression uses up many degrees of freedom and so, at first glance, the model appears to explain much of the variation in the data (e.g. Model 1B, $R^2 = 0.92$). In fact, the model does not necessarily better explain the variation so much as it removes more of the variation in the data by including the numerous country-pair dummy variables. Table 2 (Appendix, Table 2) provides regression output for each of the regressions used in this analysis.

Similar results arise from Model 1B when I include country-pair fixed effect dummies. The *afta92* variable is still negative and significant,

the *afta99* variable is still positive and significant, and their combined effect is a coefficient of 0.428 that is statistically significant. According to Model 1B, AFTA increases trade by approximately 150 percent compared to non-AFTA participating countries in the sample. As mentioned above, inclusion of country-pair dummy variables removes much of the variation in the data, which helps to explain why many of the variables, including the *asean5* and *asean9* variables are omitted in the Model 2 regressions. Nonetheless, this initial robustness check seems to confirm the AFTA treatment effect found in Model 1A.

When disaggregating the data into manufactured products and food products, AFTA still shows a positive effect and yet, the effect of AFTA on food products is smaller than the effect on manufactured goods. The table below summarizes the joint *afta92* and *afta99* coefficients and their estimated treatment effects.

Table: Summarized Treatment Effects

Model	All Products		Manufactured Products		Food Products	
	1A	2A	1B	2B	1C	2C
Joint coefficient	0.493	0.428	0.7	0.701	0.64	0.524
Joint Treatment Effect*	160%	150%	200%	200%	190%	170%

*refers to the joint effect of *afta92* and *afta99* variables

A final robustness check, Model 3, does not restrict the sample of countries but instead, includes the rest of the world (RoW) countries as a broad control group. The model is specified as follows:

$$\ln(X_{ijt}) = \beta_0 + \beta_1 \ln(Y_i Y_j) + \beta_2 \ln(D_{ij}) + \beta_3 \alpha_{ijt} + \beta_4 A_{ij} + \beta_5 \rho_{ijt} + \beta_6 \pi_t + \beta_7 C_{ij} + \beta_8 \gamma + \varepsilon_{ijt}$$

This model does not include dummy variables for each of the countries and their respective regional trade agreements that are used in the restricted sample, nor does it include importer demand or exporter capability dummy variables. Instead, Model 3 includes a dummy variable, *ijt*, for other countries that are involved in their own regional trade agreements. This model shows that the signing of AFTA in 1992 has a positive effect on intra-regional trade compared to the rest of the world. In this model, the effect of being an ASEAN-5 member is highly positive and strongly significant, increasing trade by approximately 650 percent compared to the rest of the world.

According to my analysis, reporters may find different effects of AFTA depending on when they look at the data.

DISCUSSION

A few problems arise in studying AFTA, the first of which is the fact that four different countries joined AFTA after the original ASEAN-5 signed the agreement. This presents a type of phase-in issue with AFTA in that there are multiple treatment effects available for analy-

sis. This phase-in problem is also intricately tied to a potential Ashenfelter's Dip where a severe negative shock is often followed by a sharp positive change in the data. Ashenfelter's Dip poses econometric problems because the causes of upward trends are confounded by multiple factors. It becomes exceedingly difficult to determine whether the measured variable is exhibiting a natural reversion to the mean, or corrective efforts to combat a shock cause the ensuing upward trend in the data. For the original ASEAN-5, the reasons for signing AFTA are most likely similar and related to the end of the Cold War and China's market liberalization reforms. However, the reasons that Vietnam, Lao PDR, Myanmar, and Cambodia joined AFTA are most likely more due to global economic crises or domestic political/economic problems.

Lao PDR's and Myanmar's accessions to AFTA seem most likely to exhibit an Ashenfelter's Dip. As the Asian Financial Crisis hit the region, the two countries moved quickly to join AFTA, improve their domestic economies and increase trade with other regional partners. This proves difficult to econometrically correct for because the data after the AFTA treatment will tend to show a positive slope, but Lao PDR and Myanmar were already poor and in dire economic need so parsing out the difference is difficult. The sequence of ASEAN countries joining AFTA is depicted in Figure 4 (Appendix: Figure 4). A simple chart of GDP per capita for the original five ASEAN countries in the dataset compared to the four who joined later shows that the original five countries were substantially wealthier than the later entrants. I partially solve for this problem by only including a regressor for the signing of AFTA in 1992 when the original five countries in the data joined, and a regressor for AFTA in 1999 when Cambodia finally joined AFTA and all the other ASEAN countries had already joined. By doing this, I attempt to understand the AFTA treatment at the time of its initial signing and when all countries had finally acceded to AFTA while limiting the problematic factors that arise when dealing with Vietnam's accession in 1995 and Lao PDR's and Myanmar's accessions in 1997.

As always, the problem of finding a valid counterfactual to serve as a control group proved especially difficult in this analysis. By constructing a "Gravity index" of the log value of GDP/distance, I found the average index value for ASEAN countries to be 3.99. Using this value, I attempted to use a quasi-propensity score matching method to find countries that had similar values within a given set of bounds from the 3.99 value. However, even after setting the bounds at ± 0.8 , the number of controls only amounted to 14 countries and even with those 14, at an upper/lower bound of 0.8, these countries already may not serve as the most similar countries to ASEAN.

Instead, I chose several regional trade blocs and used the countries in each of those blocs as a combined control group, assuming that because these other countries are in their respective regional trade agreements, they are similar to ASEAN in that manner. I used the European Union (as defined in 1995 with the EU-15 countries), the Group of 3, MERCOSUR (as defined in 1991), the Asia Pacific Trade Agreement (as defined in 2001), and NAFTA; Table 1 shows the specific countries chosen.

CONCLUSION

Based on my quantitative analysis of Southeast Asian trade, AFTA has had a significant effect on increasing trade in all product categories, especially in trade of manufactured goods. Trade has also increased in unprocessed food products, but by a substantially smaller magnitude. This point calls for greater discussion regarding

1) the economic impact of AFTA 2) a continued need for liberalization of trade in agricultural goods. While many political scientists have described ASEAN as ineffective in achieving regional cooperation and ensuring collective security for Southeast Asia, the media has held conflicting opinions as to the effectiveness of the regional organization and the regional trade agreement. My analysis clearly indicates that, at least with regards to the economics of intra-regional trade, AFTA has proven very successful in improving trade relations and increasing the amount of trade among Southeast Asian nations. However, this conclusion does not come without caveats.

My analysis shows that trade among all product categories has increased due to AFTA, but trade in manufactured goods has increased more substantially than in unprocessed food goods. Based on my analysis, the next step for ASEAN is to further liberalize trade in agricultural goods. The World Bank recently discussed the potential for another global food price crisis and the need for greater ASEAN cooperation to prevent such an occurrence. Analysts state that "multilateral cooperation is crucial in order to curb volatility in rice and food prices" (Tolentino 2014). The World Bank East Asia blog makes reference to the International Rice Research Institute that oversees the Global Rice Science Partnership (GRiSP) that was launched in 2010 by ASEAN member countries. GRiSP draws on scientists from around the world, seeking to improve agricultural productivity and efficiency so as to improve the region's and the world's food security. In this case, policy action can take two forms: 1) look closely at the goods on the AFTA Sensitive and Highly Sensitive List (SL/HSL), many of which are still unprocessed agricultural goods, and transition them to the Inclusion List (IL) so as to further bring down tariff barriers on agricultural goods that have, until now, been protected 2) improve multilateral cooperation with the International Rice Research Institute and its GRiSP initiative in order to help improve the world's food security.



APPENDIX

Figure 1

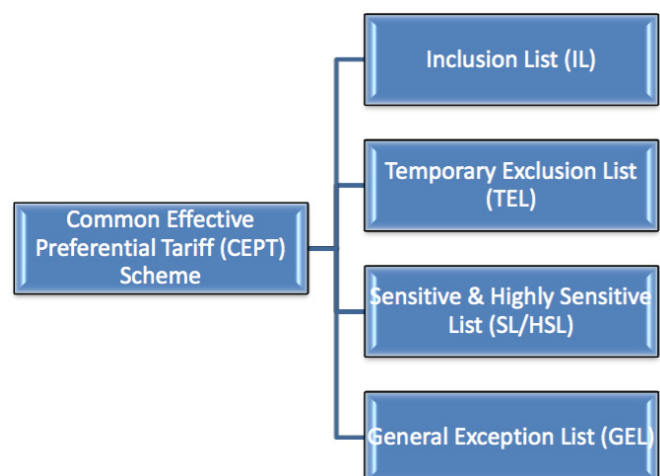


Figure 2

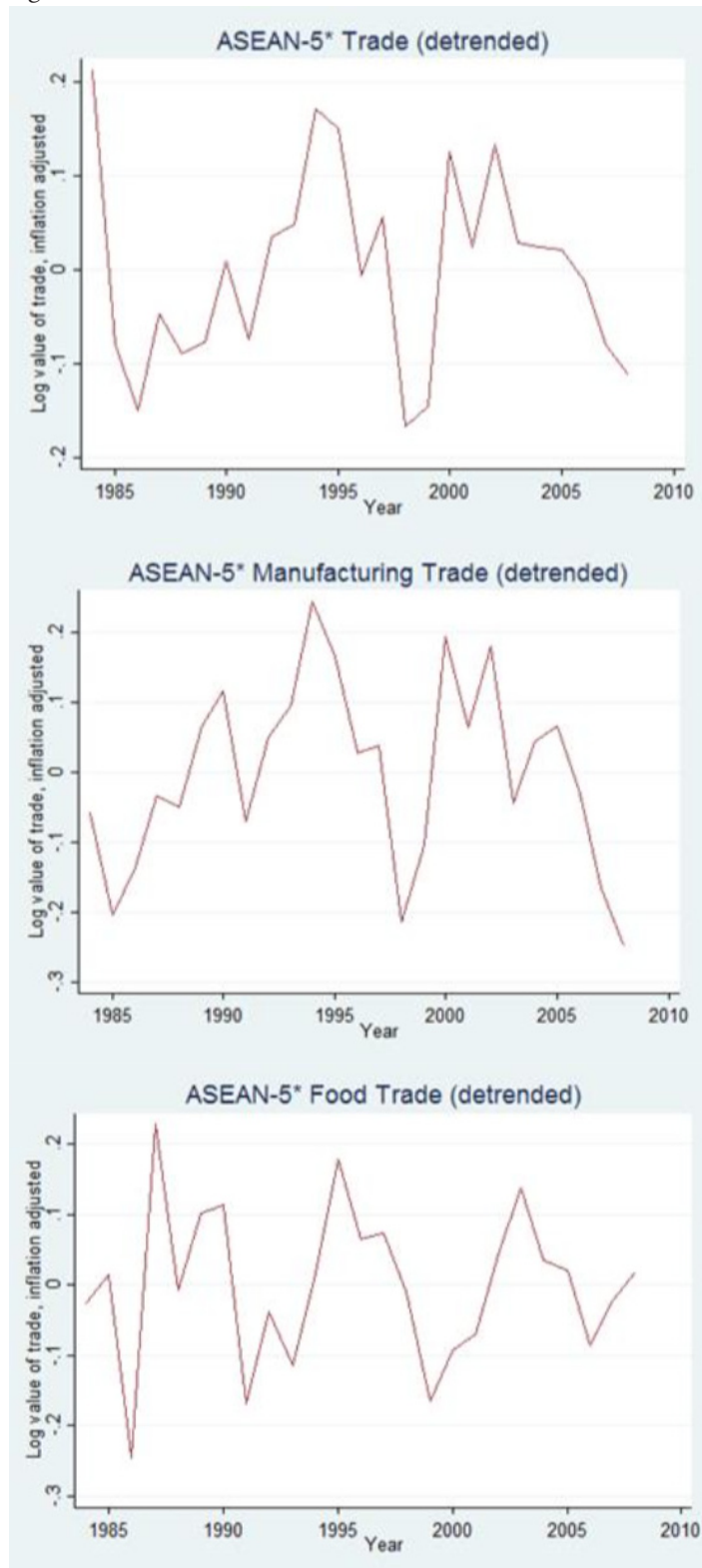


Figure 3

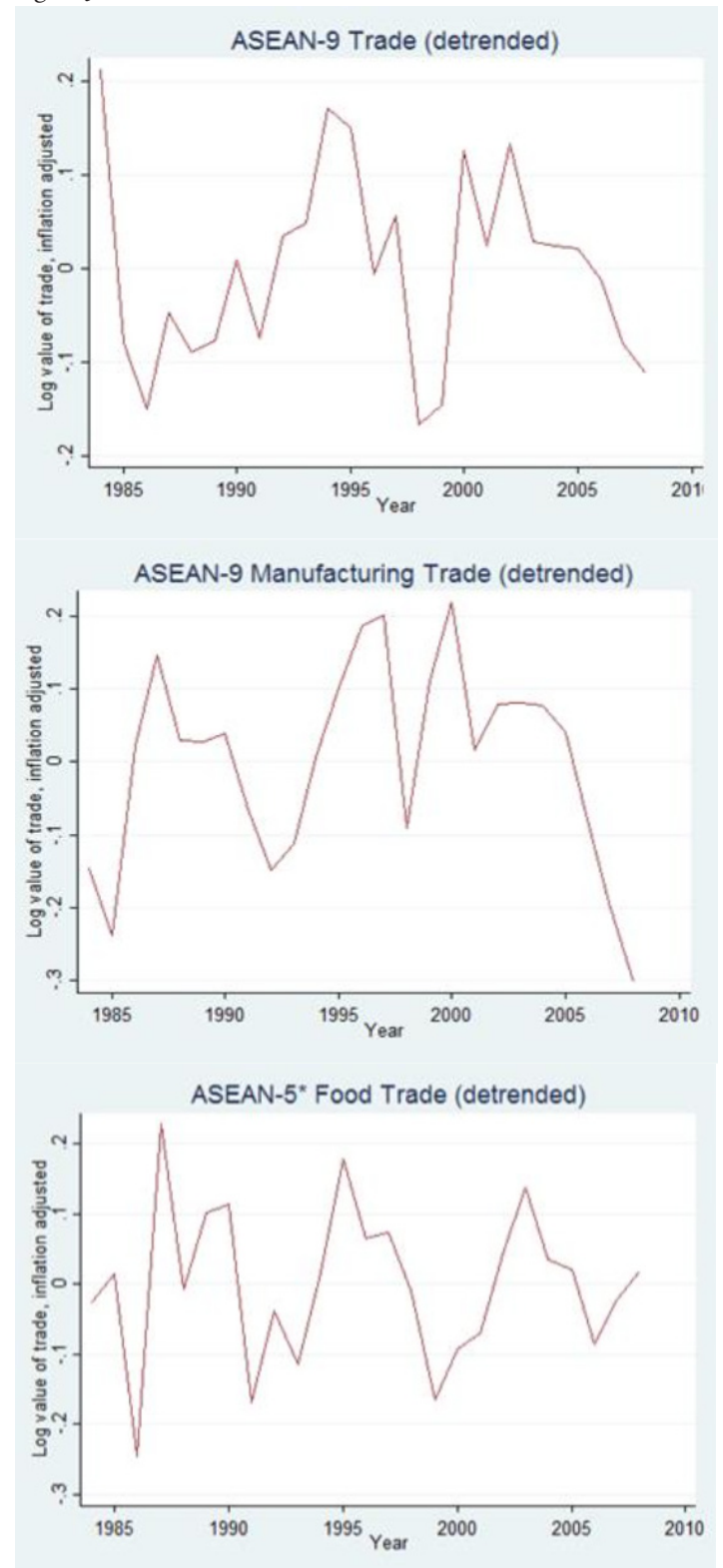


Table 1

<i>Table: Trade Bloc Controls</i>				
EU-15 (1995)	G3 (1995)	MERCOSUR (1991)	APTA (2001)	NAFTA (1994)
Austria	Colombia	Argentina	China	Canada
Belgium	Mexico	Brazil	India	Mexico
Denmark	Venezuela	Paraguay	Nepal	
Finland		Uruguay	South Korea	
Germany			Sri Lanka	
Greece				
Ireland				
Italy				
Netherlands				
Portugal				
Spain				
Sweden				
United Kingdom				
Total # of controls:		27		

Table 2

<i>Table: Regression Output with Robustness Checks</i>							
VARIABLES	All Products		Manufactured Products		Food Products		RoW
	1A	2A	1B	2B	1C	2C	3
	Invalue	Invalue	Invalue	Invalue	Invalue	Invalue	Invalue
lyy	0.561*** (0.0327)	0.531*** (0.0286)	0.631*** (0.0373)	0.628*** (0.0333)	0.515*** (0.0412)	0.503*** (0.0346)	1.084*** (0.00167)
ldist	-1.063*** (0.0219)		-0.900*** (0.0232)		-1.220*** (0.0312)		-1.010*** (0.00689)
afsa92	-0.297*** (0.0955)	-0.246*** (0.0627)	-0.274*** (0.103)	-0.348*** (0.0731)	-0.239** (0.115)	-0.239** (0.103)	0.677*** (0.123)
asean5	0.0711 (0.115)		0.617*** (0.130)		0.117 (0.145)		1.874*** (0.148)
afsa99	0.790*** (0.107)	0.674*** (0.0713)	0.974*** (0.117)	1.049*** (0.0826)	0.879*** (0.110)	0.763*** (0.0908)	
asean9	0.244** (0.106)		-0.255** (0.118)		-0.212 (0.129)		0.123 (0.108)
eufta	-0.538*** (0.0327)	-0.557*** (0.0189)	-0.672*** (0.0357)	-0.684*** (0.0214)	-0.00304 (0.0432)	-0.0610** (0.0281)	
eu	-0.206*** (0.0533)		0.401*** (0.0564)		0.0223 (0.0778)		
g3fta	0.377** (0.150)	0.358*** (0.0974)	0.345** (0.170)	0.318*** (0.0987)	1.868*** (0.360)	1.784*** (0.246)	
g3	0.804*** (0.144)		1.873*** (0.159)		-0.492 (0.329)		
mercofta	-0.00372 (0.113)	-0.0345 (0.0626)	-0.0294 (0.101)	-0.0587 (0.0809)	0.367* (0.191)	0.296** (0.124)	
mercosur	1.308*** (0.112)		2.257*** (0.110)		0.611*** (0.190)		
apta	-0.0803 (0.151)	-0.0709 (0.102)	0.132 (0.156)	0.147 (0.0995)	-0.274 (0.219)	-0.162 (0.131)	
apac	0.236** (0.102)		-0.0194 (0.105)		1.200*** (0.144)		
nafta	0.435** (0.176)	0.408*** (0.0520)	0.458** (0.214)	0.429*** (0.0585)	0.532*** (0.109)	0.454*** (0.0856)	
na	0.696*** (0.157)		1.097*** (0.188)		0.818*** (0.121)		
fta92							1.369*** (0.123)
fta99							-0.998*** (0.123)
Constant	6.667*** (0.764)	-1.826*** (0.607)	1.957** (0.865)	-4.723*** (0.709)	7.778*** (0.975)	-3.506*** (0.754)	-5.298*** (0.0709)
Observations	26,967	26,967	26,662	26,662	23,787	23,787	242,156
R-squared	0.861	0.926	0.857	0.920	0.739	0.857	0.660

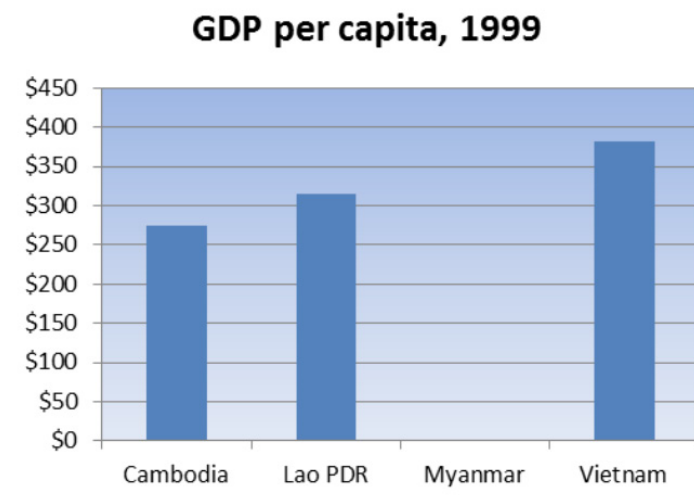
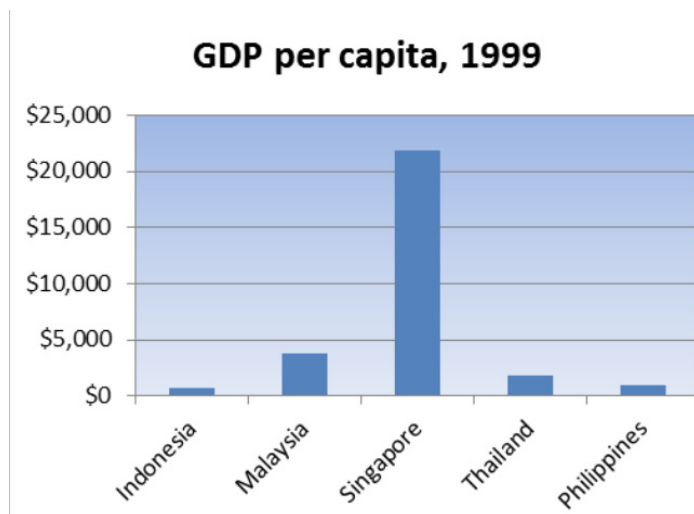
Robust standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1

Figure 4



Figure 5



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JOURNEY THROUGH



A monk squats underneath the graffiti-inscribed Mingun Bell, the largest uncracked bell in the world.



Monks and civilian visitors see the sights at Inle Lake.

MYANMAR

MEGAN KUNG
University of California, San Diego
IR/PS



A girl awaits payment from temple visitors in exchange for freeing birds. The bigger the bird, the higher the price.



The number of hot air balloons over Bagan has grown with increased tourism in recent years.



Children of cemetery staff play at the Chinese cemetery in Yangon.

THE DETRIMENTAL IMPACT OF ANTI-PROSTITUTION POLICY ON THE FIGHT AGAINST AIDS

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ABSTRACT

This paper examines the effect of PEPFAR's anti-prostitution clause on HIV/AIDS programs around the world. It recognizes the historical origins of the clause, references studies done by outside groups and institutions, and examines the experience of several specific organizations. I have found that, as a result of the clause, many organizations have either rejected or been denied funding, while others have altered their programs in such a way as to exclude or limit interactions with sex workers in order to maintain their funding eligibility. Based on this analysis, I conclude that the anti-prostitution clause has had an overwhelmingly negative impact on HIV/AIDS programs, the experience of individuals working in prostitution, and on the global fight against HIV/AIDS as a whole.

BACKGROUND

PEPFAR. PEPFAR, the President's Emergency Plan for AIDS Relief, implemented with the signing of the U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (or the Global AIDS Act), is the United States government initiative to help combat HIV/AIDS around the world. It is the principle component of the U.S. President's Global Health Initiative and at \$39 billion (for funding between 2009-2013) is the largest commitment by any nation to combat a single disease internationally ("About PEPFAR" 2014).

PEPFAR recognizes the importance of targeting high-risk populations, stating that strategies "must be responsive to the drivers of the epidemic and address the needs of the most at-risk populations in both generalized and concentrated epidemics" ("Prevention: Strategic Populations" 2014). The program acknowledges the especially vulnerable position of sex workers, noting in its strategic plan that "individuals who engage in or procure transactional sex, even on an occasional basis, are at higher risk for HIV" and that the "intersection of trafficking in persons and prostitution further complicates efforts to provide needed HIV services" ("Prevention: Strategic Populations" 2014). Having recognized this, the administration asserts that PEPFAR supports efforts to "provide basic HIV prevention, care, and treatment services to persons in prostitution" ("Prevention: Strategic Populations" 2014).

It is important to note that, having been proposed during the Bush administration, PEPFAR was designed to appeal to social conservatives. The director of the National Institute of Allergy and Infectious Diseases (NIAID), Dr. Anthony Fauci, who designed the initial

PEPFAR proposal in 2002, explains, "In the beginning there were some people who felt that PEPFAR should not be involved in the distribution of condoms...It was really a give and take. The conservatives were very much in favor of abstinence. In order to win support for the condom component, it was felt that we also had to have flexibility and compromise and promote what the conservative and faith-based groups wanted" (Ryan 2013). These compromises included a heavier stress on abstinence and greater restrictions on interactions with sex workers. While the focus on abstinence presents another arguably damaging policy intervention which pushes conservative and religious principals at the expense of more effective, comprehensive approaches ("Funding Restrictions"), the focus of this particular paper will be specifically on how PEPFAR policy relates to sex workers.

Anti-Prostitution Clause. Since its inception in 2003, the Global AIDS Act and PEPFAR has included a clause indicating that no funds may be used to provide assistance to any group or organization that does not oppose prostitution and sex trafficking (Ditmore and Allman 2013). This clause is colloquially known among aid organizations as The Pledge, the Conscience Clause, and the Loyalty Oath. Legislation states that "no funds made available to carry out this Act, or any amendment made by this Act, may be used to promote or advocate the legalization or practice of prostitution or sex trafficking" ("Public Law 108-25 2003). This restriction was reiterated in 2005, with a directive issued by USAID stating that only organizations with an explicit policy against prostitution and sex trafficking should receive U.S. funding. An example of the pledge from 2006 is shown below in Figure 1 of the appendix (Doshi 2006). In 2008, Congress re-authorized PEPFAR with a significant increase in funding, but no change in the funding requirements or restrictions (Ditmore and Allman 2013).

In 2010, under the Obama administration, the US Department of Health and Human Services removed the anti-prostitution pledge as an additional, separate document, but embedded it within the PEPFAR contract that recipients are required to sign, stating that they are "opposed to prostitution and sex trafficking because of the psychological and physical risks they pose for women, men and children" ("Organizational Integrity" 2010). Guidance on this restriction has remained vague since PEPFAR's inception and specific activities that constitute "promoting" or "advocating" prostitution have never been defined. What is more, this obligation extends beyond the direct use of PEPFAR funds – if an organization receives funding from PEPFAR, all of their work, even that which is funded by other sources, is subject to the pledge. The history of the Anti-Prostitution Clause from May 2003 – January 2013 can be found in Table 1 in the appendix (Ditmore and Allman 2013).

In June of 2013, the Supreme Court ruled that the requirement to sign this anti-prostitution pledge is unconstitutional on the grounds that it violates the first amendment right to freedom of speech as it mandates what these organizations "say" about prostitution (Agency for International Development 2013). Chief John G. Roberts Jr. explained that the case concerned "compelling a grant recipient to adopt a particular belief as a condition of funding" (Barnes 2013). While many groups applaud this decision as a small step forward towards effectively working with and treating sex workers, this ruling does not apply to international programs, because first amendment rights

do not extend to people of other countries (Grant 2013). The majority of PEPFAR programs are therefore still subject to the pledge.

METHODS

In order to determine if and how PEPFAR's anti-prostitution pledge has altered the function and effectiveness of supported programs, I first examined the history of PEPFAR and the anti-prostitution clause in order to achieve an understanding of their foundation. I also reviewed PEPFAR's official website and strategic plan to identify its approach in dealing with prostitution. In order to determine the effect that the clause has had on supported programs, I was able to find a few studies on this particular issue, and comments by top health officials in the HIV/AIDS field, such as Dr. Fauci, director of NIAID, and Kevin Robert Frost, CEO of AmfAR. In addition, I researched the opinion of groups who support the clause. In order to adequately assess the prevalence of and reasons for the loss or rejection of funding, I often had to research organizations on a case-by-case basis, as there was no list detailing these organizations and their specific circumstances surrounding the denial or continuation of funding. I did additional research in order to determine if any of these organizations did, in fact, participate in activities which promoted prostitution or human trafficking. My research was done primarily through the use of medical journals and news sources.

Based on the information that I was able to gather, I have divided my results into five categories: 1) Impacts on Funding – including those organizations that have rejected funding and those that were denied funding, 2) Impacts on Programming – including program alterations and effects on scientific research and the sharing of information, 3) Impacts on Sex Workers, 4) Impacts on HIV Rates, and 5) Support for the Pledge.

RESULTS

IMPACT ON FUNDING

As a result of the anti-prostitution restriction, its vagueness and inconsistent enforcement (discussed below), some organizations chose to decline funding, some lost funding, and others chose to alter their programs in order to ensure continued funding. We turn to examples of the first two instances now, and in the following section will look at the ways in which organizations have altered their HIV/AIDS programs and interactions with sex workers.

ORGANIZATIONS THAT HAVE REJECTED FUNDING

Brazil: In 2005, the Brazilian government declined \$40 million of these “conditional funds” from the U.S. because they believed that they would inhibit HIV prevention programming (BBC News 2004). Pedro Chequer, the country's national AIDS commissioner was quoted as saying, “Sex workers are part of implementing our AIDS policy and deciding how to promote it. They are our partners. How could we ask prostitutes to take a position against themselves?” Brazil adopted an aggressive approach to controlling HIV/AIDS, including HIV treatment, massive condom distribution and explicit HIV education, all of which were largely successful. In the early 1990s, it was projected that Brazil would experience 1.2 million infections by 2000, but their interventions were successful in halving that number (Kaplan 2005). According to Chequer, the anti-prostitution policy was a “theological” restriction that would have “wasted money, wasted time and promoted the dissemination of HIV” (Kaplan 2005).

BBC World Service Trust: In 2006, six months into their contract with USAID on their project in Tanzania, the BBC World Service Trust turned down funding when the U.S. tightened up on the requirement for organizations to sign the pledge. While the BBC project would not have provided direct services to Tanzanian prostitutes, some of their programs “might have dealt non-judgmentally with their role in the epidemic” (Gill 2014). Signing the pledge would have entitled U.S. government officials to assess all of BBC's projects worldwide for

compliance with what they considered to be Washington's “morality” doctrine, and ultimately they chose to decline PEPFAR funds.

SANGRAM: An organization for sex workers in Sangli, India which addresses community needs identified by the sex workers served by the organization has continuously declined funding, (Ditmore and Allman 2013) including a grant of \$20,000, out of concern that the United States State Department might interfere with the group's pro-sex worker rights campaigning and peer-education efforts (Chen 2013).

WAC (Women's Agenda for Change): WAC, the leading advocacy organization for sex workers in Cambodia, has also declined PEPFAR funds. Despite the fact that WAC does not technically “promote, support or advocate the legalization or practice of prostitution,” it was told that it would have had to break its relationship with the local sex workers' union to receive funding (Steinglass 2005).

Wonetha: This Ugandan human rights organization was founded by sex workers in 2008 to respond to the abuse and violence they experienced by police. Daisy Nakato, a representative of the organization explained that, “We can't even apply for PEPFAR because we wouldn't sign the pledge” (Provost 2012).

These are only a few examples of organizations that chose to turn down funding. In studying the implications of the anti-prostitution pledge, the International AIDS Society noted that “[f]or those for whom declining funding is not an option, the outcome is that organizations struggle to provide a dignified and effective service to a population that they are encouraged to ‘oppose’ and as a result may find they are unable to deliver services without stigmatizing their intended beneficiaries” (Ditmore and Allman 2013).

LOSS OF FUNDING

Cambodia: One project in Cambodia had their funding withdrawn after a speech was given to the Senate Foreign Relations Committee by Donna Hughes of the University of Rhode Island, criticizing individuals and organizations that work to address the concerns of sex workers rather than working to eliminate prostitution. This speech triggered investigations of projects receiving PEPAR funds, resulting in this program's loss of funding (Busza 2006). This particular program worked with a range of sex workers, including children. Donna Hughes accused such organizations of “teaching children how to become prostitutes.” The program was forced to discontinue their work with children out of fear of being shut down entirely. NGO workers reported that, as a result, “pedophiles now know they can go and have unprotected sex with children because the health-education programs have stopped...And when children come to the NGO workers and ask for help, they are being turned away” (McKelvey 2004).

An additional project for sex workers in Cambodia reported that a training program on condom negotiation (encouraging or insisting on the use of condoms by their clients) was closed as a result of the anti-prostitution clause (“PEPFAR and Sex Work” 2011).

Yet a third example in Cambodia involves a program located in a red light district of Svay Pak that was shut down after the pledge went into effect, pressuring the program to avoid being seen as condoning or promoting prostitution. The project was a Doctors without Borders initiative that included condom distribution and a drop-in center for sex workers where they could learn English and computing skills. The implementation of the pledge reportedly inhibited the program from “effectively serv[ing] its population” (Agency for International Development 2013).

CARE (Cooperative for Assistance and Relief Everywhere): In 2006, it was announced that CARE's \$50 million contract would be phased out and replaced with a \$200 million program of grants targeted towards faith-based providers (Kranish, 2006). This decision was made after Republican Senator Rick Santorum wrote a letter to the white house accusing CARE of having “anti-abstinence” and “pro-prostitution” policies,

although specifics were not identified (Fernandez Morera 2006).

Tanzania: In 2006, an AIDS awareness campaign in Tanzania lost PEPFAR funding and was shut down after they refused to comply with the clause, leaving Tanzania without any mass-media program to combat HIV (“PEPFAR” 2008).

Durjoy Nari Shangkha: This sex worker outreach organization in Bangladesh was closed when the NGO that supported them signed the pledge. Their drop-in center program which had previously been recognized by UNAID as a “best practice” in HIV prevention and treatment has now been reduced from 20 centers to four (Chen 2013).

While these are only a few examples, multiple studies have reported the closure of programs as a direct result of the anti-prostitution clause (Evertz 2010) (Ditmore and Allman 2013). I was unable to find any evidence of programs or organizations participating in activities that directly promoted prostitution or human trafficking, although detailed information on which programs were closed and why was not readily available. It is interesting to note that some organizations continued to receive funding despite the fact that they did not comply with the clause. For example, Kevin Robert Frost, CEO of amfAR (The Foundation for AIDS Research) was quoted as saying, “We were always leery of taking government money... The board said, ‘sign it [the clause] and ignore it’” (Taffet 2013).

IMPACT ON PROGRAMMING

ALTERATION OF PROGRAMS

One aspect of the prostitution clause that has caused the most confusion, as noted above, is its lack of guidance. There is no list of acceptable activities or any definition of what actions specifically violate the clause. Government and NGO personnel have reported that the implementation of the anti-prostitution pledge has been unclear and enforcement has been unpredictable (Ditmore and Allman 2013). Current guidelines state that USAID and HHS are also authorized to determine “on a case-by-case basis...whether sufficient physical and financial separation exists” between recipient organizations and privately funded affiliates that do not pledge opposition to prostitution and sex trafficking (Evertz 2010). Even those officers in charge of monitoring programs do not agree on what constitutes “advocating” or “promoting” prostitution, as some have discouraged recipients from engaging in any type of interaction with sex workers while others have been much more permissive (“PEPFAR and Sex Work” 2011). Organizations have therefore been left to interpret the clause as they see fit. A study by the International AIDS Society noted that this “has led to arbitrary and unsystematic interpretations of the pledge, contributing to self-censorship by grant recipients,” in addition to “some NGOs being falsely accused of encouraging sex work and trafficking, which has been exacerbated by widespread conflation of human trafficking with sex work” (Ditmore and Allman 2013). Additionally, some program administrators have used this restriction to justify discriminatory practices against sex workers, denying them care or participation in program activities (“PEPFAR and Sex Work” 2011).

Self-censorship by organizations is one serious consequence of this lack of guidance – groups who are intimidated or confused by the inconsistent interpretation of the clause engage in “over-compliance,” unnecessarily altering their programs, or ceasing their interactions with sex workers altogether (Ditmore and Allman 2013). This has hap-

pened even when organizations have not been cautioned to change their relationship with sex workers, and has even extended to organizations that are not current recipients of PEPFAR funds, perhaps because they hope to receive U.S. funding in the future (“PEPFAR and Sex Work” 2011). Even those programs that reject or are denied funding, and therefore do not engage in self-censorship, are still often forced to limit their services to sex workers due to a lack of funds.

In terms of specific program alterations, organizations have often reduced or eliminated services for sex workers. Drop-in centers and clinics have been closed, sometimes eliminating the only access that sex workers have to a bed, bathroom, or clean water (“PEPFAR and Sex Work” 2011). Because of the closure of both clinics and programs, sex workers have less access to condoms and personal lubricant, both of which are critical tools in the prevention of HIV (Ditmore and Allman 2013). In some cases, peer education programs for sex workers have been closed, condom negotiation workshops canceled, media campaigns dropped, and campaigns against the violence against sex workers – who are often the subjects of some of the highest rates of violence – have been eliminated (Ditmore and Allman 2013) (Busza 2006) (“PEPFAR and Sex Work” 2011) (“PEPFAR” 2008).

EFFECTS ON RESEARCH AND INFORMATION SHARING

Many NGOs have not only limited their services to sex workers, but their discussions on prostitution as well, again in an effort at self-censorship. As a result, the anti-prostitution clause has made it difficult to understand exactly how sex workers are affected by HIV/AIDS and what types of programs are effective in working with them, because many organizations avoid using the term “sex worker,” preferring to use vague terms such as “vulnerable women” as a substitute instead, making it difficult to truly identify the target population or evaluate programming, which complicates research (“PEPFAR and Sex Work” 2011). Researchers and aid workers, in turn, are frustrated by the lack of response to, and implementation of, the recommendations they have provided based on evidence-based practices that conflict with the clause (“PEPFAR and Sex Work” 2011).

many organizations avoid using the term “sex worker,” preferring to use vague terms such as “vulnerable women”...

In addition, reports and publications about any successful programs that have been conducted with sex workers are often suppressed, both through self-censorship and the reluctance of external organizations and journals to being associated with such efforts. Even those programs that have achieved success in working with sex workers have not been scaled up or publicized (“PEPFAR and Sex Work” 2011), meaning that the sharing of

information (reports, papers, presentations, and other media) is stifled, limiting the sharing of “best practices” and the development, implementation, and replication of evidence-based, effective programming (Ditmore and Allman 2013). This suppression of information and failure to design and implement programs with a foundation in evidence-based approaches is counter-productive, especially given the high risk and vulnerability to HIV that sex workers face on a daily basis. The pledge constrains scientific research and educated debates on promising areas of prevention, because these advances require the free flow of information. An article in the Journal of the American Medical Association summarized the problem in the following way: “When government compels organizations to refrain from examining controversial problems, it inhibits scientific inquiry to collect, discuss, and disseminate research findings and best practices. A free marketplace of ideas is particularly crucial in the AIDS pandemic, which is often driven by marginalized communities, such as sex workers” (Gostin 2013).

The closure of HIV programs and services to sex workers has had severely adverse effects on the health of these individuals. As noted in the above section, many sex workers now face reduced access to condoms and personal lubricant, as well as other HIV-related services, putting them at a greater risk for both contracting HIV and, for those that are already HIV-positive, a decreased resource base and diminished well-being. Also discussed above is the fact that multiple HIV awareness campaigns and campaigns opposing violence against sex workers have also been dropped, leaving these individuals at a greater risk for being mistreated and abused. Given that the anti-prostitution clause does not apply exclusively to PEPFAR funded programs, but to all of the organizations' activities, additional programs are often affected, including programs promoting access to clean water, sanitation, life-saving medicines and medical care (Ditmore and Allman 2013). These programs can have a great impact on the quality of life of sex workers. As noted above, the closure of programs and centers has sometimes eliminated the only access to a bed, bathroom, or clean water that sex workers have in their community ("PEPFAR and Sex Work" 2011). Hazera Bagum, director of the sex worker outreach organization Durjoy Nari Shangha in Bangladesh, explained that in his experience, "[m]ost street sex workers are homeless. They have nowhere to go to sleep, to bathe, or to use the toilet. Durjoy's drop-in centers acted like a home for them. They came in and rested, educated themselves and talked to each other about effective HIV prevention...The monthly condom distribution rate used to be very high, but since the closings, there is less access, so sex workers are not using as many condoms. They distribute fewer every month" (Chen 2013).

Another consequence of PEPFAR's anti-prostitution clause has been an increase in the stigma and discrimination against sex workers, an already vulnerable and marginalized population. This is because the anti-prostitution policy perpetuates the idea that sex work is a moral blight, as are those who engage in it. This stigma has been seen in health care settings, NGOs, government settings, and other networks. For example, the Asia Pacific Network of Sex Workers (APNSW) reported that sex workers were denied services in U.S. government-funded clinics across the region, and in Thailand and Cambodia, projects that involved interactions with sex workers reported that after their partners abandoned them they were excluded from networks that they had previously participated in ("PEPFAR and Sex Work" 2011).

This stigma has given free reign to police who are often implicated in the abuse or extortion of sex workers, and has resulted in the continuation of violence, discrimination and human rights violations against individuals working in prostitution ("Anti-Prostitution Pledge"). This discrimination only serves to further alienate sex workers, compromising the ability of those working in HIV prevention to reach out to, and connect with these individuals. Given the treatment of sex workers in the wake of the anti-prostitution pledge, relationships between the providers and the clients of HIV services have been damaged, trust has been eroded, and many sex workers are now wary of forming alliances with NGOs and other organizations ("PEPFAR and Sex Work" 2011) (Chen 2013). Various studies have concluded that, not only is it essential that HIV-prevention programs work closely with individuals involved in prostitution, but that they do so in a non-judgmental manner ("Anti-Prostitution Pledge") (Ditmore and Allman 2013). The anti-prostitution pledge is fundamentally at odds with, and works counter to, this recommendation.

"The monthly condom distribution rate used to be very high, but since the closings, there is less access, so sex workers are not using as many condoms."

While HIV rates have declined globally (Kelland 2013) (Gardner 2012), in many countries they have increased among vulnerable populations such as sex workers (other vulnerable groups include drug users and men who have sex with men – MSM). For example, in Tanzania in the mid-1990's, close to 1 in 10 people were living with HIV/AIDS, and while this situation improved with the introduction of PEPFAR funds, reducing the country's national HIV rate to just 5%, the rate among sex workers actually increased (Kane 2013). Of the 42 countries with available data reported by UNAIDS, 16 countries registered an increased prevalence of HIV among sex workers between 2009 and 2012: Afghanistan, Bolivia, Bosnia and Herzegovina, Burkina Faso, Cameroon, Cuba, Haiti, Honduras, Kyrgyzstan, People's Democratic Republic of Lao, Lithuania, Pakistan, Papua New Guinea, Paraguay, Tajikistan, and Tunisia ("Global Report" 2013). Vulnerable populations, including but not limited to sex workers, account for as much as 51% of new HIV infections in Nigeria, 33% in Kenya, 80% in Morocco and 47% in the Dominican Republic (Kane 2013). In Ghana in 2008, only about 2% of the general population was living with HIV, while prevalence among sex workers was over 70% ("Tailoring the HIV Response" 2008). In

sub-Saharan Africa, HIV rates among sex workers reached 36.9% between 2007 and 2011 (Gostin 2013). Researchers have found that in some cases, while PEPFAR-funded programs have prevented deaths by increasing the availability of care and treatment, they have been relatively ineffective in the prevention of HIV ("PEPFAR and Sex Work" 2011). Figure 2 in the appendix shows a forest plot from the World Bank, comparing the incidence rate for the disease between female sex workers and female non-sex workers (excluding males and transgender individuals) in low and middle-income countries (Groll 2013). The far right column shows the ratio of the likelihood that a sex-worker is infected with HIV to the likelihood that a non-sex worker is infected with HIV, reflecting a trend that sex workers, regardless of country, are still at a greater risk for contracting HIV. In August of 2013, amfAR warned in a report that "unless effective strategies are put in place to mitigate the HIV burden in key populations, the global epidemic will worsen over time, preventing the world from realizing the dream of an AIDS-free generation" (Kane 2013).

SUPPORT FOR THE PLEDGE

There have been instances of strong domestic support for the anti-prostitution policy. For example in 2005, President Bush received a letter signed by over 100 groups supporting the policy. These groups included the Christian Medical Association, Concerned Women for America, Family Research Council, Focus on the Family, National Association of Evangelicals, Southern Baptist Ethics & Religious Liberty Commission, Sex Industry Survivors, The Medical Institute, The Salvation Army, World Hope International and World Relief ("Over 100 Groups" 2005). These organizations oppose "harm-reduction" approaches, claiming that anything but a zero-tolerance policy towards prostitution leads to an increased demand for sex trafficking. The stated aim of the anti-prostitution clause, however, is not to end prostitution or sex trafficking (two terms which are often inappropriately used interchangeably), but rather to ensure that U.S. government funds are not used to further advance these activities.

DISCUSSION

Analysis demonstrates that PEPFAR's anti-prostitution clause has un-

deniably altered the outcomes of relevant programs, and it is clear that the impact is largely negative. Valuable programs have been closed or have chosen to refuse funding, cutting off valuable resources in their fight against HIV. The policy has exacerbated the stigmatization of and discrimination against sex workers, an already vulnerable population. As a result, valuable relationships between prostitutes and health workers have been damaged, sex workers have become harder to reach and have been exposed to a greater risk of violence, abuse, exclusion, and HIV infection. Many have also lost valuable resources that improve their quality of life (toilets, clean water, etc.).

In addition to the negative impact on the treatment of sex workers, and perhaps more important in terms of global health, the clause has had a negative impact on the global fight against HIV. Despite the declining trend in HIV rates worldwide, rates remain disproportionately high among individuals engaged in prostitution, and we have seen that in many countries the prevalence among sex workers is actually increasing. Another cause for alarm has been the decrease in HIV/AIDS research in regards to sex workers, and the lack of information sharing – both attributed to the fear that such activities would prompt investigation and possibly the loss of funding. This has limited our ability to understand the current situation of sex workers, and how to effectively develop and implement programs in dealing with them and the role that they play in the HIV epidemic.

These reactions to the pledge have been seen even among organizations that were not told to decrease their interaction with sex workers, and organizations who are not current recipients of PEPFAR funds, demonstrating a troubling tendency towards self-censorship. In 2013 an independent advisory panel noted that “[T]here is concern that the restriction [of the clause] has meant that organizations created by sex workers themselves, that could be providing services and are uniquely positioned to access this population, have been excluded from PEPFAR’s efforts, as have activities to limit the severity of criminal penalties for sex workers, penalties that can interfere with HIV-related services and outcomes. These efforts have been restricted even though their inclusion would not necessitate a direct link to the promotion of the legalization of prostitution” (“Evaluation of PEPFAR” 2013). This is largely due to the lack of clarity and arbitrary enforcement of the pledge. More specific guidelines, or a list of activities that constitute the “promotion” of prostitution, would go a long way towards alleviating the burden of organizations to interpret the clause on their own, and would lead to less self-censorship and improved outcomes.

Sex workers are clearly an important component in the spread of HIV, and must be addressed. The United States government has recognized the importance of addressing prostitution as a part of its strategic plan in the fight against HIV/AIDS. On its official website, the PEPFAR program notes that “In many countries, cultural norms contribute to stigmatization of sex workers, limiting their ability to seek or obtain care. PEPFAR is working with governments to ensure that access to health care and social services is not denied because an individual is a sex worker” (“Prevention: Strategic Populations” 2014). Related to this, in 2013, in response to concerns about sex workers being left out of HIV programs, the then head of PEPFAR, the United States Global AIDS coordinator, Eric Goosby, stated,

“What the clause really was focused on was to ensure that PEPFAR did not fund organizations involved in trying to legalize prostitution and traffic women into prostitution. We have changed it so an organization doesn’t have to sign [a separate document pledging to oppose sex work and sex trafficking]; we have folded in an agreement that the [beneficiary] organization will not traffic women into prostitution – there is no separate document. PEPFAR has not de-funded any program on the planet for these reasons. We want to care for every sex worker out there. If a sex worker comes into any of our facilities, that person will be embraced and followed for the duration of their life on anti-retrovirals. If there are examples of anybody being turned away [for being a sex worker], if some-

one feels that they were excluded from or dropped out of care for those reasons, we would get on that like a laser” (“GLOBAL” 2010).

These assurances have ultimately proved to be hollow – we have seen that, through the defunding of programs (often for ambiguous reasons), the anti-prostitution clause has in fact decreased the access of many sex workers to valuable and necessary resources, while simultaneously contributing to an increase in their stigmatization. The lack of clarity in the clause allows the US administration and officers monitoring funding to continue to enforce the pledge as they see fit. As Doctors Melissa Ditmore and Dan Allman concluded in their evaluation of the anti-prostitution clause, “The provision of life-and-death services should not be determined by ‘political winds’” (Ditmore and Allman 2013). Again, clear guidance on programming with sex workers could help to deal with this concern.

In addition to the lack of clarity in the clause, what further complicates discussion on this issue is the common confusion of the terms “human trafficking” and “prostitution.” This has been an issue since PEPFAR’s inception – when the anti-prostitution clause was initially proposed by Representative Chris Smith [R, NJ], it lumped together “prostitution” and “sex trafficking” (Grant 2013). Smith referred to the two terms interchangeably, claiming that all organizations that support HIV peer-education and prevention among sex workers are “traffickers,” and that the pledge was necessary to keep U.S. financial support out of the hands of “pimps and traffickers” (Grant 2013). These are two distinct acts, and in policy discussions and decisions, there should always be a clear separation between prostitution (understood as voluntary sex work by adults), and sex trafficking.

What is more, the requirement that funding recipients not “advocate” for prostitution flies in the face of the recommendation made by the United Nations and the Global Commission on HIV and the Law (a commission backed by the U.N.), to support the decriminalization of prostitution. In 2012, at a meeting in Bangkok, where the U.N. discussed its study “Sex Work and the Law in Asia and the Pacific,” Cherie Hart, a spokeswoman for the UN Development Program, explained that the study had found “no evidence from countries of Asia and the Pacific” that outlawing the sex trade helped to prevent HIV epidemics among sex workers, and that “criminalization increases vulnerability to HIV” (Ehrlich 2012). The 2012 report issued by the Global Commission on HIV and the Law, titled “HIV and the Law: Risks, Rights, and Health,” recommended that sex work be recognized as an occupation in order to promote regulation. One of the specific recommendations mentioned in the report is to “Decriminalize private and consensual adult sexual behaviors, including same-sex sexual acts and voluntary sex work.” (Swysgood 2012). There are other organizations, including UNAIDS and the WHO which have also argued that the “moral disapproval, criminalization of sex work, or both is discriminatory and undermines public health strategies,” preferring to focus on community empowerment and diminishing stigma” (Gostin 2013).

Melissa Ditmore and Dan Allman concluded that the anti-prostitution policy of the United States has “compromised the efficacy of US-funded HIV prevention efforts, particularly with regard to most-at-risk populations including sex workers and transgender people” (Ditmore and Allman 2013). They go on to claim that “The anti-prostitution pledge works counter to HIV prevention...Best practices for HIV prevention emphasize combating stigma and discrimination and the involvement of target populations in designing effective programs” and that organizations and health workers should place a greater focus on “evidence-based proven-effective programming” (Ditmore and Allman 2013). It is because of this argument that I do not share in the celebration of many organizations following the Supreme Court ruling that the anti-prostitution clause is unconstitutional on the grounds that it violates freedom of speech. While I can appreciate that this decision has freed U.S. organizations to work more closely with sex workers, and that this is indeed a very important aspect of HIV prevention and treatment domestically, I am frustrated

that legislators and policy-makers are still missing the point. Some may argue that the ends justify the means, but I do not see this ruling as a step forward. Rather, I see it as a lateral move, a continuation of the tendency to base policy on ideology and morality rather than on practices that are grounded in scientific facts and evidence.

It is my belief, in light of these findings, that the United States government should eliminate its anti-prostitution restriction on funding, and should instead place a greater emphasis on the use of evidence-based approaches to HIV prevention. The current policy undermines the credibility and ability of health workers to reach, and effectively work with, those individuals working in prostitution. It has a negative impact on the quality of life of these sex workers, and a negative impact on HIV rates in general. UN Secretary General Ban-Ki Moon, in his statement to the International AIDS Conference in August 2008, stated, “Not only is it unethical not to protect these groups [sex workers, drug users, and MSM]; it makes no sense from a health perspective. It hurts all of us” (“New Same Sex and Transgender Action Framework” 2009). If the United States wishes to engage in activities that combat prostitution, or encourage the provision of resources and alternatives to prostitution, they should do so, but incorporating anti-prostitution ideology into HIV/AIDS strategies only serves to and impede the global fight against HIV.



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DEFORESTATION *and* DRUG TRAFFICKING

Photo by Ewan MacPhillimy

The Impact of Mexican Organized Crime on the Environment

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INTRODUCTION

There is a long and well documented link between the drug industry and deforestation. This phenomenon has been particularly well studied in the Andes, where there is a direct relationship between deforestation and the cultivation of coca. More recently, there has been a shift in research in examining the link between drug trafficking and deforestation, rather than just the relationship with cultivation. This is an important and far more complicated realm of study, as it involves trafficking, money laundering, land tenure and the geopolitics of the war on drugs. This paper will synthesize some of the existing literature on the issue, and suggest that drug policy is in fact conservation policy. In addition, it will outline a link between increased enforcement efforts in Mexico, and a rise in deforestation in Central America. Although deforestation is caused by a whole host of reasons, the link between Mexican cartels and Central American ecologies cannot be overlooked.

Drug policy regarding Mexico has a profound influence on Central America's forests, as drug cartels exert influence in weak states. Mexican criminal enterprises control vast fortunes through the drug trade, and have great influence over how and where trafficking is conducted. In terms of market share, 30 percent of the heroin consumed

in the U.S. is made in Mexico and 90 percent of cocaine that enters the U.S. comes through Mexico. Mexican cartels are also producing a rising quantity of methamphetamine (Aldhous 2006). Most illicit drugs that enter the U.S. pass through Central America and Mexico, especially since the Caribbean routes became more difficult after September 11th, 2001. As air and sea travel through the Caribbean became restricted, the supply chain shifted to more accessible routes. This shift required new infrastructure for trafficking, such as ports and secret airstrips in forested areas and in protected parks (Dávalos and Bejarano 2008). Clearing forested land for trafficking has serious ecological impacts. Mexican criminal organizations are in control of large segments of the Guatemalan Petén in the Maya Biosphere Reserve where new runways were prepared about every six months. Forest clearing due to drug trafficking in this region is responsible for destroying half of the scarlet macaw's nesting habitat by cutting tall trees along rivers in the region (Dávalos and Bejarano 2008). More recent reports indicate that cartel influence in this region is declining, however. According to Special Counter-narcotics Prosecutor, Esteban García, surveillance flights, from May to June 2010, revealed 15 landing sites and authorities have since destroyed 13 (López 2011). Even so, the presence of the cartels threatens the authority of local park services in this and other regions (Dávalos and Bejarano 2008). It also places a significant barrier to scientists who hope to do research in these areas, which are "hotspots," or regions that are extremely bio-diverse, and home to a high concentration of endemic species (Aldhous 2006; Dávalos and Bejarano 2008; Dávalos et al. 2011).

Similarly, drug trafficking in Baja California makes it difficult for biologists to monitor several sea turtle nesting areas (Aldhous 2006; Dávalos and Bejarano 2008). Biologist Wallace J. Nichols, who has studied sea turtles in Baja since 1993, explains that conservation efforts involving local fishermen in the region are hampered by epidemics of drug abuse. Tragically, there are also many cases where biologists and officials are not able to enforce environmental laws due to threats by narco-traffickers. Nichols explains that officials who are tasked with preventing turtle poaching have "had gunfire over their homes at night, flattened tyres or smashed windshields on their vehicles," as traffickers want to deter government boats from interfering. Ecologists have been threatened, kidnapped and robbed at gunpoint in regions frequented by drug runners. The threat of violence accounts in part for the lack of research quantifying the impact of trafficking damage to ecosystems (Aldhous 2006). The lack of information on the topic is something that should be taken seriously by scientists, social scientists and policy makers alike, as the "environment" is very much a part of the geopolitics of the drug trade.

REVIEW OF DEFORESTATION AND NARCO-ACTIVITY

Mexico is no stranger to deforestation. It has lost half of its forest cover, and at times has had some of the world's highest rates of deforestation (Durán et al. 2011). The relationship between Mexican narco-activity and deforestation is present in Mexico itself as well as outside of its borders. Durán et al. (2011) direct their attention to violence and deforestation in Guerrero, Mexico. They note that various studies link deforestation to small and large scale conflict, although most "meta-analyses" of deforestation neglect to study the role of violence. They seek to remedy this problem by classifying violence in two important ways. The first category includes war with organized armies with 1,000 or more yearly deaths related to battle. The focus of their study, however, is the second category, which includes low intensity conflicts by non-state actors, as well as massacres. They typically find the latter type of conflict in Guerrero, although homicide rates are unreliable and it is difficult to attribute deaths to certain causes (Durán et al. 2011). In other studies, property rights have an important place in violence and deforestation, such as in Central America. Although in Guerrero property rights are relatively stable, which allows the researchers to look to other causes for deforestation. Given this detail, they hypothesized that problems in "multi-scale governance...can lead to deforestation and violence in a context of secure property rights" (Durán et al. 2011).

Guerrero has had its fair share of violence and has a homicide rate that is double the national average due to organized crime. The Costa Grande region of Guerrero has a history of violence related to preserving the forest. In 1995, state police killed 17 peasants that were protesting illegal logging in their community, which along with other factors, incited the formation of the Ejército Popular Revolucionario a year later. In 1996, another community protested legal logging in the Coyuquilla watershed, which also led to killings, although this violence has been attributed to drug trafficking and cultivation as well (Durán et al. 2011). Durán et al. hypothesized that failures of multi-scale governance can lead to higher rates of deforestation and violence. Conversely, good governance and community organization might offset deforestation and violence. They refer to this organization as "forest governance institutions" which include community assemblies, unions, inter-community groups and community forest enterprises (CFE's) which refer to forest organizations from local to national levels (Durán et al. 2011). This fact is important in that it suggests that community building has the potential to quell deforestation in the face of strong actors. It is likely that deforestation rates in the Northern Triangle are particularly high because cartels have been successful in keeping community organizing weak and have the power and influence to exert control over communities through money and threats. Further study will be necessary to look deeper at this particular issue.

The researchers found that communities in Corrales, Mexico had strong governance and low deforestation rates, and that Mameyal, Mexico had weaker governance and higher deforestation. The higher deforestation in Mameyal is also associated with higher population and cattle ranching, however. The overarching conclusion of the study suggests that when two types of governance are functioning (local, regional, federal), deforestation and violence levels are low. Although the study does not show that narco-activity causes deforestation, it outlines that strong governance reduce both deforestation and violence. That in itself outlines the importance of community building for both ecological and social concerns. (Durán et al. 2011)

The demand for illicit drugs in the U.S. and the ability of Mexican cartels to meet that demand have lasting effects on the environment in other parts of Latin America. The study outlined below is an important reminder that deforestation and the drug trade are a multinational concern. Dávalos et al. (2011) present findings on the relationship between coca production, protected land and deforestation in Colombia. The study found that in the northern Andes and in the Chocó region in southern Colombia, coca cultivation increases the probability of forest conversion. The study does not suggest that coca cultivation is the cause of deforestation, but rather that it is associated with its increase. Changes in population density also increase rates of deforestation in this area, while protected areas decrease the chance of clearing forests. Conversely, as coca cultivation is illegal, production is concentrated in areas that are removed from state influence. The paper suggests that as protected areas are less likely to experience deforestation, a larger scale initiative to protect forests could prevent deforestation. The paper did not, however, point out that this might not be effective, as making the area protected would do little good without having a state presence to enforce legislation. Deforestation in this region will continue if growers are forced to relocate and as demand for cocaine continues. The study points out another "Catch 22": eradication and law enforcement tends to encourage new forest clearing and the relocation of coca growers (Dávalos et al. 2011). This balloon effect could explain why there are higher deforestation rates than coca production in areas where enforcement is present. Given this detail, their argument that protecting more forest in remote areas could enhance conservation is not strong. That is not to say that forests should not be protected.

Conservation efforts could be directed at alternative development models for coca communities. Although this could have some effect, as long as coca production is still profitable, it will still be produced. Efforts in the U.S. to reduce demand could reduce production and as a result deforestation. Reduction of market demand is a conserva-

tion issue. This reduction of demand in the U.S. also serves the benefit of reducing the influence of cartels in Mexico. Reducing cartel influence through demand rather than enforcement should be a new focus.

Drug eradication can impact forest cover in a variety of ways. In another article by Dávalos (2008), the author points out that eradication efforts that involve spraying herbicide have destroyed areas of national park in which the Colombian government is to protect. There are also eradication programs that are operating in nine protected areas of California. In Mexico, activities of this nature have the potential to destroy fragile ecosystems, as poppies are produced in Mexican highlands (Dávalos and Bejarano 2008). Ecologist Sandra Guido, from the Research Centre for Food and Development in Mazatlán, explains that jaguars and other animals are displaced by opiate production and are then often shot by ranchers (Aldhous 2006). In Chihuahua, Mexico, where marijuana and poppies are cultivated, chemical eradication efforts could harm the Zacatecan deer mouse and some reptiles that are native only to that region. Additionally, deforestation and water use for production in this area negatively impact these species, and both marijuana and poppies make the soil prone to erosion and diminish its ability to hold moisture (Dávalos and Bejarano 2008). Regrettably, the impact of drug agriculture on biodiversity continues to be understudied (Salisbury and Fagan 2011).

Dávalos and Bejarano (2008) propose the controversial theory that drug production could be the lesser of two evils, as drug farmers can make more profit per acre than legal crops, which could potentially reduce the overall impact of agriculture on forests. This theory has yet to be tested, however, and in order to be useful it would need to include the impact of deforestation and trafficking, rather than just environmental impacts as they relate to cultivation.

GEOPOLITICS OF TRAFFICKING

Drug trafficking and the presence of organized crime has increased in Central America. This is due to weak systems of governance, remote and difficult to access geography, as well as being a convenient transit site on the way to the U.S. Cynthia J. Arnson and Eric L. Olson explain in a Wilson Center report on organized crime in Central America that “the region’s porous land borders and extensive coastlines are not adequately controlled, making them vulnerable to exploitation by criminal groups” (Arnson and Olson 2011). In the same publication, Julie López (2011) points to a long history of widespread influence of Colombian and Mexican organized crime in Guatemala, and Douglas Farah (2011) examines transnational drug links in El Salvador. As noted above, these vast coastlines with little development and little state presence are the same regions that are host to some of the most biodiverse ecosystems. Although the Wilson Center report is thorough in its findings, it does not attempt to discuss the relationship that these porous borders and isolated coastlines have on the environment.

Other research lends to the theory that increased enforcement efforts in Mexico have driven an expansion of deforestation and other adverse environmental impacts on the Northern Triangle. Arnson and Olson (2011) write that “Mexican organized crime groups have also increased their presence in Central America: as competition for control of territory has intensified in Mexico, these groups have expanded their illegal activities into contiguous territories, and are also now heavily involved in immigrant smuggling”. In addition to increased competition, the U.S. and Mexico have successfully suppressed drug running flights from South America into Mexico, which has pushed secret flights and drug transiting into the Northern Triangle (Arnson and Olson 2011). This success is in part due to

a new U.S. funded Naval base in the Dominican Republic, which rather than addressing the problem at hand, merely encourages drug trafficking organizations to find alternative routes (Stone 2013). For instance, the U.S. State Department’s Bureau of International Narcotics Control and Law enforcement published that 42 percent of the cocaine entering the country passed through Central America directly from South America, but after enforcement intensified, by 2010 it had increased to 60 percent. In addition, 42 percent of cocaine flights from South America that are headed to other regions of the world land in Honduras. (Arnson and Olson 2011)

Guatemala and Honduras now have a special place in the role of drug trafficking due to relatively laissez-faire enforcement and strong political influence on the part of cartels. A Guatemalan foreign diplomat explained that seven Guatemalan states were not under government control (Dudley 2011). Given this political setting, cartels set up their business wherever enforcement is weakest. The U.S. Drug Enforcement Agency reports that following increased surveillance of Sinaloa trade routes on the Pacific, flight routes shifted from Guatemala to Honduras. (López 2011)

Mexican criminal organizations exert influence in local, state and national politics, governments and enforcement

(Dudley 2011). In 2009, Honduran forces seized a property owned by 15 Mexicans which had a well established runway and a lab equipped to produce ecstasy and methamphetamine. Allegedly, some of the land transfers were facilitated by the body guard of a Congressman, and some military units were aware of the site, but had been bought off by the Sinaloa Cartel (Bosworth 2011). In Honduras, most of the traffickers are Honduran, although following the decline of Colombian organized crime the management is largely Mexican (Bosworth 2011). The Sinaloa cartel reportedly has financed several Guatemalan political campaigns and also directs investigations by authorities towards the Zetas, who also have their fair share of influence within enforcement institutions (Dudley 2011). The shift in flight routes parallel the findings that there is an increase in deforestation for clandestine landing strips in the region (McSweeney and Pearson 2013; McSweeney et al. 2014)

Drug flights entering Honduras from South America sharply increased following the coup which ousted President Manuel Zelaya. Various flights have been tracked which leave Venezuela and fly north towards the Dominican Republic in order to avoid Colombian radar systems, and then sharply turn towards Honduras to land in the Atlántida, Colón, Gracias a Dios, Olancha, and Yoro provinces. The Olancha, Yoro and Atlántida provinces are well equipped to receive shipments, as there are hundreds of landing strips and cleared fields in the area which are left over from the banana industry (Bosworth 2011; Dudley 2011). Unpopulated roads in Yoro are also viable options for landing. Clearly, there is little incentive for clear cutting forests in these states, as agricultural interests have already done most of the work. On the other hand, agri-business interests are often complicit in landing, as they can receive \$50,000 per landing. Teams of 25 to 30 men can clear the grass and remaining trees on a section of an hacienda in a matter of hours before a flights arrives, making the location of a shipment difficult to track. It is also estimated that since flights have shifted more heavily into Honduras, planes are able to carry more product than they did when flying directly to Mexico. (Dudley 2011)

Narco-flights have transitioned away from Guatemala from 2008 to 2010, although there was previously a strong presence of air drug trafficking in the country. The number of secret air strips in Guatemala is also contested; some reports claim that there are 490 landing strips while others call that an exaggeration. To give some perspective to the distribution of drug flights, Julie López (2011) reports that between January and May 2010, of the 77 detected flights from Colombia, most landed in Honduras, but 21 went to Haiti given the confusion surround-

...jaguars and other animals are displaced by opiate production and are then often shot by ranchers.

ing the earthquake, three landed in Guatemala, and a few also landed in Nicaragua. More recent reports claim that an increasing number of flights are directed to Nicaragua's Mosquito Coast due to heightened security in the Caribbean and the fact that Honduran authorities shot down two drug planes in 2012. Rather than flying directly to Honduras, planes are now unloading in Panama and Nicaragua, and shipments go on in smaller prop planes or by boat to Honduras. (Stone 2013) Other sources, however, find that narco-traffickers continue to have a strong presence in the Honduran Mosquitia (McSweeney and Pearson 2013).

LAUNDERING AWAY BIODIVERSITY

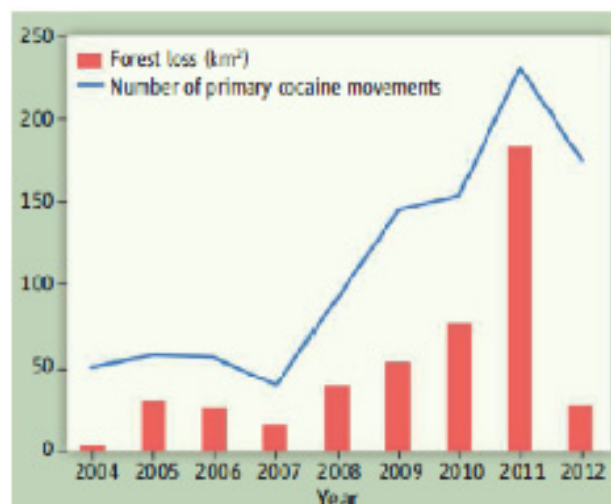
The prominence of laundering drug money by Mexican cartels varies from country to country. Douglas Farah (2011) notes that El Salvador is particularly prone to laundering activities, as it has one of the best banking systems in Central America. There is strong evidence that the Salvadorian gang called Perrones is involved in washing money through business interests in San Miguel (Farah 2011). Edgar Barquín disclosed in September 2010 that an organized crime group with operations in Guatemala "had laundered nearly Q300 million (US\$37.5 million)" from "operations in China, Colombia, Ecuador, Panama, and some Caribbean and African countries, using financial and commercial systems in at least four countries" (López 2011). This money was invested and diversified in Guatemalan businesses, including the cattle and real estate industries, although there is little data suggesting a correlation between increased deforestation and cartel money laundering in Guatemala. Further research which carefully examines land titles against GIS imaging should address this issue.

Findings on the issue of money laundering in Honduras, however, are mixed, pointing to the fact that more research on the issue is warranted. Environmental science and advocacy groups should spearhead this effort, as new research points to the link between conservation policy and narco money laundering (McSweeney and Pearson 2013; McSweeney et al. 2014). Bosworth (2011) finds that the Honduran government has a limited capacity to investigate crimes. As a result, drug money is often spent in country without going through the effort of laundering fortunes. Yet McSweeney finds that organized crime is increasingly laundering through agriculture. This interest stems from the profitability of buying and converting forested land to pasture or palm oil plantations, while simultaneously laundering profits (McSweeney et al. 2014). There is also value in land speculation, as the Río Plátano Biosphere Reserve saw land prices rise by 300% from 2002-2010 (McSweeney and Pearson 2013). In some cases, local traffickers are responsible for purchasing and clearing lands, often under the direction of international groups. These so called "narco-estates" provide buffer zones against authorities, legitimize their presence in the region, and secure control for trafficking routes and can increase a cartels sphere of influence relative to their competition (McSweeney and Pearson 2013; McSweeney et al. 2014). Differently, established agricultural interests are often encouraged to take part in the drug business. This provides them with access to capital, which increases the toll of agriculture on forested areas. This same effect occurs in the fishing industries, as drug money encourages increased fishing infrastructure in the Caribbean (Benessaiah and Sayles 2014). Although there is not yet quantifiable data examining land speculation and "improvement" by narco-groups in Honduras, the link is clear.

TRAFFICKING AND DEFORESTATION

There is an established parallel between forest loss and cocaine shipments in Honduras, however. The chart below shows that deforestation in eastern Honduras quadrupled in five years time as drug shipments in the country rose. The data for 2012 correlates with Stone's (2013) report that shipments to Honduras have decreased and Nicaragua is taking on more of this role. Although these findings likely indicate a strong relationship with narco-activities, it cannot be said that organized crime is responsible for a fourfold increase in deforestation rates, as other factors also contribute to deforestation.

In Honduras, entire communities have abandoned their communal land



Deforestation and drug trafficking in eastern Honduras. Deforested area is the sum of new clearings >5.29 ha detected by the Moderate Resolution Imaging Spectroradiometer (MODIS). For materials and methods, see the supplementary materials.

(McSweeney et al. 2014)

after threats from drug traffickers. Others have been forced to sell or allow usage of their lands. This is a special problem for indigenous peoples in La Mosquitia, where the Garifuna, Miskitu, Tawakha and Pech peoples reside, as they are often without secure land title or tenure. This has special implications for the health of ecosystems, as much of the land occupied by drug traffickers is indigenous land and the indigenous have been historical stewards of the earth. There is hope, however, in that President Porfirio Lobo granted formal title of 3,000 square miles of their historical land to the Miskito (McSweeney et al. 2013). Nonetheless, organized crime has little respect for the law, and they will use the land that they deem necessary regardless of whether land is indigenous, protected, or if they own it.

There is a discernible relationship between increased drug enforcement in Mexico and a decline in ecosystems. The importance of La Mosquitia as a drug trafficking region skyrocketed after 2006, leading researchers to believe that by 2012, 86% of all South American drug flights landed in the region. As families were displaced from their land, there was a sharp rise in clearing land for pasture. Satellite images reveal a rapid change from the indigenous communities. Where there was once alternating fallow land, cultivated land and forest there are large swaths of pasture. Narco-traffickers attempt to divide communities by involving some community members in trafficking as well as brokering land deals. McSweeney places blame on this rapid change in land use in part on President Lobo and his 2010 'National Program for Investment Promotion', with its catch phrase that 'Honduras is Open for Business' (McSweeney and Pearson 2013). This program rezones La Mosquitia to encourage "direct foreign investment in agribusiness, forestry, and energy" (McSweeney and Pearson 2013). Although it is hard to prove, McSweeney speculates that drug interests and big business have coordinated efforts of deforestation in La Mosquitia. Businessman and politician Miguel Facussé, who was involved in the plotting of the 2009 coup, was influential in pushing for the open for business model. He leads the Dinant Corporation which is a food manufacturing conglomerate that has targeted indigenous lands for exploitation. Tellingly, a cable from the U.S. Embassy in 2004 that was released by Wikileaks explains that Facussé's private security force was complicit in the landing of a drug flight on his property (McSweeney and Pearson 2013). The extent of further cooperation between drug interests and agribusiness in intimidation and development in the land grab is unknown.

POLICY RECOMMENDATIONS AND FUTURE RESEARCH

As noted in other segments of this paper, further research is required to understand the important links between drug trafficking, laundering

and ecological impacts. Future studies should include a hybrid approach which integrates satellite imaging and in situ environmental studies within a larger geopolitical scope. This sort of research should necessarily involve conservation science in the realm of international affairs, security and politics. A more multidisciplinary approach should look at causal relationships between enforcement policy and how and where that impacts local environments. Stronger data on the subject will allow policy makers to realize that the drug trade is not just a social and security concern. This research will also encourage ecologists and biologists to make recommendations on how policy and enforcement can have minimal environmental impacts.

It will be challenging to persuade academia and government agencies that organized crime and the environment are issues that should be synthesized rather than studied separately. Researchers and policy makers should take a lesson in flexibility from the cartels. Rather than merely creating balloon effects with policy, stronger predictions should be made to offset shifts. Communication and findings between different disciplines will also give a more thorough understanding of the drug trade through multiple lenses.

This paper outlines the influence of Mexican cartels on ecological issues in Central America, and shows that enforcement can help determine which regions will endure more or less environmental problems. A drug policy decision made in Washington, Mexico City or by criminal organizations can have widespread environmental repercussions throughout the region. This detail must be reiterated, as it is a concern that can be easily put aside when dealing with seemingly more important issues like national and regional security. The greatest challenge of all in pushing policy makers and enforcement agencies to consider environmental implications will be conducting more research. This presents another opportunity for collaboration; intelligence and security agencies can help provide the necessary safety mechanisms for ecologists to conduct sound research.



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