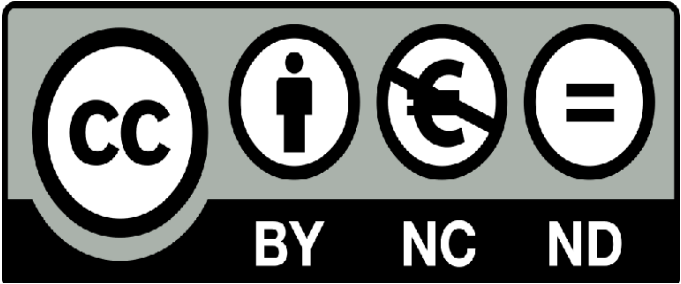# FLUX

International Relations Review

Flux operates out of Montreal, located on the traditional territory of the Kanien'keha:ka, a place which has long served as a site of meeting and exchange amongst nations. The Kanien'keha:ka are the keepers of the Eastern Door of the Haudenosaunee Confederacy. In writing about political science and international relations we strive to incorporate diverse voices and bear in mind the forces, including (neo) colonialism, which have shaped the way we understand international relations. We encourage all readers to inform themselves on and actively resist, in the diverse forms that resistance can take, (neo) colonialism in Canada and abroad.

FOREWORD

I am honoured to have overseen the team that made this issue of Flux: International Relations Review possible. For this issue, our team of writers, editors, designers, and reviewers have once again produced exceptional work in particularly challenging circumstances.

This second issue of the eleventh edition of Flux consists of five original articles showcasing some of the best social science research produced by McGill's undergraduate students. This volume covers a breadth of international relations topics from the ICC's complex relationship with African states to the impact of climate change on violent conflict and the neo-colonial militarization of African wildlife conservation. These topics are all particularly relevant and informative of future trends and developments in international relations research. They also provide a window into the issues that our generation cares about most.

This journal would not be possible without the help of all the dedicated reviewers and designers who contributed to its development, as well as the teams of editors and authors who worked tirelessly amid a global pandemic to prepare, polish, and elevate these academic pieces.

I would especially like to thank our managing editor, Emma Frattasio, for her continued support. I want to thank our team of graphic designers—Anika Ouy, Kayla Zhang, and Miranda Zhang—for their hard work and for bringing to life their creative vision for this issue. I would also like to thank Jennifer Innes, our library liaison, for consistently providing resources and advice throughout this cycle and IRSAM and its members for their continued support. I would also like to thank you, our readers, for continuing to motivate us in our project. Your readership continues to fuel our desire to publish a new issue each semester. I hope you find this issue as insightful as I did and that it inspires you to seek out more international relations literature in the future.

As Madelyn Evans takes on the position of Editor-in-Chief for Flux next year, I am excited to see the journal continue to flourish.

Best,
Maëna Raoux
Editor-in-Chief, Flux: International Relations Review 2020-2021

TABLE OF CONTENTS

Double Trouble: Analyzing the Impact of Statelessness on the Status of Kurdish Women

Maya Garfinkel

Edited by Sophia Perring and Olivia Gumbel

ABSTRACT - The struggle of Kurdish women at large has been, as many media outlets suggested, an extraordinary and unique example of women's status in the Middle East. In contrast to the widespread, surface-level narrative of Kurdish women's empowerment, a complex political, socio-historical background of Kurdish statelessness has intensified women's empowerment or oppression. This essay will demonstrate how nationalist ideology, autonomous spaces, and violent conflict may provide the conditions for a "double revolution" and/or "double oppression" of stateless Kurdish women through the lens of statelessness. These three features of statelessness intersect with unique features of the stateless Kurdish populations across the Middle East to determine a woman's status. More specifically, the case of Syrian Kurdistan exemplifies a "double revolution" while Iraqi Kurdistan exemplifies a case of "double oppression" for Kurdish women.

The struggle of Kurdish women at large has been, as many media outlets suggest, an extraordinary and unique example of women's status in the Middle East (Şimşek & Jongerden, 2018, 1). However, the so-called "empowerment" of Kurdish women has not been universal as many Kurdish women still experience violence, discrimination, and subordination due to one or more identities that they hold. Behind the surface-level narrative of Kurdish women's empowerment lies the complex political, social, and historical backdrop of Kurdish statelessness, contributing to Kurdish women's varying statuses today.

Stateless people may be defined as those who lack "effective nationality" and are prohibited from enjoying the rights associated with citizenship (UNHCR 2000). The Kurdish people, an ethnic minority of about 25 million, are one of the largest stateless populations in the world (The Editors of Encyclopaedia Britannica, 2019, 1). In 1923, the Treaty of Lausanne established present-day Turkey across what would have been the borders of an autonomous Kurdistan (Who Are the Kurds? - BBC News, 2019, 2). The Treaty left the Kurdish people with minority status in the four main countries in which they reside: Turkey, Iran, Iraq, and Syria (Zadeh, 2018, 1). Within these four main countries, the experience of Kurdish people, and Kurdish women, more specifically, vary widely due to different experiences in statelessness. The ways in which statelessness has impacted the status of Kurdish women may be loosely categorized into two primary paths: "double revolution" and "double oppression." A double revolution describes the advancement of Kurdish women, wherein the stateless population's agenda and the feminist agenda are complimentary and can develop in ways that would have been impossible on their own. For Kurdish women, a double revolution leads to greater feminist freedoms and rights in conjunction with greater national autonomy as a stateless Kurd. Double oppression describes the intersectional way in which Kurdish women may experience gender-based discrimination in conjunction with discrimination against their Kurdish identity. For Kurdish women, double oppression entails increased gender-based oppression and violence, exacerbated by unique characteristics of Kurds' stateless status.

Kurdish populations across the Middle East face a spectrum of challenges that mainly depend on their location and relationship with the state or group controlling the area where they reside. As a result of these circumstances, this essay will focus on the Kurdish populations in Syria and Iraq as distinct populations. In Syria, approximately 300,000 Kurds have been granted Syrian citizenship since the 1960s (Avenue et al., 2009, 10). Under the guise of land reform and redistribution, land traditionally controlled by Kurdish populations within Syrian borders has been systematically redistributed to their Arab-majority neighbours (Avenue et al., 2009, 10). In conjunction with revoking Kurds' Syrian citizenship, this act is a part of a larger trend to culturally oppress, politically alienate, and systematically deny Kurds fundamental human rights within Syria's borders (Avenue et al., 2009, 11). Most Kurds in Syria are geographically situated between territory controlled by the brutal al-Assad regime and the neighbouring Turkish border, escaping the violence of the Syrian Civil War and associated violent conflict nearly impossible. Syrian Kurds' proximity to Turkey has also led to an exchange of leftist ideology and values from Turkey-based Kurdish forces to Syria-based forces (Federici, 2015, 83). Even so, Syrian Kurds have established relative autonomy in the northeastern region of Syria (Federici, 2015, 82). This province, called Rojava, is within Syria but is mainly under Kurdish control. Some displaced Kurds have attempted to cross Semalka, the closest international border crossing in the area, and enter Kurdish-controlled Iraqi territory. Across Semalka, Kurds of Iraq face a very different reality than their Syrian counterparts. Without the influence of Turkey-based Kurdish forces, Iraqi Kurdish movements are more defined by tribal loyalties and patrimonialism (Owtram, 2018, 305). For example, between 1994-1998, Iraqi Kurdistan was the site of a civil war between two regionally based major parties, the Kurdish Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) (Joly & Bakawan, 2016, 957). However, like Syrian Kurdistan, Iraqi Kurds have also suffered enormous losses at the hands of the states, imposing on their semi-autonomous territory (Joly & Bakawan, 2016, 960). In the last 20th century, Saddam Hussein's regime exerted brutal, even genocidal, violent control over Kurdish populations in Iraq (Joly & Bakawan, 2016, 965). However, even after Saddam Hussein's regime was overthrown, Iraqi Kurds have also been impacted by international forces, such as the United States, Soviet Union, and ISIS, competing for oil revenues and territorial control (Owtram, 2018, 307).

In each of these regions of historical Kurdistan, several features of statelessness make it so that Kurdish women may experience diminished agency or increased agency due to their stateless status. Statelessness is not a direct catalyst for feminist revolution or oppressive marginalization. Instead, unique conditions of women's statelessness have the potential to intensify women's empowerment or marginalization. This essay will demonstrate how nationalist ideology, autonomous spaces, and violent conflict may provide the conditions for a "double revolution" or 'double oppression' of stateless women through the lens of statelessness. These three features of statelessness intersect with the unique features of the stateless Kurdish population at hand to determine a woman's status. More specifically, the case of Syrian Kurdistan exemplifies a 'double revolution' while Iraqi Kurdistan exemplifies a 'double oppression' for Kurdish women. This essay will examine how features of statelessness may pave the way for Kurdish women to undergo both a 'double revolution' or 'double oppression' depending on the circumstances.

Nationalist Ideology

Nationalist ideology has long been a feature of many stateless populations. Kurdish nationalist ideology varies drastically across the four primary states of Syria, Iraq, Iran, and Turkey, in which Kurdish populations live. These points of divergence help to explain differences in the status of women across these Kurdish populations. Aspirations for an autonomous nation-state are typically the foundation of nationalist ideology; both stateless and non-stateless populations may be invested in nationalist ideology. Nationalist ideology can develop a genuine mutualism with feminist goals as status quos become more malleable through nationalist uprising; simultaneously, nationalist ideology may superficially subscribe to a feminist agenda to benefit ulterior goals. Additionally, there is a plethora of literature that describes and analyzes how nationalist movements reproduce patriarchal societal patterns and harm women (O'Keefe 2013, 1). For Kurds in Syria, nationalist ideology embodies leftist ideas, namely those of Kurdish leader Abdullah Ocalan, that have been exchanged across the Syrian-Turkish border. Conversely, in Iraqi-Kurdistan, Kurdish nationalist ideology has been divided and, consequently, weakened by divisions across political and social cleavages.

Research on statelessness is more focused on how nationalism harms women than how it may benefit women (O'Keefe 2013, 2). There is merit to this perspective as nationalist movements tend to rely on traditional gender norms and hierarchies to construct and develop a new, formal nation (O'Keefe 2013, 2). For example, the notion of the woman as a mother is often intensely amplified through and for nationalist ideology. Women are put on pedestals for advancing the nationalist cause as the biological reproducers of the nation (Brennan, 2019, 171). Unfortunately, this framing only serves nationalist ideology while diminishing women's roles in society to solely being reproductive agents, limiting their ability to live outside this role (O'Keefe 2013, 4).

Additionally, it is essential to note that Kurdish nationalists have also been accused of perversely promoting an image of Kurdish women as freer than their Persian, Turkish, and Arab counterparts to emphasize Kurdish exceptionalism and their nationalist agenda (Bengio 2016, 1). In her book on Iraq's genocidal Anfal Campaign (1986–1989) against the Kurds, Choman Hardi claims that nationalist leaders sought to advance their cause cause by leveraging Kurdish women's emotional injuries—from wartime rape and abductions orchestrated by Arab men—to gain political momentum (Bengio 2016, 1). In this

way, harmfully ingenuine feminist priorities may also come from within the stateless population, demonstrating how feminist and nationalist agendas may clash. Thus, women of Iraqi-Kurdistan are more likely to experience double oppression because of nationalist ideology, particularly in the context of statelessness. Western-based feminist literature has heavily covered the mechanisms through which statelessness may negatively affect women's status. These findings suggest that nationalist projects reproduce and rely on patriarchal norms and practices, using women's bodies as a battlefield for maintaining their political, social, and economic oppression (O'Keefe 2013, 1). This essay will devote more analysis to how nationalist ideology may positively affect women's status (O'Keefe 2013, 14).

Nationalist ideology may positively affect women's status in several ways. Nationalist agendas may include gender equality as a key tenet, especially within the ideology of the Kurdish Workers Party (PKK) and Kurdish Democratic Union Party (PYD) nationalist forces. In this way, both nationalist ideology and feminist ideology call for a disruption of the status quo and may work in tandem to achieve the changes each agenda seeks. For instance, within Syria's Kurdish population, the complementarity of nationalism and feminism contributed to the establishment of a broader political project for advancing women within Kurdish society and the Kurdish national agenda. Much of the literature centred on Kurdish women posits that the prominence of women's rights has always been a part of Kurdish nationalist ideology, albeit it has become more central over time (Al-Ali & Tas, 2018, 455). However, this seemingly omnipresent prioritization of women's rights has its origins in the Kurds' stateless condition. The PKK, the Kurdish nationalist movement in Turkey, was a challenge to the Kemalist nationalist ideology in Turkey. It is imperative to note that an integral part of the PKK's ideology and agenda is rooted in Marxist and communist beliefs. As a result, the PKK's "people's war" strategy of leftist social policies and nationalist uprising has integrated women's empowerment since the 1960s and 1970s (Al-Ali & Tas, 2018, 459). The PKK sought to

distinguish itself from and challenge Turkey; a part of this effort was to mobilize the Kurdish public for the Kurdish nationalist effort (Szekely, Henshaw, and Darden 2019, 7). Kemalist secularism had not led to significant changes in the daily lives of rural Kurdish women, in part because of their separateness and unique identity as Kurds. This power vacuum was an ideological opening for the PKK. As the PKK was ideologically predisposed to include women, their stateless movement for self-determination significantly facilitated the inclusion of large numbers of women. This development extended to the Syrian Kurdish nationalist movement. The PKK became a parent organization of the future PYD and looked to Kurdish leader Abdullah Ocalan for radical leftist ideological guidance (Szekely, Henshaw, and Darden 2019, 7). Ocalan, a Turkey-based Kurdish nationalist and father of the Kurdistan Workers' Party (PKK), has advocated for women's liberation throughout his life in the public eye. Thus, even though the PKK was focused on Kurdish liberation from Turkish rule, the organization's geographic and political proximity to Kurds across the border in Syria meant that the PKK strongly influenced its Syrian counterparts (Ferreira et al., 2018, 480). Further, the PKK and PYD are military allies and share similar experiences of cultural repression, including the quelling of the Kurdish language and names, that further facilitated the exchange of ideas and values in historical Kurdistan but across the Turkish-Syrian border (Szekely, Henshaw, and Darden 2019, 40). Thus, nationalist ideology in Syrian Kurdistan has served to advance feminist goals as both movements are rooted in leftist ideology and seek to uproot an unjust status quo. Consequently, the Kurdish women of Syria are more likely to experience a 'double revolution' as women's rights are developed alongside and within the nationalist agenda.

It is natural to ask why Iraqi Kurds have not experienced a similarly striking confluence of women's liberation and nationalist ideology. Szekely, Henshaw, and Darden (2019) explain this difference by pointing to how Iraqi Kurdish national pursuits have been much less ideologically unified and more conservative than neighbouring Syrian Kurdish nationalism. Based in the Northern part of

Iraq, Iraqi Kurdistan is home to only two regionally based major parties, the more conservative and personalist Patriotic Union of Kurdistan (PUK) and the center-left Kurdish Democratic Party (KDP). The two nationalist organizations have failed to unify across partisan lines after over twenty years of attempting to do so since the bloody Kurdish Civil War (1994-1998) between the two forces (Wilgenburg and Fumerton 2015, 4). Additionally, these divergences have led the PUK and KDP to further their nationalist agenda via tribal elites and tribal dynamics (Szekely, Henshaw, and Darden 2019, 46). Tribal elites control nationalist ideology and maintain control of much of the Kurdish political and military power through their fighting forces, known as the jash (41). This steadfast partisan factionalism has been a critical causal factor in keeping Iraqi Kurdistan from becoming a complete, stable democracy capable of integrating political change to benefit women's status in the region. Thus, nationalist ideology, mainly that which is interested in feminist liberation, has not been as consistent and entrenched in Iraqi Kurdistan as it is for the Kurds of Syria. As a result of this discrepancy in combination, made possible by unique stateless conditions, Kurdish women of Iraq are more likely to experience a "double oppression."

These differences exemplify the complexity and context-based nature of the relationship between statelessness and the status of women. In Syrian Kurdistan, specific political conditions in the region left a power vacuum for Kurdish nationalist movements to fill and promote gender equality. As a result, embracing feminism and challenging the dominant narrative of Syrian and Turkish statehood benefited the nationalist cause. Thus, Syrian Kurdistan has experienced a path akin to a 'double revolution,' as nationalist aspirations complemented feminist aspirations. Conversely, in Iraq, maintaining the political status quo, rather than making room for socio-political change, was the most beneficial strategy in the development and stability of Iraqi Kurdish nationalism (Joly and Bakawan 2016, 962). Thus, due to differing ideologies and mechanisms of nationalist mobilization, Kurdish women in Syria and Iraq have experienced a 'double

revolution' and "double oppression," respectively.

(Semi) Autonomous Spaces and Governance

Autonomous spaces controlled by stateless populations can negatively or positively impact women's status based on various factors such as legal infrastructure and ideological roots. In Syrian Kurdistan, the ruling PYD party heads a de facto, autonomous government that is developing a federal system and regional parliament. In Kurdish-controlled spaces of Northern Syria, much of the power that women have gained has been attributed to the influence of the gender egalitarian philosophy of Abdullah Ocalan. Several phrases that Ocalan coined have become well-known sayings among Kurds and exemplify the strength of Kurdish feminism. One of these phrases, "To me, women's freedom is more precious than the freedom of the homeland," demonstrates how Ocalan redefined national liberation as women's freedom (Öcalan 2017, 19). This notion can be seen through advancements such as women gaining the right to divorce and inherit property on an equal basis; women have also gained the ability to keep their children and their homes in a marital breakup (Nordland 2018). Ocalan's philosophy has become the foundation of Kurdish lifestyles, particularly in Kurdish-dominated territories in Northern Syria and Eastern Turkey. The stability of Kurd-controlled spaces in Syria helped spread Ocalan's ideology, ushering feminist ideas to the forefront of public attention, as the population became less preoccupied with land defence, military strength, and general control. The stability of the Kurdish autonomous space in Syria, albeit de facto, has allowed for the proliferation of these more feminist ideals to permeate and change women's political and social status in Kurdish Syria. Consequently, women of Syrian Kurdistan have been more likely to experience a 'double revolution' in which statelessness, and the unique potential for autonomous control that it presents, have complimented the feminist cause.

Unlike its Syrian counterpart, Iraqi Kurdistan has not followed suit concerning women's

status in Kurd-controlled Syria. Iraqi Kurdistan demonstrates how a different set of institutions and infrastructure has influenced women's status in a region. On paper, Iraqi Kurdistan's official ruling body is the autonomous Kurdish Regional Government (KRG). Still, the KRG is subject to overarching Iraqi legislation, and other Kurdish organizations continue to challenge democratic authority (Joly and Bakawan 2016, 961). The KRG is not entirely free to legislate as they please; the government is still subject to several Iraqi laws, many of which linger from Ba'athist era governance that are detrimental to women. For example, honour killings are still considered somewhat legitimate under the 1969 Iraqi Penal Code, which categorizes honour killings to benefit these murderers with lighter sentences than other murder cases (963). The existing norms and power relations that characterized rural Kurdish society in Iraq have been defined by the rivalry between the Kurdish Barzani clan and the Kurdish Talabani rather than progressive politics for Kurds as a larger population (963). In this way, the maintenance of Kurdish self-preservation in Iraqi Kurdistan left no room for feminist ideals. This example demonstrates the significance of the political and social context in determining the path a stateless population will take regarding feminist ideals. The autonomous spaces and free leaders of stateless populations can only serve to advance the status of women if feminist ideals are predisposed and convenient in the political and social context of the given population and state.

Although the women of Iraqi Kurdistan have made concerted efforts to develop women's rights and agency in the region, instability resulting from international intervention and entrenched patriarchal infighting have undercut their efforts significantly. For example, in 1991, US President Bush, European leaders, and the United Nations agreed to create Kurdish' safe havens' in Northern Iraq to quell fighting between Kurdish guerrillas and Iraqi government troops stoked by the power vacuum left after the Gulf War. This case provides a fascinating study of autonomous spaces for a stateless population (Tyler 1991). The Bush administration intended to avoid problems

with international law and regional sensitivities regarding the future of that region (Tyler 1991). This unconventional method of de-facto, unstable state-building is uniquely possible with a stateless population. The safe havens provided relative protection from outside military conflict and political interference. They facilitated the formation of new political organizations, the return of previously exiled women, and the establishment of international non-governmental organizations, creating new spaces and opportunities for Kurdish women to promote a women's rights agenda (Joly and Bakawan 2016, 970). However, safe havens did not have a uniformly positive impact on women's status. Initiatives for women's rights were actively opposed and regarded suspiciously by conservative Kurdish political figures and groups.

Additionally, the safe havens were not immune to the phenomena of gendered 'honour' crimes and other forms of violent discrimination (Szekely, Henshaw, and Darden 2019, 45). While the safe havens did give way to some positive effects on women's status in the region, the entrenched instability from within the autonomous space, characterized by tribal-feudal male power, triggered resistance from Kurdish women's rights activists. This resistance marked a point of friction between statelessness and the advancement of the feminist cause. In this way, the unstable and divided nature of Iraqi Kurdistan's autonomous space as a stateless population gave way to 'double oppression' rather than "double revolution."

In Syrian Kurdistan, feminist ideas were both predisposed and convenient for the population at hand because of radical leftist ideological roots. The fact that the region was relatively stable in terms of political, military, and social power. Conversely, in Iraqi Kurdistan, feminist ideas were neither predisposed nor convenient to implement, reflecting deeply rooted social divisions and unstable autonomous spaces subject to outside intervention from Iraqi forces. Even in a stable, autonomous space, stateless populations, in particular, must prioritize self-preservation as a result of their stateless status. As a result, a feminist agenda will only come to fruition if its emergence

is the 'path of least resistance for the benefit of a stable government. In this way, statelessness uniquely positions women to experience 'double oppression' should their space be unstable and predisposed to neglect feminist causes.

Violent Conflict

Since the 2010s, the term 'Kurdish Spring' has been used to describe the wave of upgrading of Kurdish women's status in their societies simultaneously as the Arab Spring (Bengio 2016, 31). While the Arab Spring served to entrench, not improve, the status of women, many ordinary Kurdish women have managed to assume leadership roles and control over their own lives and wellbeing. At the same time, violent conflict has historically plagued stateless populations. Whether stateless or not, women typically bear the brunt of the impact of violent conflict due to deeply entrenched patriarchy, women's traditional role as caretakers, and gendered violence against women (Peterson 2009, 57). Stateless populations are typically unprotected by citizenship rights and are often subject to neglectful or harmful treatment by the state in which they reside. Reactionary coping behaviours in the face of conflict reinforce women's traditional positions in a patriarchal system as populations must prioritize safety above all, relying on the status quo for survival.

Population displacement resulting from violent conflict further reinforces traditional gender roles and entrench discriminatory systems of power because unexpected adjustments to new and often hostile environments reinforce traditional roles and ethnic belonging. Consequently, women are not only more vulnerable to the physical horrors of war, but they also disproportionately bear the economic burdens and financial responsibilities of wartime and war recovery (Peterson 2009, 45). During periods of violent conflict, reinforcement of women's subordination acts as a coping behaviour in the face of uncertainty (Gökalp 2010, 562). This dynamic may manifest itself through direct violence and the secondary trauma received through the violence experienced by their children and husbands (Nilsson 2018, 641). Violence and

reinforcement of oppressive, patriarchal norms diminish women's status in the region significantly. Thus, being both stateless and a woman likely puts them at the bottom of a 'privilege pyramid' (Brennan 2019, 178). For example, the violent struggle against ISIS in Iraq, Syria, and beyond impacted Kurdish women in a gendered manner. This impact was made possible because ISIS specifically targeted the Kurds to be treated with no mercy.

Furthermore, Furthermore, ISIS relies on rigid patriarchal violence to subordinate women as second-class citizens, subjected to violence and repression. Even women who are combatants become the 'flag-bearer of patriarchy.' This reality, combined with ISIS' belief in violently treating women as subordinates and as property, exemplifies a state of 'double oppression' (Joly and Bakawan 2016, 963).

Additionally, as previously discussed, in instances when institutions appear to be changing in favour of women's rights, there has been evidence of insubstantial, surface-level change for the sake of public image. This illusion of change may damage stateless women experiencing violent conflict as it serves to erase the actual reality of violence and subverts sincere efforts to protect women. For example, in an extreme case, Iraqi Kurdish nationalists have been accused of manipulating the emotional horror of Kurdish women being raped and abducted by Arab men to benefit the Kurdish nationalist cause. Hence, Kurdish women's suffering was put on a perverse pedestal to advance an ulterior cause rather than out of genuine solidarity and rage regarding the violence against women. Thus, the vulnerability and characteristic displacement that the vast majority of stateless Kurdish women experience due to their statelessness have exacerbated the oppressive experience of violent conflict, producing a case of "double oppression."

Although stateless women, including Kurdish women, have suffered greatly at the hands of violent conflict made more harmful by their stateless status, there remains evidence that violent conflict in the context of statelessness has the potential to foster feminist developments. In 2011 and the US-backed battle against ISIS into

Kurdish-controlled regions of Syria, the eruption of the Syrian Civil War prompted the establishment of new armed wings in the Kurdish armed forces (Szekely, Henshaw, and Darden 2019, 43). One of these units, a separate Women's Protection Unit (YPJ), was notoriously instrumental in the fight against ISIS and the protection of Kurdish territories during the 2010s. This military involvement is more than breaking a vital glass ceiling; women's involvement in militant groups can lead to more political roles. For example, the ruling PYD in Rojava has a rule that each political position must be held jointly by a man and a woman, significantly increasing the number of women in powerful, influential political positions.

Moreover, in the PKK case, interview evidence has demonstrated that the presence of women in the PKK bolstered the organization's ideological focus on feminist ideals (49). Consequently, war circumstances may act as catalysts for stateless women to advance their rights, socio-political spaces and ultimately improve their status when there is infrastructure and institutions in place that are sensitive to specific gendered injustices (Gökalp 2010, 567). In other words, violent conflict that has historically plagued stateless populations, while horrific in and of itself, may offer an opportunity for feminist causes to advance and produce a "double revolution." However, given the broader Iraqi and Kurdish socio-political histories, the women of Iraqi Kurdistan have gone down a path of mixed 'double oppression' and "double revolution."

Conclusion

By analyzing three primary features of statelessness, nationalism, autonomous spaces, and violent conflict, it is evident that the status of Kurdish women is impacted by statelessness in numerous and complex ways. Statelessness does not automatically or universally harm or benefit women's rights; instead, characteristics of statelessness have the potential to reinforce patterns of oppression or women's empowerment. As demonstrated in this paper, the trajectory of the status of women is dependent mainly on pre-existing histories and socio-political forces in the region at hand. In Syrian Kurdistan, women have primarily experienced 'double revolution' as a result of ideological predispositions, stable autonomous spaces, and the opportunity to dislodge the patriarchal status quo. Conversely, Iraqi Kurdistan epitomizes a case of 'double oppression' for Kurdish women as the population is constrained by internal political divisions, destabilizing outside interference, and debilitating violent conflict. It is important to note that there are countless other features of statelessness such as legal insecurity and post-traumatic impacts of forced displacement; these features were chosen due to their prominence in the existing literature and their broadly applicable nature in analysis. Those researching this topic in the future should consider other, less examined lenses and challenge the analyses of commonly considered perspectives.

Even though the fight against ISIS has been on the decline for the last few years, Kurdish populations across the Middle East remain uniquely vulnerable to the turbulence of international and regional geopolitical dynamics. For example, US President Trump's decision to withdraw troops from Kurdish territory in October of 2019 left Kurdish populations vulnerable to hostile Turkish forces to the East and the lingering threat of ISIS to the West (Feith and Shulsky 2019). As a stateless population, Syrian Kurdish forces were essentially forced to make a deal with the Syrian government in Damascus. This deal paved the way for Syrian President Assad's forces to enter Rojava for the first time in years, sacrificing Kurdish lives and well-being in the process (Hubbard et al., 2019). Lastly, as discussed, women continue to be on the front lines, disproportionately shouldering the burdens that may come their way as both women and members of a stateless population. The world has yet to see how these changes and more may impact the trajectory of 'double oppressions' and 'double revolutions' in the 2020s.

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The Climate Conflict Trap: Examining the Impact of Climate Change on Violent Conflict in Sub-Saharan Africa

Maya Garfinkel

Edited by Shira Garbis and Aarim Khan

ABSTRACT - As recently as 2019, international security officials reported that international state sponsors of terrorism, such as ISIL, were moving into sub-Saharan Africa. The causal links between climate change and conflict, especially in an understudied and misunderstood region such as sub-Saharan Africa, are often complicated and ill-defined. In reality, climate change does not unilaterally or unconditionally strengthen terrorist organizations and, by extension, civil conflict. The circumstances of climate change impact the trajectory of violent non-state armed groups in sub-Saharan Africa through three primary mechanisms that intersect and interact with one another: natural resource instability, colonialism, and the intensity of intra-state tensions throughout a particular region. Through these three primary lenses, it is evident that, in sub-Saharan Africa, the effects of climate change exacerbate conditions that, in turn, provide a unique, fertile environment for violent non-state armed groups to develop and thrive.

In the early 2000s, fighting broke out in the Sudanese province of Darfur in what would become, as one scholar called it, "the first modern climate-change conflict." (Mazo 2010, 74) In June 2007, UN Secretary-General Ban Ki-moon declared that human-induced climate change, defined as a long term change in Earth's average weather patterns, was a key factor in the Darfur conflict and genocide (Nasa 2021). This declaration garnered intense backlash and controversy; to a certain extent, this reaction is understandable. The causal links between climate change and conflict, especially in an under-studied and misunderstood region such as sub-Saharan Africa (SSA), are often complicated and ill-defined (Nunn 2008). Yet, the situation in Darfur is only one manifestation of the complex nexus between climate change and violent conflict. Currently, three out of four of the deadliest terrorist organizations (ISIL, Boko Haram, al-Qaeda) are active in Africa. More generally, non-state armed groups (NSAG) pose a serious, ongoing threat to peace and stability in sub-Saharan Africa (Madeira 2019).

The presence of exploitative NSAGs in SSA is linked to the profound ramifications of climate change for the region (Shepard 2018). The Intergovernmental Panel on Climate Change predicts that temperature increases in the region will likely be greater than the global average (Shepard 2018). As a result of this trend, the region will likely experience increasingly arid conditions, declining levels of rainfall and increasing numbers of weather shocks among other perverse effects. Already high rates of undernutrition, dependence on rainfed agricultural systems, and pre-existing political fragility are just some of SSA's distinct characteristics that will directly influence the region's disproportionate experience of climate change (Serdeczny et al. 2017). Additionally, as a formerly colonized region, SSA is especially prone to intrastate conflict along social and cultural lines that may be exacerbated by climate change (Henderson 2008).

Due to academia's neglect of African political dynamics and the international community's failure to study and address climate change comprehensively, it is worth attempting to unpack the question of how climate change impacts violent conflict in sub-Saharan Africa.

Climate change does not unilaterally or unconditionally lead to the strengthening of terrorist organizations and, with it, civil conflict. The circumstances of climate change impact the trajectory of NSAG in sub-Saharan Africa through three primary ways that intersect and interact with one another: natural resource instability, legacies of colonialism, and the intensity of intrastate tensions throughout a particular region. It is quite difficult to demonstrate a direct causal link between climate change and violent conflict. However, through three primary lenses, it is evident that in SSA the effects of climate change exacerbate conditions that, in turn, provide a unique, fertile environment for non-state armed groups to develop.

Natural Resource Insecurity

One of the most obvious impacts of climate change has been its effect on natural resource instability. In recent years, the region has experienced a rise in average temperatures, increased frequency and intensity of extreme weather, and a negative change in the amount of rainfall (Kotir 2011). As a result of these changes, areas suitable for agriculture, the length of growing seasons, and the agricultural yield potential are all expected to decrease. Consequently, those who live in SSA will be at risk of food insecurity and hunger due to decreases in food availability, accessibility, and stability.

Food insecurity itself benefits non-state armed groups in several ways. As food becomes more scarce and the price of food increases, there is a greater risk of protest and rioting among the general population (Hendrix and Brinkman 2011). The reason for this pattern is typically twofold. First, food scarcity and increased food prices increase the likelihood of high social and economic grievances, which may in some cases escalate to subversion of the state through armed rebellion. For example, during the last decade the Islamic State West Africa (ISWA) has preyed upon food insecurity by digging wells, giving out seeds, and even offering protection to herders seeking grazing lands in an effort to secure a position of power in the region (Madeira 2019). The ISWA, in turn, has been able to leverage their newfound position in a time of food insecurity to gain recruits—a strategy that other non-state armed groups may choose to emulate. Second, the opportunity cost of participation in violent conflict is altered in a context of food insecurity. When food and, as a result, income, is scarce, the formerly high cost of participation in violent conflict decreases, while the benefits increase (Hendrix and Brinkman 2011). Additionally, as jobs in the agricultural sector dwindle as fertile land decreases and weather shocks cause crops to fail, young men from rural areas with limited education and economic prospects, who are disproportionately likely to work in the agricultural sector, have become the people most likely to participate in violent conflict.

It is important to note that natural resource insecurity often acts as both a cause and consequence of violent conflict. Just as scarcity and abundance are potential catalysts for conflict, the resulting destruction and division may lead to more resource insecurity.

For example, competition over resources in areas surrounding Lake Chad has driven violent conflict in the region and, in turn, perpetuated what experts refer to as a 'conflict trap.' In recent years, the area has become a stronghold for the Islamic State in West Africa (ISWA), Boko Haram, and Al-Shabaab (a Somali-based affiliate organization of the terrorist organization al-Qaeda), all perpetrators of insurgency against central authorities and terrorism against civilian populations (Stanford University 2019; Schaar 2018). Intensified fighting among terrorist groups and other non-state armed groups related to tensions over natural resources has made it more difficult to deal with the effects of climate change, further perpetuating a 'conflict trap' (Madeira 2019). A 'conflict trap' intensifies already clustered causes of conflict, such as poverty and poor governance, because existing conflict increases the likelihood of continuation, recurrence, escalation, and diffusion of conflict in the future (Hegre, Nygård, and Ræder 2017). In this way, the 'conflict trap' may function in practice as a conflict snowball, as the containment or continuation of conflict will prevent or perpetuate an exponential growth in conflict over a period of many years (Hegre, Nygård, and Ræder 2017). Consequently, a region entangled in a 'conflict trap' will see economic, social, and political resources dedicated and re-dedicated to the perpetuation of conflict rather than climate change relief. The case of Lake Chad demonstrates the way in which climate change exacerbates existing conditions of the local agricultural sector. Lake Chad, located on the border between Chad, Cameroon, and Nigeria, is one of Africa's largest freshwater bodies and has become a key example of the potential impact that climate change has on non-state armed actors in SSA. In the second half of the twentieth century, the lake has shrunk by approximately 90 percent due to severe droughts. Recent patterns of irregular rains and temperatures have led to food shortages and frustration amongst the forty million people living in the basin who rely on the lake for crop and livestock farming, trade, and fishing (Peyton 2019). This has caused competition over resources, a key contributing factor to the current conflict in the region. Several non-state armed actors capitalized on the aggravation of existing local tensions in the area, yielding high recruitment rates and finding support for their violent efforts.

Natural Resource Abundance

While scarcity remains a significant link between climate change and conflict, recent scholarship has highlighted that resource abundance is also likely to be a key variable in environmental conflict (Selby and Hoffmann 2014). More specifically, existing literature has documented the 'resource curse' of abundance; many scholars have demonstrated the high prevalence of oil and other non-renewable resources in sub-Saharan conflicts in particular (Collier and Hoeffler 2005). The 'resource curse' asserts that local abundance can lead to conflict by creating incentives for groups to clash, changing state-society relations, and potentially weakening state systems (Selby and Hoffmann 2014).

For example, in Sudan and South Sudan,

there are clear links between relative water abundance and violent conflict. In this case, violent conflict is fought over control of extremely valuable sources of water, for the purpose of agricultural and profitable socio-economic development (Selby and Hoffmann 2014). Since the 1980s, near continuous violence has ravaged Sudan's semi-periphery, an area known for its access to rain-fed agricultural land. One population in this region, the Nuba population of the Nuba mountains, have long been targeted on ethno-cultural grounds and, notably, with the intention of capturing agricultural ground for lucrative cotton production. In the 1990s, at the height of this assault, an estimated 20–30,000 Nuba were deported to resettlement camps and forced to be the labour force in large-scale mechanized farming schemes (Selby and Hoffmann 2014). In Sudan and South Sudan, although there is an abundance of water in particular areas, conflict can emerge from asymmetric access to water between groups. As a result, ethnically based conflict such as attacks against the Nuba population has emerged. The cases of Lake Chad and the Nuba population demonstrate that both food scarcity and abundance, under certain conditions, can be catalysts of conflict. In fact, it is often the way in which NSAGs capitalize on the situations of either abundance or scarcity that determine their conflict potential. While this essay does not seek to prove a causal link between climate change and increased violent conflict, the evidence demonstrates a correlation between climate change and a fruitful environment for the growth and development of non-state actors in violent conflicts.

Colonial Legacies

It is impossible to study conflict in SSA without considering the impact of colonialism and neo-colonialism on the region. The issue of climate change and non-state armed groups is no different; the impacts of climate change in SSA exist within the legacies of colonialism. Due to a legacy of extractive, profit-driven colonial institutions, climate change is likely to have a disproportionately negative effect on working populations in SSA.

As previously mentioned, the 'conflict trap' predicts that regions experiencing conflict are likely to continue to experience conflict because its ramifications, such as underdevelopment and instability, are likely to be causes of conflict as well. Importantly, conflict in SSA is not only the product of twenty-first century violence. International slave trade and colonialism that began centuries ago continue to impact the trajectory and characterize the nature of conflict in SSA today (Nunn 2008). For example, the drawing of arbitrary state borders on the African continent at the 1884 Berlin Conference by colonial powers continues to have a significant impact on the ways in which SSA populations experience climate change (Henderson 2008). One result of artificial colonial borders is that African international politics are largely characterized by quasi-statehood. As a result of the inherent instability of quasi-statehood, neopatrimonialism has become the norm. Neopatrimonialism is a personalist political system characterized by relationships of loyalty and dependence in which political positions are occupied for the purpose of personal wealth acquisition rather than public service (Henderson 2008). Neopatrimonial regimes invest in repressive state mechanisms and patronage networks, stifling development and consequently making populations more vulnerable to the impacts of climate change. More generally, the effect of colonial legacies often negatively manifest in the modern economic stability of post-colonial states. A 2011 report by the United Nations found that the countries at the most risk of violent conflict are those in which low levels of development, deteriorating economic conditions, or high inequalities among groups are present (Hendrix and Brinkman 2011). Quasi-statehood, neopatrimonialism and stunted economic development are all common symptoms of former colonial states in SSA, thus demonstrating a predisposition to violent conflict in the region.

The Democratic Republic of the Congo (DRC) has also become a quintessential example of brutal effects of colonization and neo-colonialism. Before it was first colonized by Belgium's King Leopold in 1885, the Kingdom of Kongo had been systematically dismantled and exploited in the sixteenth century during the African Slave Trade, setting in motion a long-standing trend of economic underdevelopment and abuse of power (Nunn 2008). Colonization was built on the exploitative and cruel foundations of the slave trade; mining companies located in the DRC possessed the power of a state and the ruling class was cultivated to benefit Western interests while local infrastructure growth was severely stunted. Unlike the colonial projects in present-day New Zealand, Canada, United States, and Australia, colonization in the DRC was intensely focused on extractivist infrastructure and profitability as opposed to stable rule of law and investment. This goal was not benign; the Belgian colonial powers structured the state so that resources could be speedily transported out of the fertile agricultural land and towards the metropole. This structure has proven to be detrimental to investment and economic progress even long after independence, as Belgium has continued to wield significant power over the DRC government in an effort to serve its own interests. As such, unstable political foundations and extractivist economic structures are just two of the colonial and neo-colonial legacies in the DRC that explain why the DRC has become a fertile ground for NSAGs to thrive.

Now, climate change is expected to increase current vulnerabilities within the DRC largely as a result of the state's weak socio-economic conditions. In terms of solely environmental factors, the DRC's vulnerability to climate change is low. However, its general vulnerability to negative impacts of climate change is high as a result of "household and community vulnerability" (Reliefweb 2019). This type of vulnerability is amplified by conflict itself and can be caused by increased poverty, immobility, and eroding social networks. This demonstrates that SSA's colonial legacies, such as economic underdevelopment and poverty, wield significant influence over the degree of damage that climate change will inflict on a population. As the effects of climate change are expected to worsen under the burden of weak socio-economic conditions and the legacy of colonialism, the world should expect NSAGs to perpetuate the pattern of exploitation in the DRC just as has already been perpetuated in Sudan and South Sudan.

In SSA, where climate change has proven to worsen economic conditions and vice versa, participation in civil war, rebellion, and violent conflict at large has been uniquely primed. Participation in intra-state conflict, specifically among non-state armed groups, is best explained by a given population's grievances and incentives (Hendrix and Brinkman 2011). Grievances and motivations for participation are based on an individual's economic and opportunistic considerations. Those most likely to participate in violent conflict are those who are experiencing hunger or another cause of significant grievance and are faced with availability of valuable commodities, no matter the source. Increased natural resource insecurity, combined with economic and political vulnerabilities enforced by colonial legacies, pave the way for non-state armed groups to more fruitfully prey on SSA populations for recruitment, support, and development.

Intensity of Intrastate Tensions

Interstate war in SSA has proven to be much less frequent than in the West as artificial borders have forced heterogeneous groups into the confines of a single contrived state. Henderson (2008) posits that the fragmented framework of African states has led to greater intrastate wars and low levels of interstate war in his political inversion thesis. This fragmented framework is a result of the borders drawn from the 1884 Berlin Conference and longstanding colonial infrastructure; consequently, conflict within states was made more likely because historical cleavages were not reflected in colonial borders. As such, African leaders face an alternate, more inward-focused elite security dilemma compared to their Western counterparts. Climate change impacts these increased intrastate tensions because, as usable land diminishes, competition between intrastate populations grows more violent (Madeira 2019). This, in turn, impacts the trajectory of non-state armed organizations because it provides an opportunity to recruit potential members and exploit growing anger among local populations.

The effects of climate change have already

benefited terrorist groups in the Sahel region of Africa. The Sahel region is located South of the Sahara desert and North of the arid Sudanian savannas. Two key populations in the Western and Central parts of the Sahel region, the sedentary farmers of the region and the Fulani ethnic group, a majority Muslim group of herders, have generally settled tensions peacefully in the past. However, as usable land has diminished as a result of climate change, competition between the farmers and herders has grown more violent. A more recent decrease in usable land as a result of climate change only adds to the interrelated set of economic challenges and pressures for land, employment, and resources that have plagued the Sahel for many years. The nations of the Sahel, such as Niger, Chad, and Mali, have long been ranked at the very bottom of the United Nations Human Development Index (HDI). Moreover, although Nigeria, which is home to the majority of the Fulani people, has used oil production to garner significant national wealth, the country continues to remain in the HDI's 'Low Human Development Category.'

Nigeria's colonial background partially explains this disconnect between resource-driven wealth and the livelihoods of everyday Nigerian people. Extraction-based infrastructure and the neopatrimonial status quo have created a power vacuum which NSAGs gladly fill. After all, the areas in which violent extremist groups have taken root are the most disenfranchised and disadvantaged in the region. Using ethnic and religious narratives, the Front de Libération du Macina (FLM), a lesser known organization based in Mali with similar goals to the al-Qaeda branch in the Islamic Maghreb, has preyed on these ethnic divisions in Nigeria in order to recruit members of the Fulani (Madeira 2019). This conflict not only demonstrates the impact of exacerbated intra-state tensions on non-state armed groups, such as the FLM, it also illustrates the intertwined nature of the lenses examined in this essay. The ethnic tensions that have benefited the FLM are inextricably tied to the natural resource insecurity issues posed by climate change in the context of colonial legacy.

At the risk of perpetuating Eurocentric ideals of state building, it is important to note that the Nigerian example must not be interpreted in support of the erasure of ethnic identity (Herbst 1990). Instead, this example demonstrates the impact of divisive colonial legacies and lasting intrastate divisions in the trajectory of non-state armed groups. After all, without colonial legacies that ultimately feed intrastate ethnic tensions, non-state armed groups would not have the opportunity to prey on intrastate divisions under the additional stress of climate change. Thus, through analysis of natural resource instability, legacies of colonialism, and the intensity of intrastate tensions throughout SSA, it is clear that the impacts of climate change have intensified colonially produced ethnic tensions. It is extremely complicated and difficult to demonstrate a direct link between climate change and violent conflict. However, through these three primary lenses, it is evident that in SSA the effects of climate change exacerbate conditions that provide a fertile environment for non-state armed groups.

Conclusion

Through analysis of the relationship between natural resource instability, legacies of colonialism, and the intensity of intrastate tensions respectively, it is evident that in SSA the effects of climate change exacerbate conditions that, in turn, provide a uniquely fruitful environment for non-state armed groups to develop. These three relationships are inextricably linked and do not develop separately from one another. This essay has utilized three primary lenses—natural resource insecurity, colonial legacy, and intensity of intrastate tensions—in order to analyze the ways in which climate change impacts the trajectory of non-state armed actors in SSA. It is important to note that there are countless other lenses through which to examine this issue; these three lenses were chosen as a result of their prominence in existing literature and their broadly applicable nature in analysis. Those researching this topic in the future should consider other, less examined lenses and challenge the analyses of commonly considered perspectives.

Even as terrorist organizations such as ISIL appear to be weakening in the Middle East, as recently as 2019, Western security officials reported that international state sponsors of terrorism were moving into sub-Saharan Africa. This shift indicates that the issues of climate change, non-state armed actors, and violent conflict, as examined in this essay, will likely continue to rapidly develop in the region in the coming years. In the case of an issue as urgent and tangible as climate change, it is important to be cautious of leaning too far towards one side or another of the analytical spectrum. It is dangerous to diminish the significant role that climate change plays in conflict. Climate change concerns should be addressed as present-day concerns, not afterthoughts of government or political action. Conversely, erring on the side of overemphasizing the significance of climate change in non-state armed groups and African conflict can also be significantly damaging (Peyton 2019). It poses the risk of detracting from the responsibility, accountability, and complicity of the army and state in the trajectory of, and violence inflicted by, non-state armed groups. Nevertheless, perhaps more than ever before, it is imperative to the integrity of conflict analysis to treat climate change as an integral factor in understanding the nuanced and complex nature of intrastate SSA conflicts.

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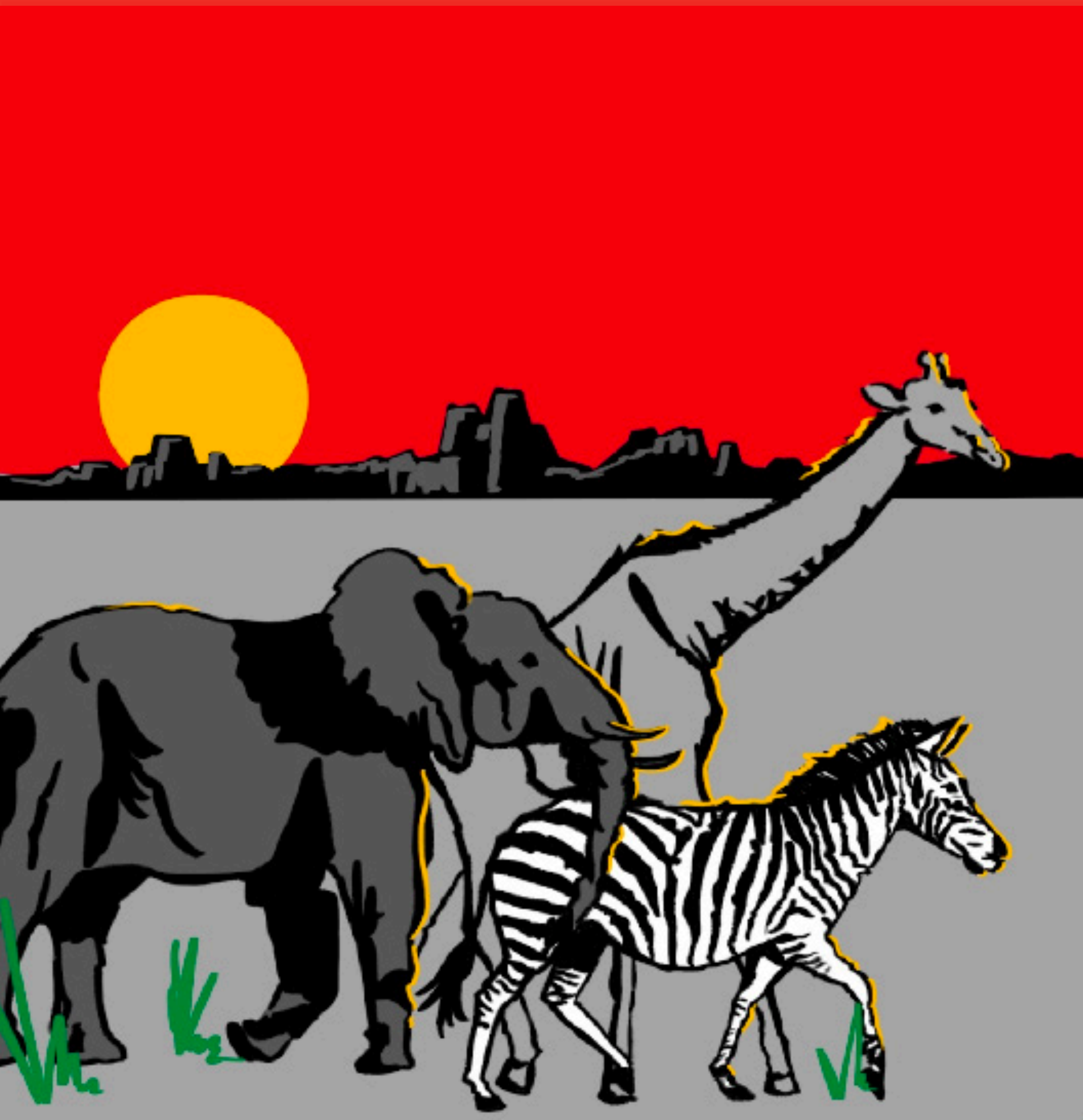working-paper---climate-change-and-conflict
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Capital and Control: Neocolonialism Through the Militarization of African Wildlife Conservation

Emily Jones

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ABSTRACT - Biodiversity loss is occurring at catastrophic rates worldwide. In sub-Saharan Africa, wildlife conservation efforts have centred around creating and managing protected areas. However, contemporary African states and their environmental policies are inseparable from the legacies of their former colonial powers, who sponsored the creation and continued management of protected areas to best serve their interests. By reviewing existing literature and a case study on the colonial history of Virunga National Park in the Democratic Republic of the Congo, this paper examines how African wildlife has been accumulated as capital belonging to the nation-state, legitimizing the use of military force against perceived threats. Through this framing, former colonial powers have funded and sponsored militarized conservation in Africa, effectively retaining control over the narratives and management of the continent's natural resources in the postcolonial period.

As the global climate crisis intensifies, biodiversity loss is accelerating worldwide. The African continent is home to an estimated one-fifth of the world's known species, all of which are projected to decline in number as human activities continue posing new threats to ecosystems worldwide (Sintayehu 2018, 226). Efforts to slow the catastrophic acceleration of biodiversity loss in Africa have centred around the creation and management of protected areas.

However, both the creation and continued enforcement of laws in protected areas have involved violent neocolonial practices of forced displacements and prolonged conflicts. For the purposes of this paper, neocolonialism should be understood as the way "developed countries are seen to exercise subtle forms of domination, exploitation, and control over former colonies" (Mkono 2019, 697). In protected areas throughout sub-Saharan Africa, boundary enforcement and anti-poaching efforts have become justifications for increased military presence, allowing states to expand their national security apparatuses to achieve various goals (Lunstrum 2014; Merijnen and Verweijen 2018). Former colonial powers have strategically facilitated the creation and management of these protected areas in Africa to extend neocolonial control over former territories. Through the forced displacement of former inhabitants and securitisation of the issue of wildlife conservation, African governments and their Western backers have accumulated protected areas as sources of revenue for continued military activities, including those unrelated to goals of protecting wildlife. Existing literature on contemporary wildlife conservation practices in Africa traces their origin to colonial conceptions of the sovereign nation-state and racist tropes of Western moral superiority. This paper will show how these notions have continued and been amplified in the digital age through media representations of the 'War for Biodiversity,' drawing the attention and financial backing of Western capitalists. A historical examination of the colonial origins and contemporary case of Virunga National Park located in the Democratic Republic of the Congo (DRC) will further demonstrate how

the creation and management of protected areas is an effective strategy for neocolonial control.

Colonialism and Moral Boundary Drawing

The concept of global sovereignty is a product of the colonial imagination (Grovogui 2001, 124). Based on constructed hierarchies of racial superiority, colonial powers afforded themselves the authority to regulate international morality. They then used this self-afforded authority to justify their assertions of control over territory and people. The assumptions made within the colonial ideology and their accompanying assertions of authority have continued in the postcolonial period. However, post independence, the methods of colonial control have been forced to manifest through more subversive methods, such as the militarization of conservation practices. Siba Grovogui (2001) outlines the ways in which the ideologies and norms that informed the colonial distribution of world power and resources continue to "[undermine] alternative discourses and modes of representations" in what he terms the "colonial regime of sovereignty" (30-33). In the postcolonial era, these power dynamics continue as former colonial powers reassert their control through a combination of political, military, and moral means. In the context of wildlife conservation, Esther Marijnen and Judith Verweijen discuss the discursive technique of "(moral) boundary-drawing" that relies on "established notions of African otherness" to give white conservationists authority to set boundaries and enforce their own policy agendas within them (Neumann 2004, 822). The geographic boundary-drawing of protected area creation facilitates moral boundary-drawing. Since being drawn by colonial powers, the boundaries of protected areas have served as a "symbolic divide between nature and culture" (Neumann 2004, 817). Within the bounds of parks, actors are governed by a higher moral standard supposedly reflective of "humanity's moral commitment to biodiversity protection" (Neumann 2004, 817). Practices like hunting, while legal in other settings, are prohibited within park boundaries; while

inversely, shoot-on-sight policies—which are generally prohibited outside of combat zones—are authorized (Neumann 2004, 817). Even when the effectiveness of the policies implemented within the borders of protected areas comes into question, they are still accepted as a more sophisticated alternative to Indigenous methods, simply because they come from the imposition of the 'modernized' Western lens. Evidently, the creation of protected areas was more informed by colonial visions of dominance and moral superiority than by true concern for the protection of wildlife.

Conservation: A Just War?

African wildlife conservation has captivated foreign audiences in an exceptional way, a phenomenon that can be attributed to the discursive tactics of former colonial powers. Neumann (2004) traces the militarized enforcement of wildlife conservation laws in East Africa to "international and domestic pressure" to slow the decline of the region's elephant and rhino populations in the 1980s (814). Governments, media, and journalists alike soon began to refer to global efforts to mitigate species decline as a 'war against poachers,' identifying poaching as the primary culprit. The 'war against poachers' later evolved into the 'war for biodiversity' (Neumann 2004, 814). The narrative of the 'war for biodiversity' was promoted internationally by organizations like the World Wildlife Fund (WWF) and even the World Bank (Neumann 2004, 814). Promotion by such powerful organizations brought an added level of perceived legitimacy to growing popular concern for the cause of protecting African wildlife. Non-governmental organizations (NGOs), journalists, entertainment media, and consumers all began expressing beliefs that included African wildlife as existing "inside the boundaries of [their] moral community" and conceptualizing species like rhinos and elephants as "near-human cousins" (Neumann 2004, 827). Since then, while not explicitly stated as such, wildlife conservation has effectively been treated as a humanitarian crisis and the 'war for biodiversity' has become a 'just war' that

warrants militarized tactics (Lunstrum 2014, 819).

Proponents of the war for biodiversity fail to understand that the inclusion of the animal inhabitants of protected areas within this human moral community has led to the exclusion of the original human inhabitants, who were forced out upon the areas' creation. Beyond forced displacement, a violent practice in itself, the discourse and rhetoric of 'war' has also fueled notions "that Africans found inside protected areas should be shot on sight" in what has become "a war on people in defense of wild animals" (Neumann 2004, 815). Shoot-on-sight policies have either historically been used or are currently employed in Kenya, Tanzania, Zimbabwe and several other sub-Saharan African countries (Neumann 2004, 829). Hundreds of people have been killed as a result of these violent policies, some of whom have been armed poachers, but a large proportion of them have been "poorly armed, impoverished rural residents in pursuit of subsistence" in protected areas that were once their own ancestral territory (Neumann 2004, 829).

Humans undeniably have a certain moral obligation to defend wildlife, the full limitations of which are beyond the scope of this paper. Regardless, the moral obligation to protect wildlife should not come at the expense of human casualties. Further, justifications for shoot-on-site policies in protected areas do not come from a place of concern, but rather the colonial 'othering' of poachers that frames them as lacking the same morals possessed by white conservationists (Neumann 2004, 823). In effect, militarized responses to poaching are not only morally questionable, but they are also damaging to the long-term goal of wildlife conservation. Lunstrum (2014) discusses how the "arms race between poachers and anti-poaching forces" has transformed protected areas into de facto warzones (817-818).

A recently conducted quantitative study on the ecological consequences of civil war in Southwestern Africa found evidence of a strong negative correlation in support of the hypothesis that conflict zones in general can lead to the depletion of large wildlife populations,

demonstrating that militarized conservation may work to the direct detriment of populations its proponents claim to protect (Braga-Pereira et al. 2020, 6). However noble the cause, the reality is that former colonial powers have co-opted it to fit their own narratives and serve their own interests, independent of any real concern for wildlife.

Capitalism and the Appropriation of African Nature

The creation of protected areas relies on the racist "notion that those indigenous to a particular land do not properly respect, appreciate, and care for the ecological brilliance of their own habitat" (McClanahan and Wall 2016, 134). On the basis of such notions, former colonial powers became the self-appointed custodians of African wildlife. However, it is important to note that Western notions of nature and land ownership present a significant departure from Indigenous conceptions of land use, namely through the capitalist drive to assign monetary value to the natural world. McClanahan and Wall (2016) theorize that militarized wildlife conservation is not only a product of these colonial ideologies but that it relies upon those notions for its legitimacy (136).

To illustrate the relationship between capitalism and African wildlife, Massé and Lunstrum (2016) outline the concept of 'accumulation by securitisation' (228). The Copenhagen School's Ole Waever (1993) defined securitisation as the "moving of a theme or issue into the field of security and thereby framing it as a security threat" (21). Once an issue like wildlife conservation is framed as a matter of national security, states can sanction exceptional measures, like shoot-on-site policies, to ensure its protection.

In the context of wildlife conservation, securitisation is driven by the Western-directed and colonially derived narratives of sovereignty and land ownership that frame threats to wildlife as threats to "the sovereign nation-state, its territorial integrity, and its borders" (Lunstrum 2014, 827). Massé and Lunstrum (2016) conceptualize that this initial framing, when followed by a "subsequent move

to address these issues via security measures often instituted by security actors," both state and private, has led to the violent displacement and disruption of livelihoods, effectively perpetuating neocolonial subjugation (229). For example, following an increase in commercial poaching of rhinos in South Africa, a new protected area, the Greater Lebombo Conservancy (GLC), was created as an extension of the country's Kruger National Park along the border with Mozambique (Massé and Lunstrum 2016, 231). Many of the rural residents of the Mozambican borderlands of the park were evicted and relocated, their former villages even burned to prevent their return (Massé and Lunstrum 2016, 227). Upon the GLC's designation as a protected area, the residents who long depended on hunting and farming in the area for subsistence soon found that their livelihoods were effectively outlawed (Massé and Lunstrum 2016, 233). Development of the Conservancy was promoted by both the South African and Mozambican governments as primarily an effort to mitigate the threat of rhino poaching. However, interviews conducted by Massé and Lunstrum (2016) shortly after the Conservancy's designation revealed that the Mozambican government saw the GLC as an opportunity to "promote regional economic development" through tourism and safaris that would be "potentially lucrative for [...] well positioned state elites" and similarly for private landholders with stakes in the continued security of the area (231).

Also reflected in the case of the GLC is Alice Kelly's (2011) examination of wildlife conservation as it pertains to the concept of primitive accumulation, defined by Karl Marx as the act of "divorcing the producer from the means of production" (Kelly 2011, 683; Marx 1867, 873). Kelly demonstrates how protected area creation violently and disruptively leads to "the dispossession of the holders of this property and the creation of the conditions for capitalist production that allow a select few to accumulate wealth" (687). Kelly's use of Marx's concept of primitive accumulation in her analysis also aids in the drawing of historical connections between conservation-induced land dispossession and colonialism. Just as early colonial conservation practices "benefited

the emerging capitalists of the day," former colonial powers have now used their appropriation and securitisation of wildlife conservation to enable further capital accumulation and dispossession through violent means to the benefit of contemporary capitalists (Kelly 2011, 686).

The former residents of protected areas have been forcibly removed from their lands and livelihoods in the name of wildlife conservation, often suffering significant financial losses as a result. In stark contrast, the conservancies and parks that have emerged in their place have since become immense sources of revenue for both governments and Western capitalists (Massé and Lunstrum 2016, 233). In the age of digital media, "the production of consumable images of warscapes, heroic (white) military trainers and (African) armed park guards" by NGOs like the WWF has spectacularized the 'war on biodiversity,' capturing Western audiences, and their donations more than ever before (Merijnen and Verweijen 2016). This most recent spike in Western economic interest in African wildlife conservation has led to an "emphasis on private investment and market-based revenue generation" that does not benefit local populations, whilst further endorsing the use of violence "believed to be necessary to enable market-based economic activities" (Marijnen and Verweijen 2016, 282). In effect, the external involvement of both foreign governments and NGOs, such as the WWF, both legitimizes and is legitimized by the ongoing violent practices of militarized conservation, as these images also aid in the securitisation of African nature. The normalization of the violent practices involved in the 'war for biodiversity' has allowed former colonial powers to benefit from and maintain control over African land in the name of environmentalism.

To provoke further investigation of the ways Western capitalist ideologies have driven the militarization of conservation, Elizabeth Lunstrum (2014) coined the term 'green militarization' to encompass "the use of military and paramilitary personnel, training, technologies, and partnerships in the pursuit of conservation effort" (817). Lunstrum's research focuses on the specific way

in which military corporations greenwash their operations to both legitimize and obtain funds for the use of force in protected areas. For the purposes of this paper, greenwashing should be understood as "misleading consumers about [...] the environmental benefits of a product or service" (Delmas and Burbano 2011, 64). Green militarization has exactly this effect; however, rather than misleading consumers into buying a fairly harmless product, customers are misled into funneling money to military corporations through avenues such as donation campaigns, documentaries, and ecotourism (Marijnen and Verweijen 2016, 280). Lunstrum (2018) demonstrates how the discursive strategy of green militarization conveniently "provides an environmental fix to capitalism's contradictions and environmental consequences" (1024). Environmental causes like wildlife conservation can only be achieved when they are free from the narrow capitalist lens of production and growth. In the case of conservation, this requires a full rejection of the idea that there is any sort of war to be won; especially one that is fought at the expense of human livelihoods.

The Case of Virunga: National Park or War Zone?

The DRC has long been plagued by its colonially bestowed title of 'the Heart of Darkness,' an image based both on its centrality on the African continent and on colonial tropes of it being a place distinctly marked by incivility and chaos. As a prime example of strategically used "notions of African otherness," this framing has made the country especially vulnerable to the neocolonial tactic of 'moral boundary drawing,' the discursive counterpart to the geographic practice of protected area creation (Neumann 2004, 822). The DRC is home to Virunga National Park, Africa's oldest, created in 1925 while the country was under Belgian colonial rule. Its creation resulted in the forced displacement of the original inhabitants of the area, most of whom "lost access to their lands and livelihood" (Marijnen and Verweijen 2018, 308). The initial designation of Virunga as

a protected area made activities like hunting and farming within its boundaries almost entirely illegal. The geographic boundary-drawing of the park was informed by moral boundary-drawing, which implied that the Indigenous inhabitants of the area were fundamentally incapable of adequately coexisting with and protecting the area's wildlife. These inhabitants were swiftly, and at times forcibly, displaced from both their land and subsistence activities, exemplifying Kelly's framework on 'conservation as primitive accumulation' (684). Forced displacements have continued into the present day, far beyond the country's independence, as the practice of 'accumulation by securitization' has taken hold in the DRC (Massé and Lunstrum 2016, 228). Today, the politics of the park are inextricably linked to politics of the state, as park management has become an extension "of the Congolese state apparatus, therefore being associated with its predatory and violent dimensions" (Marijnen and Verweijen 2018, 311).

Under the authoritarian regime of President Mobutu Sese Seko—privileged by the retained support of Belgian conservators—park guards "were given blanket permission to use armed force against poachers" found in the park throughout the latter half of the twentieth century (Marijnen and Verweijen 2018, 308). During the First (1996-1997) and Second (1998-2003) Congo Wars, Virunga existed under limited state control, drawing in a variety of both foreign and domestic armed groups. These groups did not leave upon adoption of the peace accord that formally ended the Second Congo War in 2003. Into the early twenty-first century, insurgent groups in the DRC drew support from popular sentiments of "distrust towards the state, and past and current conflicts with the park" fueled by grievances over disputed boundaries (Marijnen and Verweijen 2018, 313). Seeing the increase in support for insurgents, as it was occurring within park boundaries, the government of the DRC securitised the issue of wildlife conservation to take a distinctly "counterinsurgency-oriented approach to conservation" (Lunstrum 2014, 817; Marijnen and Verweijen 2018, 313). Through the identification of poaching within the broader category of environmental crime and "the spread of narratives portraying [such] crime as a crucial source of funding for insurgent and 'terrorist' groups," the Congolese military has been able to drastically ramp up operations within the park with Western support that includes the externally "funded [...] military training of park rangers by Belgian former paratroopers" (Marijnen and Verweijen 2016, 282). This has created parallels between anti-poaching violence and counterinsurgency tactics; more broadly "reflecting a reawakening of the Cold War rhetoric of insurgency used to justify militarized methods of territorial control in general" including the presence of Western intervention (Lunstrum 2014, 827).

In an attempt to end ongoing armed conflict within park bounds, the Congolese state has adopted a two-fold strategy of 'stabilisation' in the park that involves both militarized law enforcement and the facilitation of "private investment schemes aiming to promote 'development'" (Marijnen and Verweijen 2016, 281). A key element of this strategy has relied upon Western donors, drawn in through media representations of the park as the current center of the 'war for biodiversity' (Marijnen and Verweijen 2016, 279). The current conflicts taking place in the park are the subject of an Oscar-nominated and British-produced documentary, Virunga (2014). The film depicts park rangers "as a (para)military force fighting a 'just war'" in defense of wildlife and was funded by the Virunga Alliance, a joint public-private development initiative. Within the film itself, as well as media campaigns that followed, consumers are encouraged to donate to the Virunga Alliance to fund future conservation projects and ranger activities. However, because of the DRC's two-fold 'conservation as counterinsurgency' strategy, consumers are directly financing the increasing presence of the Congolese military within the park, falling victim to Lunstrum's concept of 'Green Militarization.' The tagline of the movie, "conservation is war," is exactly the type of rhetoric that has allowed the Congolese state to continue their securitisation of conservation to garner funding, not simply for the protection of wildlife, but for their broader counterinsurgency activities (Marijnen and Verweijen 2016, 278).

None of the funds raised by the film nor the Virunga Alliance's other campaigns have gone to displaced former residents of the park. As a result, the dynamics of militarized conservation have warranted a variety of forms of resistance. In some cases, this resistance has taken the shape of continued insurgent activity, overlapping with other non-conservation related armed rebel groups. However, in Virunga, there is also an increasingly widespread trend of 'guerilla agriculture,' or the illicit cultivation of the resources of protected areas, driven by the displacement of its original inhabitants (Cavanagh and Benjaminsen 2015, 725). Despite the increasing prevalence of alternative forms of resistance, the militarized enforcement of protected areas persists. Through securitisation, wildlife conservation policy has been co-opted by states and former colonial powers, allowing them to retain a monopoly over the use of force in their territories past or present.

Rethinking Conservation

In the development of a strategy that is effective in protecting biodiversity, the role of external actors in strategizing and acting on wildlife conservation in Africa must be reconsidered. To truly act in the benefit of both local ecosystems and local livelihoods, the dynamics of conservation must shift to a community-oriented approach (Cassidy and Salerno 2020, 2). This requires a full rejection of the colonial notion that local actors in Africa are incapable of self-governance. This is not to say that external governments and NGOs cannot continue supporting and offering funding to the cause of wildlife conservation. Rather, they must acknowledge the autonomy and authority of local governance, customs, and norms. A transition to a community-oriented approach also necessitates long-absent collaboration between local institutions and the foreign actors that have asserted control over decision making (Marijnen and Verweijen 2016, 281). Additionally, the framing of poachers as malicious enemies of wildlife must be rejected because of the way it perpetuates racist narratives of European superiority (Neumann 2004, 822).

The business of poaching remains a threat to endangered species, in part because the forced displacements involved in the creation of protected areas created the conditions for its emergence as a recourse of those whose land and livelihoods were accumulated by the state. However, it is only with the relinquishment of neocolonial control—not increased violence—that effective conservation of African biodiversity can ever be sustainably achieved.

Conclusion

The forced relocations resulting from the creation of protected areas are acts based on the racist colonial premises that the African continent needs Western intervention and that its native inhabitants are unequipped to care for or govern over their land. Based on colonial assertions of self-afforded moral jurisdiction over the management of African wildlife, Western powers created protected areas, a process reliant on the forced displacements of Indigenous inhabitants. In the post independence period, former colonial powers have used the existence of these protected areas to securitise the issues of poaching and wildlife conservation by framing poaching as a threat to wildlife as well as to the sovereign nation-state itself. Thus, the use of state force against suspected poachers, and often anyone who enters the boundaries of a protected area, has been marketed as an essential consideration to Western audiences who have donated funds directly to the continued militarization of park rangers. Areas like Virunga National Park, home to incredible biodiversity, remain rife with conservation-related conflict. Military activity in protected areas is not only harmful to communities, but it also has detrimental effects on the environment it claims to protect. To understand why conservation-related violence persists, the power dynamics of colonialism, past and present, must be discussed in conceptualizations of African wildlife policy. While militarized conservation fails to protect African biodiversity, it is successful in another feat: allowing former colonial powers to retain access and control over the continent's natural resources in the postcolonial period.

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Lebanon and Iraq: Two Distinct Demonstrations of Confessionalism's Failure to Manage Ethnic and Religious Pluralism

Nour Mohsen

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ABSTRACT - The Iraqi and Lebanese political systems stemmed from each country's distinctive mosaic of sub-national identities but have been deemed corrupt and incompetent, prompting ongoing protests and calls for unity in both contexts. However, this dissatisfaction is unsurprising given the challenging task of translating the ethnic, linguistic, and religious diversity that characterizes each population into an overarching national identity. The Lebanese and Iraqi political systems have attempted to manage ethnic and religious pluralism through Confessionalism, or a "consociational government which distributes political and institutional power proportionally among religious sub-communities." This paper argues that Lebanon and Iraq are two specific examples of confessionalism, demonstrating its failure to manage ethnic and religious pluralism, which seems to inevitably beget sectarianism—a discriminatory structure in which each group advances its privileges at the expense of others. Nevertheless, Confessional systems are challenging to transform, namely because they institutionalize different ethnic or religious groups' identities instead of promoting a unified, national identity.

Iraqis flooding the streets of Baghdad in October 2019 cried "We want a homeland". Almost like an echo, Lebanese protesters on the other side of the Arabian Peninsula were chanting "one, one, one, we are one people" (Zahra and Ali 2019). Just over a year later, despite a decreased momentum due to the COVID-19 pandemic, Lebanese and Iraqis alike are still calling for unity in the protests against their respective political systems, deemed corrupt and incompetent, in what is now often referred to as the second Arab Spring (Muasher 2019). This urge for unity across the whole population is particularly interesting in the cases of Lebanon and Iraq, given that the political systems they are now objecting to stem from their distinctive mosaics of sub-national identities.

Indeed, Lebanon, with its eighteen recognized religious sects, and Iraq, with the significant presence of three different groups—the Sunni Arabs, the Shi'ite Arabs and the Kurds— as well as a multitude of other minorities, are both notable examples of the Middle East's religious and ethnic diversity. In order to maintain stability in a country with a presence of such varied groups, a pluralist system is required. Pluralism permits diverse communities with "overlapping but distinctive ethics and interests" to all engage politically with a common system of government, while allowing each one to maintain and develop its own traditions (Banchoff 2008).

Pluralism and building a bridging national identity can be very difficult to achieve, especially when the language, religion, and ethnicity of the groups diverge, as is the case with the Iraqi Sunni Kurds and Iraqi Arab Shiites or Lebanese Sunnis and Lebanese Greek Catholics. Different countries have chosen different models to manage pluralism. Some countries, especially Euro-American states, opt for secular democracies which give everyone the same political voice, no matter their sub-affiliation, and instead implicitly hint at the respect for diversity through some form of assimilation such as multiple national languages (Murray 2018). On the other hand, political scientist Arend Lijphart argues that the

most appropriate form of government for very segmented populations, like Lebanon and Iraq, is a 'consociational democracy'(3). In such systems, the power is distributed between the elites of each different segment of the population. The goal is to instill stability by promoting the attainment of a consensus through consultation and dialogue between the elites (Murray 2018). The current Lebanese and Iraqi political systems attempt to manage their ethnic and religious pluralisms through this second option. More precisely, they are, formally in the case of Lebanon and informally in the case of Iraq, confessionalist systems. Confessionalism is the specific type of "consociational government which distributes political and institutional power proportionally among religious sub-communities" (Canadians for Justice and Peace in the Middle East (CJPE) 2007).

The ongoing protests calling for the dismantlement of these political systems lead us to question how effectively confessionalism manages ethnic and religious pluralism. Essentially, regardless of the fundamental differences in their ethnic and religious compositions, their political histories, and the underlying processes of their political systems, both Iraq and Lebanon demonstrate that confessionalism is currently not a successful means of managing ethnic and religious pluralism. In fact, this system has led to widespread dissatisfaction in both countries, with nation-wide protests requesting for a complete overhaul of the political elite. Ultimately, these systems have failed as they seem to inevitably lead to sectarianism—a discriminatory structure in which each group, and particularly its elite, seeks their own privileges at the expense of others. Confessionalism is all the more inefficient and problematic as in spite of public dissatisfaction, these are systems which are extremely difficult to transform; this difficulty arises out of an overpowering of ethnic/religious group identity over national identity.

To make this argument, this paper will begin by demonstrating how the diversity in Iraq and in Lebanon has led to a similar outcome despite their differences: the creation of confessionalist-based systems. Then, it will reveal that the

instability causing the current protests in both countries is either directly or indirectly caused by sectarianism, which appears to be an inevitable consequence of the confessional system. Finally, it will suggest that despite the evident inability of this system to manage ethnic and religious pluralism, no major changes should be expected in the foreseeable future as this system is a positive feedback loop; even though people theoretically want to abolish the sectarian party lines, their strongest identity ties seem to remain with their sub-community rather than to their nation.

From Ethnic and Religious Diversity to Confessionalism

Ethnic and Religious Compositions

Despite different ethnic and religious compositions of their population, different historical backgrounds, and different formal constitutional texts, both Iraq and Lebanon have come to implement pluralism today through a form of confessionalism. To understand these countries' political systems and their management of pluralism, it is first essential to understand how diverse they both are and how the different groups are organized. Although resembling each other in their ethnic and religious diversity, Lebanon and Iraq differ in the proportion of the different groups, their types, and their geographical distribution. While the community division of the Lebanese population recognized by the state is strictly by religious affiliation, the division in Iraq is a more complex ethno-religious one.

In Lebanon, the population is separated into eighteen officially recognized religious sects, the most predominant being Sunni Muslims, Shite Muslims, and Maronite Christians. Within the remaining minority groups there are three other Islamic sects—the Alawite, the Druze and the Ismaili—eleven other Christian sects including the Greek Orthodox and the Greek Catholics, and finally the Jewish community (US Department of State, n.d.). The last official census which gives the proportions of each religious sect dates back to 1932, under the French rule. There

have however been significant demographic changes in the past century, such as a big influx of Palestinian Sunni Muslims (Erni 2013) and the exodus of Lebanese Christians, which have thus increased the proportion of Muslims and decreased the proportion of Christians (CIA 2018).

On the other hand, the division of groups in Iraq is generally described as being sixty percent Shia, twenty percent Sunni, and twenty percent Kurds (Patel 2019, 152). Because the Kurds refer to an ethnic group whereas the Sunnis and Shiites are religious groups, this division can be misleading as they appear to be three mutually exclusive identity groups. In reality, the Shia and Sunni groups referred to previously only include the Shia and Sunni Iraqi Arabs. While the Kurds are also majoritarily Muslim (predominantly Sunni and some Shiites), they ultimately identify more strongly to their ethnic group rather than their religious group. Nonetheless, an often forgotten three percent of the population is composed of different minority groups: Turkmen/Turcoman, Yazidis, Shabaks, Kaka'i, Bedouins, Roma, Chaldeans, Assyrians, Circassians, Sabaean-Mandaean, and Persians. These, contrary to Lebanese minority groups, are often forgotten and as such not officially recognized on the political scene (Stansfield 2007).

Another significant difference in the ethnic and religious composition of Lebanon and of Iraq is their geographic organization. This difference is significant as it could lead to differences in the management of these groups. Indeed, whether or not the groups are geographically separated represents an important factor behind the Kurds' allegiance to their ethnic or religious groups. In Lebanon, the religious groups agglomerate roughly in separate regions. For example, Maronites are mainly concentrated in the North West, Shias are mainly in the North Eastern and Southern areas, and Sunnites are mainly concentrated close to the Syrian border in the North and in the East (CIA 2018). However, these religious groups cohabitate as they are still very mixed and geographically dispersed across Lebanon. In contrast, there is a much more clear cut division in Iraq. The three predominant sub-communities are highly divided

geographically: Shias in the South, Sunnis in the North West, and Kurds in the Northern part of the country. The minorities are more broadly scattered across the different territories (Holden 2015).

Historical Background

While integration of ethnic and religious groups in politics has been present in Lebanon since the Ottoman rule, Iraqi politics were essentially secular until the 2003 US coup. Under Ottoman rule, the Lebanese identified most strongly with their religious identities, creating tensions between them. This led to an early version of confessionalism in 1860, where "a council was elected based on sectarian allocations in the population in order to end violence between the Druze and Maronites" (Kisthardt 2013, 10). When in 1920 the French took over, they reinforced the religious divisions, as the internal tensions strengthened their control as colonizers. On the other hand, when Iraq freed itself from British colonial rule in 1932, it was built on the concept of secularism, with a high degree of separation between religion and politics (Baram, Rohde and Zeidel 2016). Under the reign of president Saddam Hussein (r. 1979-2003), religious identities began increasing in importance with for instance a growing Shia opposition to his Sunni government. However, this was still all occurring under the umbrella of Ba'athist ideology—a movement of Arab nationalism founded on secularism (Devlin 1991).

Although in different forms, ethno-religious tensions were present in both countries. Throughout the procedure of gaining independence from France, Lebanese Christians feared being overwhelmed by the Muslim communities, while the Muslims feared Western hegemony. They were able to come to a temporary agreement through the the National Pact in 1943, which laid the foundation for the consociational system: "in return for the Christian promise not to seek foreign, i.e., French, protection and to accept Lebanon's 'Arab face,' the Muslim side agreed to recognize the independence and legitimacy of the Lebanese state in its 1920 boundaries and to renounce aspirations for union

with Syria" (US Department of State, n.d.). The National Pact officialised the confessional distribution of power in the government based on the 1932 census (US Department of State, n.d.). Nevertheless, as mentioned earlier, despite a lot of quick demographic changes, especially with the early 1948 Palestinian refugee influx, no new census was conducted which meant there were no readjustments to representation (CJPME 2007). Therefore, the disproportionate representation evidently led to social discontent from the underrepresented groups. This exploded into a Civil War that opposed different militias of the different sects. The war culminated in the Taif Agreement of 1990 which rebalanced power by switching the five to six parliamentary ratio in favor of Christians to a one to one ratio (Malley 2018, 121-159). In Iraq, tensions had been rising throughout Hussein's rule within the Shia majority, which resented being ruled by the Sunni minority. Tensions also increased between the government and the Kurds. Indeed, the 1991 Gulf War had also been the stage for Iraqi political violence against the Kurds, in what is known as the al-Anfal Campaign. The justification for its launch was that the Kurds had been 'disloyal' (CJPME 2008). This led to the Kurds establishing their own regional government in 1992. Ultimately, these underlying tensions boiled up and fully emerged after the 2003 toppling of the Saddam regime left Iraq without any cohesive alternative government. These ethno-religious internal divisions led to intense violence between the groups, verging on a complete civil war by 2006. Thus, during this period, Iraqis' primary identity was their religious or ethnic group. Fearing for their personal interests, when Iraqis cast their votes in the 2005 elections it was along identity, sectarian lines not because of an actual support for the candidates' platforms (Marr 2010, 15-41).

Political Systems in Place and Their Confessionalism

Although it is only formally formulated in Lebanon, these dynamics have caused both countries to have political systems that deal

with their country's pluralism through a sort of confessionalism. In Lebanon, following the decisions of the Taif Agreement, the different positions in government are appointed in terms of religious affiliation. Every parliamentary seat is accorded to each of the eighteen officially recognized religious groups in an attempted proportional divide. Moreover, the President position is reserved for a Maronite Christian, while the Prime Minister a Sunni Muslim and the speaker of the parliament a Shiite (Matamoros 2020). While this system is based on the foundation of confessionalism—representing the different groups proportionately in government—it is important to note that the currently established one to one ratio of Muslims to Christians in parliament is not an accurate proportional representation as it is not based on an up to date census of the Lebanese population.

Iraq is "an Islamic, democratic federal republic, consisting of 18 governorates (muhafazat)" (Fanack 2020). The Kurdistan Autonomous Region is one of them. This federal system alternative is possible in Iraq but not in Lebanon due to the geographic disposition of the groups. However, there are also some ethno-sectarian confessional patterns, which are known as the muhasasa in Iraq. These implicitly ensure that power is shared proportionally between the three main demographics (Abdulrazaq 2019). Without any formal or legal documentation, it reserves the presidency for an Iraqi Kurd, the premiership for a Shia Muslim, and the speaker of Parliament for a Sunni Muslim (Fanack 2020). However, this gives practically no representation for the minorities who are forced to align with bigger political parties. Although Lebanon and Iraq have different political systems, both countries have ultimately incorporated some form of confessionalism in their strategy to cope with their ethnic and religious pluralism. The question that remains is whether this method is successful at managing the tension-inducing diversities.

Current Instability Due to the Inevitable Shadow of Confessionalism: Sectarianism

Since 2019, both Lebanon and Iraq have been facing massive public protests requesting the complete transformation of each country's respective political system. In fact, according to surveys conducted in both countries by the Arab Barometer, only around two percent of the population in both countries trust the government in place (Arab Barometer, n.d.). This suggests that confessionalism is unsuccessful. However, confessionalism is not directly the target of these protests. Rather, what both Iraqis and Lebanese people are protesting is corruption, political incompetence, and economic hardship (Serhan 2019). Lebanese people are also particularly dismayed by the lack of public services available to them. Moreover, Iraqis chant "out, out Iran" due to their disapproval of Iran's strong influence on the Shia governmental positions in Iraq (BBC 2019). Although neither population criticizes confessionalism directly, the problems being highlighted in both countries seem to be direct or indirect causes of sectarianism (Ataha 2019).

Sectarianism and its Corruption as an Inevitable Consequence of Confessionalism

Sectarianism is defined as a discriminatory political structure in which each group, and particularly its elite, seeks their own privileges at the expense of others. Both Iraq and Lebanon tried protecting their systems from this phenomenon. In fact, the Taif Accord proposed to diminish sectarianism by "suggesting that posts in the civil service be merit-based, instituting educational changes to promote national unity and removing sectarian labels from identity cards" (CJPME 2007). A 2016 Iraqi law also attempted to curb sectarianism by allowing for the banning of any political group which "supports racism, terrorism, sectarianism and sectarian cleansing" (Freedom House 2020). Yet in both cases sectarianism appears to be a

natural and inevitable corollary to confessionalism. Indeed, "the allocation of political offices by sect, which makes access to power and resources contingent on communal affiliation, boosts the salience of religion in political and social life" (Cammett 2019). This separation of power by ethnic or religious groups makes members of a country feel most strongly attached to their group rather than to their nation; every subgroup feels like it will only be properly represented by the representative of its faction in politics. Therefore, this leads to a mistrust in other parties and fosters a strong, exclusive and blind support for one party. Ultimately, the confessional system creates an incentive for community leaders to consolidate the 'vertical' integration of their communities rather than the development of horizontal, cross-cutting interests (CJPME 2007). In turn, there is a reduction of government transparency as the blind loyalty of party followers forgoes accountability. This has "produced in each country 'a political class that has operated its own webs of patronage'" (Serhan 2019). It also enabled "personal and party financial expenses that are huge and disproportionate to the overall budget"(Al-Azawi, n.d.). Indeed, both the Iraqi and Lebanese political elites are encouraged by this system to participate in corruption.

Ultimately, the confessional system in both countries provides each sect's representative with too much unconditional support, allowing them to seek personal gain through these government functions in which they should instead be looking for the welfare of the entire nation (Thelwell 2020). Confessionalism is thus counterproductive as instead of providing each group with a voice to ensure that their needs are not forgotten, it provides an avenue for sectarian leaders to undermine other factions. Rather than appeasing the tensions that arise from the inherent diversity of both countries, confessionalism has led to each sect fearing for itself and thus widening the divide. Thus for the rest of this paper, if something is said to be caused by sectarianism, it will be implied that this itself is caused by the confessional system.

International Interferences as a Consequence of Sectarianism

Another issue the Lebanese and Iraqis have raised is the constant presence of international actors in their national politics, which threatens their sovereignty. The cause of this interference can easily be linked back to sectarian politics for two main reasons.

For one, the stronger allegiance to a sect rather than to a nation has made each ethnic or religious political group reach out to similar groups in other nations for support. Thus, fearing that it will be overwhelmed by the other sects of the country, each party has looked for support in governments of similar ideology that have the means to back them and protect their positions in the system. An example of this is how in both Iraq and Lebanon, the major Shiite groups have turned to Iran, a strong and established Shiite regime, for financial and military support. Indeed, the Shiite Fateh Alliance, which holds forty-eight of the 329 seats in the Iraqi Council of Representatives, is an Iranian-backed group made up of leaders of militias that fought ISIS (Hanna and Nada 2020). Similarly, the leading Shiite political party in Lebanon—Hezbollah— receives its support mainly from Iran, which provides over $700 million per year in weaponry and more (Council on Foreign Relations, n.d.). This is a huge problem for the Lebanese and Iraqis, as evidently these Iranian-backed groups will have an incentive to push the Iranian agenda in both countries, at the expense of these nations' needs.

Secondly, even if parties do not directly seek support from international actors, sectarian politics have provided the instability allowing regional actors to intervene and benefit from the insecurity. In fact, the clash between the vertical interests and integration of each sect and the horizontal economic and social interests of the nation as a whole has instilled an instability which regional actors have exploited and actually increased (United States Institute of Peace 2013). Indeed, it is evident that for nearby countries, sectarianism is beneficial as it weakens the national identity and thus the national strength of a potentially threatening neighbor. Thus, international actors have backed sectarian groups to

ensure that these groups push their agenda and that the country remains divided (Abdulrazaq 2019).

Domestic Grievances as a Consequence of Sectarianism

Domestic grievances linked to a lack of public services, a major factor in the protests, are also in part linked to sectarian politics. The lack of national unity and the weakness of the state government due to each party's individual strength prohibits the creation of strong national welfare systems. Rather, this system allows for the formation of welfare providers along the religious and ethnic lines which thus can lead to "sectarian discrimination when providing services" (Al-Azawi, n.d.). In fact, the sectarian system has allowed Lebanon's politicians to choose "personal enrichment over public welfare, leading to dismal internet connectivity, insufficient health care, contaminated water and unreliable power sources" (Thelwell 2020). An example of this is the 2015 garbage crisis in Lebanon. In mid-July 2015, the Lebanese Ministry of Environment closed a landfill in the south of Beirut without first selecting an alternative site, leading to an extreme accumulation of trash on the streets of the country. As for many public services in Lebanon, they are provided by companies which are each affiliated with a sect and thus a political figure or party. The issue lasted for such a long time because the country's politicians argued for weeks about "which company should be awarded the lucrative garbage collection contracts" (Carnegie Middle East Center, n.d.). The Druze leader Walid Jumblatt went so far as to sarcastically tweet a "suggestion to establish an independent garbage dump for each religious sect in Lebanon" (Carnegie Middle East Center, n.d.). A similar pattern exists for water and electricity distributions which are to this day consequential issues in Lebanon. This demonstrates that even issues which on the façade do not seem linked to the management of the ethnic and religious pluralism, are in reality linked to it. Therefore, it is evident that a lot of the issues Iraqi and Lebanese protesters are pointing out are either directly or

implicitly linked to sectarianism and therefore to the way the government has managed ethnic and religious pluralism. The question now is whether these protests can lead to any changes in the foreseeable future?

Sectarianism as a Positive Feedback Trap Prohibiting Change in the Foreseeable Future

For the protests to lead to substantial change there would have to be a radical transformation in the political system to remove sectarianism, the root of many of the problems. This would therefore entail a complete rethinking of how the various ethnic and religious identities are integrated in politics. Thus, political elites and the population would have to collaborate to make this possible. Evidently, such a change would be detrimental to the current political elites who are too invested and who personally benefit from the status quo. It would also be quite difficult to convince the people to completely eliminate the confessional affiliations in government as its initial existence has caused an overtake of subgroup identities over national identity.

Resistance of Political Elites

Political elites in both Iraq and Lebanon have already resisted and will continue to resist any substantial change. Indeed, for those in power in both Iraq and Lebanon, the system in place is beneficial. A "closed feedback mechanism" has been created, which recycles the same political figures over and over again (Al-Shadeedi and Van Veen 2020). The sectarian affiliations have also made it extremely easy for the political elites to come and stay in power: regardless of their competence and without needing to develop complex campaigns or political platforms, they have been able to hold power solely because people vote blindly for the representative of their group (Al-Shadeedi and Van Veen 2020).

Moreover, the corrupt system makes it easier for the political elites to resist change by lowering the expectations of their accountability.

In fact, the corruption that comes hand in hand with the sectarian system allows political elites to get away with many schemes, even when there are supposedly institutions in place to avoid such issues. For example, "even though Iraq has an Integrity Commission whose independence is assured by the Constitution, it has thus far failed to meaningfully prosecute high-level politicians or officials with ties to one of Iraq's larger political parties for corruption" (Al-Shadeedi and Van Veen 2020, 14). In both countries, the protests have led to the removal of some of the political elites, but not to any substantial change; the new elected candidates fit right back into the system. The fundamental issue is not necessarily the elites, but rather, the system which gives them too much power.

The Identity Dilemma

Recent protests have revealed that Iraqis and Lebanese alike are urging for national unity to fight the dysfunctional political system based on sectarianism. However, in practice, it will be very difficult to actually convince people to vote out of sectarian lines. Indeed, for one, as discussed earlier, the simple existence of these confessional systems all these years have caused a sort of identity dilemma. The confessional emphasis in both states has encouraged greater allegiance to the sectarian party than to the state, causing an identity dilemma. Furthermore, "confessional emphases create dependencies within one's ethnic group, e.g. religious institutions exercise direct control over many facets of daily life" (CJPME 2007). Because daily life's primary needs are met by the sectarian parties, renouncing them could first mean renouncing access to basic necessities. Thus, even individuals who protest against the government would be afraid to vote out of sectarian lines, in fear of losing their group's voice and rights. National identity and unity may be growing through these protests, which is a positive and hopeful sign, but actual change will first require the sectarian leaders to work together in order to ensure that basic needs will be provided regardless. However, as discussed earlier, it does not seem as though cooperation from the political elites will come soon. Moreover,

the sectarian system limits the power of neutral candidates such that it would thus be useless to vote for them. Therefore, for the time being, it is unrealistic to expect that a majority of Iraqis or Lebanese will renounce their sectarian party. There is some hope that the recent advancements such as the economic crisis linked in part to the COVID-19 pandemic in both countries and the continuing protests trigger a start of change. However, significant change would require a complete shift of system which is extremely difficult to acquire, especially in precarious times like today.

Conclusion

Deep ethnic and religious divisions within a country are evidently difficult to manage and to integrate fairly into a political system, especially when ethno-sectarian tensions are deeply rooted. However, it is also evident that in order to instate a stable democratic political system, every citizen needs to feel heard, represented, and respected. Therefore, it is crucial to find a system to successfully manage these ethnic and religious pluralisms.

Iraq and Lebanon are two examples of Middle Eastern states with a rich ethnic and religious diversity that needs to be weaved into the political system. Although these two countries differ in many fundamental ways due to their differing ethnic and religious compositions and histories, they share similar outcomes. In fact, both countries have integrated their most prominent sub-identity groups into their political structures by allocating proportional power to each group. Thus, both systems employ a form of confessionalism.

The idea behind confessionalism is to give each ethnic and religious group a voice in government in order to ensure that their needs are covered. The goal is thus to ensure that the nation as a whole runs well and everyone is satisfied—suggesting that electors will vote for the most competent candidates who will best support the nation as a whole. However, it is ultimately an unsuccessful system to manage ethnic and religious pluralism because it leads to sectarianism which itself leads to instability due to the corruption,

domestic grievances, and undesirable international interventions that come with it (United States Institute of Peace 2013). The particular danger of this system is that it is very difficult to escape. Indeed, not only is confessionalism self-reinforcing, this system also causes other seemingly bigger issues which detract focus from its foundational issues, although people may want to escape it.

If the Lebanese and Iraqis want political change, they will have to request radical reform which aims not only at uprooting sectarianism but confessionalism as a whole. Thus, a possible avenue would be secularism: complete separation of religion and politics. This would allow for political elites to be chosen for their political platforms and their merit rather than their ethnic or religious affiliation which people will identify with. Unfortunately, this is not realistic for the short-term. However, it may be possible in the long run, if the younger generations, which are the principal actors of the current protests, shift their sense of identity to a national one rather than to a sectarian one.

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The ICC-African Relationship: More Complex Than a Simplistic Dichotomy

Emily Rowe

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ABSTRTACT - To date, all thirty of the International Criminal Court's (ICC) official cases are against African nationals, calling into question its legitimacy as a neutral and unbiased international legal body. The ICC-African relationship is often framed in an excessively simplistic dichotomy, portraying the ICC as either a Western neo-imperial colonial tool or a legal, institutional champion of global human rights. Nevertheless, each perspective obfuscates the complexity of the ICC's framework. By examining the Rome Statute and the ICC's official cases to garner a legal and historical perspective, this paper seeks to demonstrate the selectivity bias of the ICC's legal framework against nationals from developing countries, in particular, African states. The principle of complementarity and the United Nations Security Council's (UNSC) referral power embedded in the Court's legal framework allows African nations to be disproportionately preliminarily examined, investigated, and prosecuted, while it enables warranted cases against nationals from developed states to circumvent such targeting. Therefore, the primary issue lies not in cases the ICC has opened, but in the cases, it has not.

Following countless calls and attempts to establish a permanent international criminal court after the end of World War Two, the International Law Commission (ILC) finally produced a draft statute for an international court in 1984. Four years later, on July 19, 1988, 120 states signed the Rome Statute, an international treaty that established the International Criminal Court (ICC) (Ellis 2002, 217). Mandated to investigate and prosecute individuals accused of genocide, war crimes, crimes against humanity, and crimes of aggression, the acceptance of the ICC's jurisdiction represented an international shift towards upholding and defending human rights (Hopgood 2013, 4). Since it entered into force on July 1, 2002, the ICC's legitimacy as an independent and unbiased international criminal court has been brought into question, as all official cases to this date have prosecuted, or are in the process of prosecuting, nationals of African countries (International Criminal Court 2020e). This glaring issue of selectivity bias is problematic, as it disproportionately targets individuals from Africa, reinforcing the widespread colonial perspective that views African states as primitive and Western states as exemplars of development (Ofuho 2000, 106). Addressing this selectivity bias, various states, academics, and news outlets frame the ICC-African relationship in this excessively simplistic dichotomy, regarding the ICC as a Western neo-imperial colonial tool, or as a legal champion of global human rights (Kersten 2015). Neither view is completely justified, as each obfuscates the complexity of the relationship by purporting extremes. Instead, the legal framework of the Court, i.e., the formal decision-making process, should be of primary focus in investigating the ICC's alleged bias. This paper will argue that the inherent legal framework of the ICC exhibits selectivity bias against nationals from developing countries, in particular, African states, as all thirty official ICC cases, implicating forty individuals, are defendants from Africa, despite the fact that individuals from more powerful and developed states warrant such court proceedings. The principle of complementarity and the United Nations Security Council's (UNSC) referral power embedded in the ICC's legal framework allows individuals in African nations to be disproportionately preliminarily examined, investigated, and then tried, while enabling powerful and developed states that commit crimes justifying such prosecution, to circumvent targeting. Therefore, the primary issue lies not in cases the ICC has opened, but in the cases it has not.

This paper will begin by providing a brief overview of the ICC to contextualize the preceding argument. Following this, it argues that the principle of complementarity allows individuals from African states to be disproportionately investigated and enables individuals from developed states to evade such scrutiny. Next, this paper will reject the counterargument that despite all official ICC cases targeting African nationals, all were nevertheless justified, making the ICC unbiased. Lastly, this paper will demonstrate how the UNSC's referral power and the geopolitics at play in the anarchic international system allow individuals from powerful and developed states to evade necessary ICC investigations.

Overview

After World War Two, the victorious powers established war tribunals in Nuremberg and Tokyo to deliver justice for the horrors that had transpired over the previous six years. Fifty years later, the first ad hoc international criminal tribunals were established to prosecute war criminals in Rwanda and the former Yugoslavia. These tribunals were all case-specific and temporary (Ellis 2002, 220). Inspired by the efficacy of these tribunals to administer justice, the international community sought to institute a permanent international court to bring justice to those found guilty of genocide, war crimes, crimes against humanity, and crimes of aggression and to deter individuals from committing such heinous crimes. As a result, the ICC, along with two other separate bodies, the Assembly of State Parties and the Trust Fund for Victims, were established by the Rome Statute on July 17, 1988, and entered into force on July 1, 2002 (International Criminal Court 2020a).

The ICC is an independent body composed of four organs, the Presidency, Chambers, Office of the Prosecutor (OTP), and Registry, and 123 state parties, excluding major powers such as the United States (US), China, and Russia (Dicker 2012). The Court's decision-making process to investigate or prosecute individuals is highly influenced by the principle of complementarity, the Court's jurisdiction, and Realpolitik. First, the ICC was created to complement national courts, not to supplant their authority; therefore, the ICC acts only when a national court is unable or unwilling to carry out a prosecution. If, however, a state's legal system collapses or if a government itself is the perpetrator, the ICC can exercise jurisdiction (Chadwick and Thieme 2016, 346). Second, the Court may exercise jurisdiction in a situation in which grievous crimes were committed by a national on the territory of a state that has accepted the jurisdiction of the Court, permitted the crime in question was committed after July 1, 2002, or after the state ratified the Rome Statute. Additionally, the Court may also exercise jurisdiction if the UNSC directly refers the case to the ICC Prosecutor (International Criminal Court 2020c). Lastly, the ICC is an international, independent body that is highly influenced by the anarchic state of the international system. The Court does not hold omnipotent power but is rather often quite limited by its legal framework that directly relies upon jurisdiction and in its absence, UNSC referral. Therefore, the Court's ability to investigate and prosecute state nationals is undoubtedly restrained by *Realpolitik*.

The Principle of Complementarity: African States

The ICC's legal process allows it to prosecute individuals from developing states, typically in Africa, which are disproportionately susceptible to investigation and prosecution. This is primarily due to the Court's principle of complementarity, which designates it as 'the Court of last resort' (Human Rights Watch 2021).

Dictated in Article 17 of the Rome Statute, a case is admissible if, "the state with jurisdiction over it is "unwilling" or "unable" genuinely to carry out the investigation or prosecution" for genocide, war crimes, crimes against humanity, and crimes of aggression (International Criminal Court 1988, 10). This article allows individuals from developing states to be disproportionately investigated by the Court, for it is often easier to 'prove' that developing states are 'unable' or 'unwilling' to prosecute nationals (10).

To prove a state is unwilling to investigate or prosecute, under Article 17.2 of the Rome Statute, only one of the following criteria needs to be met:

a) The proceedings were or are being undertaken or the national decision was made for the purpose of shielding the person concerned from criminal responsibility for crimes within the jurisdiction of the Court, b) There has been an unjustified delay in the proceedings which in the circumstances is inconsistent with an intent to bring the person concerned to justice, and/or c) The proceedings were not or are not being conducted independently or impartially, and they were or are being conducted in a manner which, in the circumstances, is inconsistent with an intent to bring the person concerned to justice. (10)

Additionally, to determine inability, the state must be unable to obtain the accused or the necessary evidence and testimony or otherwise be unable to carry out its proceedings (International Criminal Court 1988, 10). Therefore, in the words of the former chief prosecutor for the ad hoc UN tribunals, Louise Arbour, "the Court can work against poor, underdeveloped countries because the Prosecutor can easily claim that a justice system in an underdeveloped country is ineffective and therefore "unable" to proceed, for reasons relating to poverty" (Schabus 2001, 68).

As described, both definitions of 'unwilling' and 'unable' are extremely vague and therefore easily manipulated to fit the conditions of developing states. The terms 'underdeveloped' and 'developing' are often synonymous with poverty and corruption, both of which are easily employed as 'proof' that a state is unwilling and unable by

the Court (Franceschet 2004). Typically, states are classified as developed or developing according to income-based measures such as per capita gross domestic product (GDP) or gross national income (GNI). According to the World Bank, countries with less than USD $1,035 GNI per capita are classified as low-income countries and those between $1,036 and $4,085 are branded as lower-middle-income countries (World Bank 2020). Applying this metric to available statistics from 2019, it can be asserted that all residing countries of the Court's thirty official cases fall into either of these two categories (International Monetary Fund 2019). Poverty, in the form of income inequality, is often connected to government corruption (Gupta, Davoodi, and Alonso-Terme 2002, 23). As asserted by Gupta, Davoodi, and Alonso-Terme (2002), an increase of one standard deviation in corruption increases the Gini coefficient of income inequality by about eleven points and income growth of the poor by about five percentage points per year (23). When the government is corrupt, it often limits the national budget to address poverty reduction and the promotion of economic growth through the development of a high-skilled labour market. Moreover, corrupt government officials unfairly award government contracts and favour actors that benefit them politically or monetarily, manipulating how and who controls government institutions. Therefore, the unfortunate reality of Africa's state of poverty and corruption allows for the Court to implicitly determine African states as unwilling to investigate and prosecute, for it is difficult to guarantee that they would be able to conduct a timely, impartial, and independent trial in such conditions. 'Inability' is also quite easy to demonstrate, for it is unlikely that a poor and corrupt state is able to allocate enough funds towards locating and obtaining the accused while compiling the necessary evidence for the proceedings (Franceschet 2004, 36-38). As a result, the characteristics of developing states, in particular African states, render them easily attributable to the requirements of 'unwilling' and 'unable,' allowing the Court jurisdiction to proceed with their investigation.

The Principle of Complementarity: Developed States

While it is relatively easy to label developing states as 'unable' or 'unwilling' according to the criteria stipulated in the Statute, it is much more difficult to demonstrate that developed states that have signed on to the Rome Statute are 'unable' or 'unwilling', for they are often affluent and democratic. Therefore, developed countries are often able to evade ICC investigation because they can afford to locate and obtain the accused, fund the investigation, as well as 'guarantee' an independent, impartial, timely trial at home (Vinjamuri 2016). As Canadian Ambassador Paul Heinbecker (2003) stated, "The ICC was not designed for the United States, Canada, European states or other developed countries because these are well-functioning democracies with strong judiciaries; the ICC is instead designed specifically for the weak states of the world." This procedural advantage of affluent developed countries is visible in the proceedings of the 2006 investigation into the United Kingdom's (UK) military officers' actions during the Iraq conflict and occupation from 2003 to 2008. The UK military officers were accused of unlawful murder, torture, and other forms of ill-treatment that are considered war crimes under international humanitarian law (Davies, Gareth, and Nicholls 2019). As a developed, affluent, and democratic country, the UK was able to effectively demonstrate a willingness and an ability to investigate and prosecute the accused. As stated in the executive summary of the ICC's Final Report on the situation in Iraq/UK, "having exhausted reasonable lines of enquiry arising from the information available, the Office has determined that the only appropriate decision is to close the preliminary examination without seeking authorisation to initiate an investigation" (International Criminal Court 2020d, 4). Nevertheless, an ICC investigation would have been warranted, if not for the UK's privilege to establish its own independent judicial body to investigate the alleged crimes, preventing the ICC jurisdiction to continue their investigation by opening an official case (Davies, Gareth, and Nicholls 2019). Not

only did the ICC previously assert that there exists credible evidence that British troops committed war crimes in Iraq, but an investigation by BBC Panorama and the Sunday Times also discovered damning evidence of war crimes from the personal statements of the Iraq Historic Allegations Team (IHAT), which was composed of British soldiers and army staff (BBC News 2019). The closure of the case against the UK military officials serves as a clear example of the ability of the ICC's legal framework to advantage developed states and disadvantage developing countries.

Following the conclusion of the ICC's preliminary examination on February 9, 2006, the UK proceeded with an independent investigation by the IHAT set up by the Labour government in 2010 to investigate credible claims of abuses in Iraq and secure criminal prosecutions where appropriate (Shackle 2018). Over the following years, IHAT referred a few cases to the independent Service Prosecuting Authority (SPA) for prosecution; nevertheless, the SPA declined to prosecute in each instance because the cases failed to meet the evidential test or the public and service interest component of the 'full code test' (International Criminal Court 2020d, 6). By February 2017, the UK government had shut down IHAT, as its investigations had developed into a national scandal over their failure to secure a single prosecution, despite the ICC asserting "there is a reasonable basis to believe that, in the incidents which form the basis of the Office's findings, the Iraqi detainees concerned were subjected to torture, cruel treatment or outrages against personal dignity, and in some cases willful killing" (6).

To this day, the UK has yet to be held legally accountable for its military's war crimes, demonstrating the ability for affluent developed countries to not only circumvent ICC investigation but then evade prosecution and accountability domestically. Wealth in and of itself should not render a state immune from ICC prosecution. It is evident that the principle of complementarity allows the definitions of 'unable' and 'unwilling' to advantage developed, often democratic states, simply because the state's wealth meets a standard that indicates an

ability to administer justice. As a result, developed countries can evade Court investigation, while African states are rendered easy targets for ICC investigation. This disproportionate outcome as a result of the principle of complementarity demonstrates that the ICC's legal framework is predisposed towards selectivity bias against developing states. It is important to add that almost ten years later, the ICC did re-open the preliminary examination of the war crimes of UK officers in the Iraqi conflict due to new evidence, though the Prosecutor has not yet moved forward with indictments (International Criminal Court 2020f).

Were all ICC African Cases Justifiable?

Currently, there are twenty-two cases under ICC investigation, fifteen of which are tied to an African state (International Criminal Court 2020e). Before 2016, all Court preliminary investigations and opened cases were against African nationals, totaling eight cases. Four were referred by state parties (Uganda, the Democratic Republic of the Congo, the Central African Republic, and Mali) and two were referred by the UNSC (Sudan and Libya). The remaining two preliminary investigations were opened by the ICC itself through the Court's independent Prosecutor (Kenya and Côte d'Ivoire) (Fernadez et al. 2014, 1-10). This pattern garnered widespread scrutiny as to whether or not the ICC was engaging in selective justice (Kimani 2009). However, not everyone accepted that perspective, choosing instead to defend the ICC from such accusations. A common argument in defense of the Court's tendency to target African nationals reasons that the majority of African cases were referred by either a State-Party or the UNSC and thereby were out of the ICC's control, while only two (Kenya and Côte d'Ivoire) out of the eight investigations were launched by the ICC's Prosecutor and were justified (Kersten 2015).

Kenya is the first case in which the Prosecutor opened an investigation proprio motu. On March 31, 2010, Pre-Trial Chamber II granted the Prosecutor's request to open an investigation

regarding the crimes against humanity committed during post-election violence in Kenya from 2007-2008, producing two main cases, originally with six suspects (International Criminal Court 2009). Although this investigation was controversial, as the Court sought to prosecute the Head of State, it was warranted as Article 27 stipulates that the "official capacity as a Head of State or Government [...]shall in no case exempt a person from criminal responsibility under this Statute" (International Criminal Court 1988). In the case of Côte d'Ivoire, the government accepted the Court's jurisdiction in 2003 and reaffirmed the country's acceptance in 2011 when an investigation was launched in October of 2011 (Du Plessis, Maluwa, and O'Reilly 2013, 13). The prosecutor opened a preliminary investigation into alleged crimes against humanity committed during the 2010-2011 post-electoral violence. According to reports by the Human Rights Watch (2011), the violence erupted after Presidential election results between opponents Laurent Gbagbo and Alassane Ouattara were disputed. Therefore, not only has there been an extremely low number of cases in African states launched by the ICC without a referral, but all such cases were justified in accordance with the Rome Statute or accepted by the state itself. Such evidence shows the ICC to be effectively fulfilling its role as an international Court and not acting as a biased, selective instrument.

The argument in defense of the ICC's selectivity fails to recognize that the accusation of its bias does not necessarily pertain to the cases the Court has investigated and prosecuted, but rather the situations it has not. As a senior Rwandan official argued, "There is not a single case at the ICC that does not deserve to be there. But there are many cases that belong there, that aren't there" (Bosco 2013). The ICC's proprio motu investigations should reflect genocide, crimes against humanity, war crimes, and crimes of aggression occurring around the world, yet African nationals make up the majority of the Court's prosecutions, while other countries, such as the UK, evade such prosecution. The ICC's legal framework fails to prosecute warranted cases of nationals from developed states, succeeding in disproportionately opening cases in developing countries, demonstrating the Court's selectivity bias.

UNSC Referral Power

The principle of complementarity and the United Nations Security Council's (UNSC) referral power embedded in the ICC's legal framework allows individuals in African nations to be disproportionately preliminarily examined, investigated, and then tried. The ICC's two-tiered standard of accountability gives the UNSC the power to extend the Court's jurisdiction beyond the ratifying states and directly enables hegemonic powers and their allies to evade prosecution while granting them the power to bring developing states before the Court. First, the Prosecutor can only launch a proprio motu investigation if the state in question has signed and ratified the Rome Statute (International Criminal Court 2020c). The most powerful and developed states that are responsible for the establishment of global order, namely the US, China, and Russia, are not party to the ICC and the Court can only expand its reach through UNSC referral, allocating the ICC jurisdiction over states that have not accepted the Court's jurisdiction (Financial Times 2016). In the cases where the UNSC exercised its referral power, namely, Sudan and Libya, it has only given the Court more room to operate inside Africa, while declining to do the same in Afghanistan and Syria (Tosa 2017, 55). This lack of official investigation is largely due to the requirement of approval from the Council's Permanent Five Members (P5) that consist of prominent geopolitical powers: the US, China, Russia, France, and the UK (Dicker 2012). Great power politics play a key role here as these P5 members hold veto power over UNSC action. China, Russia, and the US are likely to veto any proposal to investigate themselves and their allies: North Korea, Syria, and Afghanistan, respectively (Bosco 2013). Therefore, the Court is largely limited to investigating state parties that fall outside the scope and protection of these powerful state actors. This subordination of the Court to the interests of the geopolitics of the UNSC, and more specifically the P5, exempts many powerful states and their allies from warranted investigations and prosecution due to the two-tiered standard of accountability. The legal structure of the ICC yet again advantages the powerful and developed countries, allowing for the disproportional investigation and prosecution of individuals from developing African states.

The Restraints of *Realpolitik*

As the ICC is an independent international body, it is highly influenced by the anarchic nature of the international system. The structure of the ICC has rendered it difficult to investigate and prosecute powerful states under the restraint of Realpolitik (Chazal 2016). Utilizing the traditional top-down approach, powerful Western states appear to leverage economic incentives in exchange for immunity (Kersten 2019). For example, in 2002, the Bush administration announced that it would veto all future UNSC resolutions concerning peacekeeping and collective security operations until the Council adopted a resolution that would exclude their members of operations from the jurisdiction of the Court (Prestowitz 2008). The US succeeded in pressuring the UNSC to unanimously adopt a resolution granting the members of operation from states not party to the Rome Statute immunity from ICC investigation (United Nations Security Council 2002).

Furthermore, in 2019, the ICC announced that it would potentially launch preliminary examinations into alleged crimes against humanity and war crimes committed in Afghanistan since May 1, 2003 (International Criminal Court 2020b). A preliminary examination would include the examination of conduct by US personnel, with a possible investigation into Palestine that would incorporate the conduct of Israeli officials with whom the US has close security, economic, and diplomatic ties (Human Rights Watch 2019). Greatly opposed to this potentially harmful investigation to the state and its allies, the US Secretary of State Mike Pompeo announced a visa ban on all ICC personnel involved in the Court's potential investigation of US citizens. This policy also extended to those who pursued allied personnel, including Israelis, without the allies' consent (Pompeo 2019). In addition to the visa bans, US National Security Adviser John Bolton threatened prosecutions and financial sanctions against ICC staff and any state or company found assisting in ICC investigations of US nationals or its allies (Evenson 2018).

Despite asserting that the Court would not be bullied into submission, the Pre-Trial Chamber II rejected the Prosecutor's 2017 request for authorisation of an investigation on April 12, 2019. This ruling was made because the commencement of an investigation "would not be in the interests of justice" (International Criminal Court 2020b). The capacity of the US to influence ICC investigations emphasizes the latter's structural inability to operate outside of the pulls and pressures of international politics. The proceedings demonstrated the ability of powerful geopolitical actors, such as the US, to utilize their position to influence other states' cooperation and directly threaten the institutions themselves into submission. This capacity of powerful states to evade ICC investigation allows developing states, often African countries, to be disproportionately prosecuted in comparison, as they do not possess the same soft and hard power capabilities to make credible threats.

Conclusion

The ICC's principle of complementarity enables the Prosecutor to easily demonstrate 'inability' or 'unwillingness' in developing states, allowing individuals from developing countries to be disproportionately investigated in comparison to developed states and for all thirty official ICC cases to prosecute nationals from African states. Despite all African ICC proprio motu investigations and prosecutions being justifiable, the Court's structure remains biased, for it has overtly failed to investigate and then prosecute warranted cases against nationals from affluent, developed states. Furthermore, the ICC's legal structure allocates considerable jurisdictional power to the UNSC, allowing the Court's purpose to be subordinate to great power interests. Within the anarchic international system (Realpolitik), the cases the

Court opens are highly tailored to great power geopolitical interests, as seen with the US and UK, further narrowing the ICC's scope for investigation and prosecution. Therefore, the ICC is neither of the extremes of the overly simplistic dichotomy, rather its legal structure is selectively biased, as it allows nationals of developing states, predominately African countries, to be disproportionately investigated and prosecuted for their crimes while enabling powerful and developed states to utilize the legal structure to circumvent such investigation. Although it is evident that the ICC's legal structure is not without error, the Court's fundamental purpose to enforce international justice and to deter further acts of genocide, war crimes, crimes against humanity, and crimes of aggression, remains of immense importance.

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