BEST STUDENT ESSAYS OF 2016/17

Perspectives in Development

An Exercise in Worldmaking

ERASMUS UNIVERSITEIT ROTTERDAM

International
Institute of
Social Studies

Perspectives in Development:
an Exercise in Worldmaking
Best student essays of
2016/17

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Acronyms

AFES – Agrarian, Food, and Environmental Studies
ECD – Economics of Development
GPPE – Governance, Policy, and Political Economy
Mundus MAPP – Mundus Masters in Public Policy
SJP – Social Justice Perspectives
SPD – Social Policy for Development

Acknowledgments

Foreword

The International Institute of Social Studies, like the country where it resides, is filled with windmills --- people that are constantly blown by the wind, but are still standing tall and making best use of the world's hardest blows. Through this collection of essays written based on their learning, experiences and visions, we are fortunate to have this opportunity to experience even a fraction of the power they create.

Reading these essays blew our mind. We rarely encountered pompous terminologies, which we thought would be everywhere in this book, but instead presented with perspectives and views that are otherwise unknown, forgotten or taken for granted. Some covered the world, others focused on areas close to their hearts. Some discussed concepts and theories, some told stories. Some bombarded us with numbers and graphs, some shared quotes. This collection, we must say, is like a tour that will not only enrich your mind but will also touch your sensibilities.

We decided to start the book with a comprehensive essay by Dao Kim Tung (Vietnam, ECD) which pointed to inequality as the culprit in the sluggish global growth in the last two decades. Relatedly, the second essay by Silvia McElroy (US, MMAP) discussed the grave disconnect in theory and practice of the liberal internationalism theory and food sovereignty discourse, leading her to conclude that an alternative approach to developing global food system is necessary.

Civil society groups, viewed as one of the primary actors in international, national and subnational development, are the subject of the next three essays. Philomena Ngissah (Ghana, ECD) wrote about the view of civil societies on trade agreements, which are argued to undermine citizen participation. Grounded on her experience as development practitioner, Daniela Montero Peña (Costa Rica, SPD)'s essay explored the value of "citizens' approach" in analyzing and understanding the plight of migrants.

We then present country-specific essays that would present unique economic stories of Brazil, Ecuador and North Korea. Daniela Calmon (Brazil, AFES) examined the expanding agribusiness in Brazil, with an attempt to position the active role of the state in promoting the sector in the contending economic schools of thought. The essay of Julio César Muñoz (Ecuador, ECD) tackled Ecuador's macroeconomic stance and tagged it pro-poor following analysis of income growth, poverty and inequality using different approaches. Rafael Guimarães Requião (Brazil, GDP)'s essay is an interesting discussion of a

bottom-up liberalization of the economy that resulted from spontaneous and simultaneous actions of the informal markets.

Politics also play a key role in development, especially when understanding how power is used to achieve desired outcomes. An interesting case of politics taking center stage in development, which was explained thoroughly in Miriam Ayoo (Kenya, MMAP)'s essay, is the case of how Kenya's sovereignty is upheld amid its dependency on international aid. Another political piece is Thanit Nilayodhin (Thailand, SJP)'s essay, which focused on the constitutionality of the promulgation of the military junta-created 2014 Interim Constitution in Thailand, paving the way for violence against civilians.

Veering away from economic and political discussions, proceeding essays would deal largely on social issues, particularly on gender. Naomi Mwangi (Kenya, SJP) discussed in her essay the drawing case of forced circumcision in Kenya as a case of silenced sexual violence against men during war. Maria Wagner (Germany, SJP)'s essay is a novel gender-based story that studied the potentials and limitations of black lesbian cyberfeminism in Cuba, showing how internet could be another space for marginalization. Last in this group is Carolyn Yu (Canada, SPD)'s essay on Two-Spirit identities used across US and Canada and the post-modernist approaches to decolonizing LGBTQ+ movements.

Next two essays are rather short ones, both touching on entrepreneurship. Silva Diaz (Colombia, GDP)'s essay analyzed two theoretical frameworks explaining how institutions affect behavior of entrepreneurs. Montserrat Hernández Pozo (Mexico, SPD)'s essay, on the other hand, discussed how a business model of an e-commerce company could be an alternative of local development.

Finally, the last two essays are also short pieces featuring entrancing stories close to the authors' hearts. M Adityanandana (Indonesia, AFES)'s essay is actually a preview of his research on how culture-specific philosophy is used in advancing political goals in environmental conflicts in Bali, the place where the author was born and raised. The last essay, written by Suthida Chawla (Thailand, GDP) is a story of a photography business that recently transferred from Bangkok to The Hague and relies on its Thai-Indian culture knowledge and history for its success.

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Explaining the Slowdown in Global Growth Over the Last Two Decades

By Dao Kim Tung

Introduction

Context

The slowdown in global growth over the last two decades creates a crucial issue due to its impacts and implications in terms of economic and social policies in both advanced and developing countries, considering the last great downturn in world economy ended in a great depression and is believed to be one of the roots of two world wars. Knowledge of the causes and mechanism of this downtrend plays a vital role in shaping the way governments and institutions deliver their policies. Therefore, different economic schools of thought have tried to find the suitable explanations for this slowdown, from their different theoretical positions.

Theoretical Positions

The Neoclassicals and the New Keynesians are believed to have claimed the two main positions on this discussion. Theoretical and empirical works from each perspective provide divergent explanations because of fundamental differences in their theoretical framework. On explaining the slowdown in global growth, Neoclassicals emphasize the conditional convergence in accordance with the Solow model. They suggest that the global economic growth is slowing because the advanced countries have moved to a steady state growth rate (Barro 1991; Mankiw et al. 1995; Mankiw et al. 1992) while the developing countries are not liberalized enough to obtain more capital flows to engine faster growth. Given that the developing countries are growing fast but could not yet be considered as global growth drivers since their scale of GDP is still small compared to which of the advanced countries, this essay focuses on discussing the significance of conditional convergence among developed countries in explaining the global economic slowdown. On the other hand, New Keynesians place emphasis on income inequality. They argue that the downturn in global growth over the last two decades is a consequence of inequality in wealth and income distribution (Krugman 2013; Piketty 2014b; J. E. Stiglitz 2015).

Approaches and Lines of Argument

This essay aims to examine the significance and importance of the conditional convergence hypothesis and income inequality in the slowdown in global growth over the last two decades. First, it gives a summary of conditional convergence as describe by the Solow model and provides a critique of this convergence. Second, it outlines the New Keynesians argument that inequality is detrimental for growth. Next, it looks into the empirical evidences on this issue. It then offers a critique of New Keynesians argument. Finally, the last section concludes this essay.

The Conditional Convergence Hypothesis

The Neoclassicals argue that the slowdown in global growth is due to conditional convergence process. Initially, the theoretical debate on growth starts with the Neoclassical growth model promoted and developed by Solow (1956). The Solow model suggest that there is a balanced growth equilibrium where economies enter the steady state. In the steady state, capital and output per worker grow at the technological innovation rate. In this growth model, convergence is the term which implies a process that the less developed countries catch up with the advanced countries in terms of growth rate. The concept of conditional convergence is derived from the assumptions of differences in the steady state of the economies considered. Therefore, by providing my empirical evidences, the Neoclassicals urge that world economy grows slowly due to the majority of advanced countries have conditionally converged.

Early evidence on conditional convergence is provided by Kormendi and Meguire (1985) using a sample of about 50 countries. This convergence is also confirmed by Barro et al. (1991) that rely on the diminishing marginal productivity of capital approach and assume the existence of capital mobility. Sala-i-Martin (1996) examines a worldwide sample, across the United States, Japan, and five European nations, at national and regional level and confirms a conditional convergence rate of about 2 PERCENT per annum. Lately, Tsionas (2000) and Le Gallo and Dall'Erba (2008) find evidences of conditional convergence using European regional and sectoral data. It seems to be that there is conditional convergence among advanced countries, which may cause global growth slowdown as arguing by the Neoclassicals.

However, there are many theoretical problems within the growth convergence hypothesis. The Solow growth convergence assumes diminishing marginal productivity of capital (Barro et al. 1991) yet fails to define capital in terms of excluding or including labor/human capital. In addition, this Neoclassicals growth theory suggests that economies converge to a steady state in terms of economic growth rate given by population growth rate and the rate of technological process. The latest assumption is rejected by many empirical studies. Sassi (2010), focusing on agriculture and applying the Geographically Weighted Regression, rejects the convergence between EU15 economies while Petrakos (2001) finds mixed results for Central and Eastern European countries. Studies that focus on different samples and apply different methods have also found limited or no evidence of convergence (Azomahou et al., 2011; Petrakos et al., 2011), moreover, they even find evidence of divergence (Ezcurra & Pascual 2007; Petrakos & Economou 2002; Petrakos et al. 2011). It is likely that the Neoclassicals growth theory is far from explaining the slowdown in world economic growth over the last two decades.

Income Inequality and Global Growth Rate

The New Keynesians suggest that income inequality between and within countries slows down the global growth over the last decades (Piketty 2014b; J. E. Stiglitz 2015). "The OECD calculates, for example, that Germany's gross domestic product (GDP) would now be 6 percent higher if inequality had not increased since 1985" (Fuest 2017). A large body of literature examining the effect of inequality on growth suggests three possible channels through which income inequality damages growth: reducing human capital accumulation, falling in consumption relatively to production, and political instability.

First, inequality reduces growth through the bad effects on human capital accumulation. Low income individuals and households tend to under-invest in terms of education and healthcare although the return on such investments to both individuals themselves and the society is high. Therefore, inequality in income distribution lowers the aggregate output by undermining productivity (Galor 2011; Galor & Zeira 1993). Figure 1 demonstrates the negative correlation between income inequality and the Programme for International Student Assessment (PISA)

Math results. The PISA Math score could be considered as the outcome of education and possibly related to productivity in the near future. Figure 2 shows that inequality worsens health and social problems, which means lowering productivity. Furthermore, inequality harms social mobility, as shown in Figure 3, and creates inefficiency in talent allocation across occupations (Banerjee & Newman 1993; Fershtman et al. 1996; Hassler et al. 2007; Owen & Weil 1998), which also sabotages economic performance.

Figure 1: Income Inequality and PISA Math Score
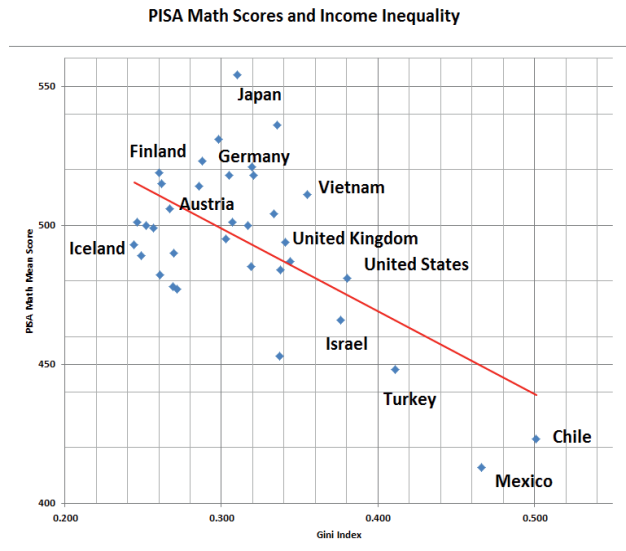
Source: Dios (2013)

Figure 2: Income Inequality and Health
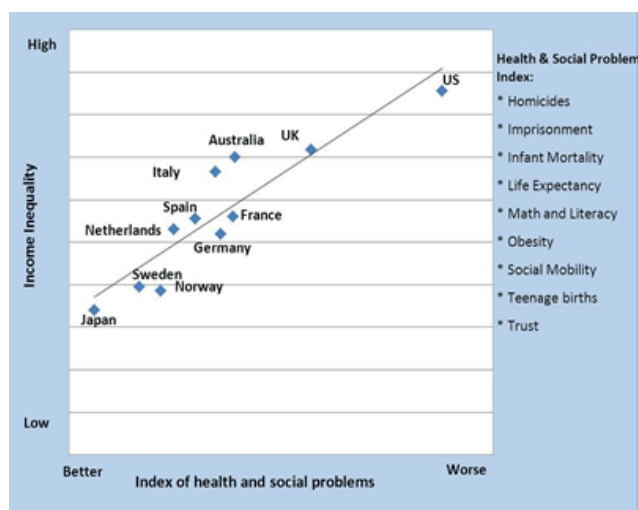
Figure 3: The Great Gatsby Curve: Inequality and Mobility
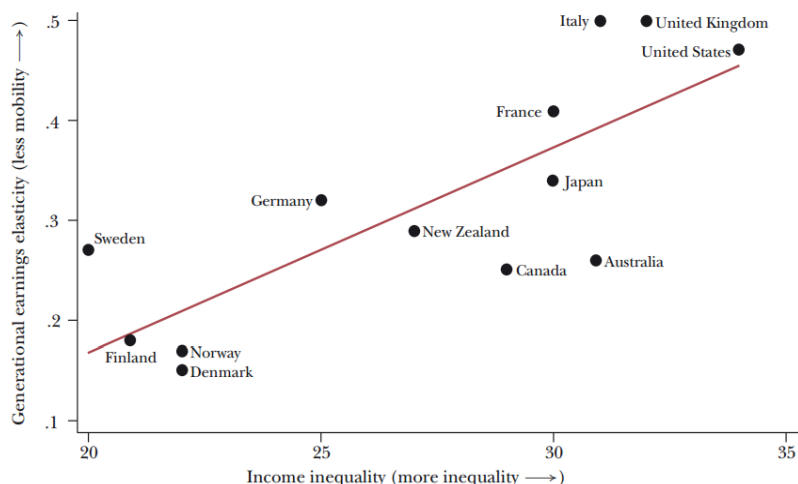
Second, inequality causes aggregate demand to fall relatively to production level. Murphy et al. (1989) argue that in a costly global trade environment, a country can only successfully industrialize when it has a sufficiently large domestic market. Hence, in the context of global growth, the world economy can only thrive when the aggregate demand is large enough to consume all the output. The increase in the income inequality between and within countries reduces consumption level relatively to production (Bertola et al. 2014). Figure 4 indicates the potential correlation between income inequality and consumption inequality. In an even worse case, where consumption does not fall corresponding to the rise in income inequality, the literature observes that income inequality leads the poor to borrow beyond their sustain ability for consumption and gives the rich greater influence in political and financial sectors. These two consequences of income inequality are the roots of the recent crisis which has deepened the downtrend in global growth since then (Fitoussi & Saraceno 2010; Rajan 2010; J. Stiglitz 2012).

Figure 4: Income Inequality and Consumption Inequality

Source: Heathcote et al. (2010)

Finally, great income and wealth inequality would anger the majority of population, which is bad for economic growth. In the case of increasing inequality, a large part of the population demands higher tax rates on the rich, stricter legal regulations on firms and starts to discredit businesses and governments, which discourages firms in terms of investment and creates social unrest (Alesina & Rodrik 1994; Benabou 1996). Therefore, in severe cases, inequality could spark socio-political instability and detrimental effects on growth (Alesina & Perotti 1996; Keefer & Knack 2002). Empirically, Figure 5 shows that income inequality and political polarization have gone hand-in-hand since the 1970s which means inequality enlarges political instability.

Figure 5: Income Inequality and Political Polarization

Rising Inequality and Political Polarization
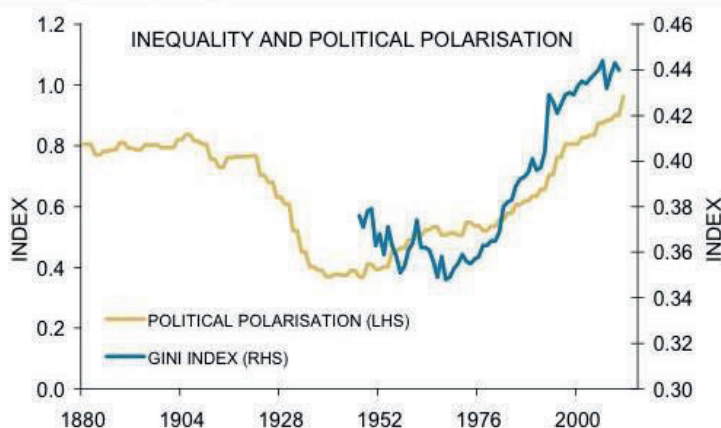
Source: Gerard Minack of Morgan Stanley via Ro (2012)

In addition, Piketty argues in his seminal book, *Capital in the twenty-first century*, using "a relatively large historical database on the structure of national income and national wealth and the evolution of income and wealth distributions, covering three centuries and over 20 countries" (Piketty 2014a), that the current period, so called the Neoliberal Era (1980–2014), is a slow-growth regime of the world economy. His large historical database allows him to compare the Neoliberal Era with the Belle Epoch (1880–1914), which ended badly into the Great Depression of 1929 and world wars. Piketty finds out that in both periods, the poorest 50 percent of the population owns just about 5 percent of total capital. So, a look back at the past helps Piketty in concluding that income and wealth inequality is damaging economic performance.

In addition to Piketty's work, there are more empirical evidences on the bad effect of inequality on growth. For example, calculations by IMF staff as shown in Table 1 confirms the negative and significant impact of the GINI index (the basic and most popular measure of income inequality) on GDP growth. Notably, there is "an inverse relationship between the income share accruing to the rich (top 20 percent) and economic growth" which means "if the income share of the top 20 percent increases by 1 percentage point, GDP growth is actually 0.08 percentage point lower in the following five years, suggesting that the benefits do not trickle down" (Dabla-Norris et al. 2015). Along with other empirical evidences, these regression results strengthen the New Keynesians argument on the adverse effects of income and wealth inequality between and within countries on global economic performance.

Table 1: Regression Results of Growth and Income Distribution

Table 1. Regression Results of Growth and Income Distribution

Variables	Dependent Variable: GDP Growth					
	(1)	(2)	(3)	(4)	(5)	(6)
Lagged GDP Growth	0.145***	0.112***	0.118***	0.113***	0.097***	0.114***
	(0.033)	(0.030)	(0.031)	(0.031)	(0.030)	(0.031)
GDP Per Capita Level (in logs)	-1.440***	-2.198***	-2.247***	-2.223***	-2.122***	-2.222***
	(0.361)	(0.302)	(0.307)	(0.308)	(0.304)	(0.307)
Net Gini	-0.0666*					
	(0.034)					
1st Quintile		0.381**				
		(0.165)				
2nd Quintile			0.325**			
			(0.146)			
3rd Quintile				0.266*		
				(0.152)		
4th Quintile					0.0596	
					(0.180)	
5th Quintile						-0.0837*
						(0.044)
Constant	17.34***	18.82***	18.12***	17.45***	19.41***	25.32***
	(3.225)	(2.579)	(2.713)	(3.058)	(4.203)	(3.496)
Country Fixed Effects	Yes	Yes	Yes	Yes	Yes	Yes
Time Dummies	Yes	Yes	Yes	Yes	Yes	Yes
#. of Observations	733	455	455	455	455	455
#. of Countries	159	156	156	156	156	156

Source: Dabla-Norris et al. (2015)

On the other hand, there are researches suggesting that income inequality enhances economic growth through physical capital accumulation. This classical approach assumes that saving rates increase with income levels, so income inequality increases total saving in the economy, which leads to increasing in economic growth rates, according to the Solow model (Barro, 2000; Dynan et al., 2004). However, savings can hardly be considered as the source of financing investment since firms tend to finance their investment by the internal funds (profits) (Buchik, 2014). As described in Table 2, in most of the cases, more than 90 percent of capital expenditures came from internal funds. Also noticed by Buchik (2014), "the negative financing gaps are indicative of cash hoarding by corporations" which means firms are making so much profits that there is no need for borrowing from banks (savings) to finance their fixed investment. Besides, inequality leads to higher taxes that would then allow governments to invest more in education and health, through which boosts growth (Aghion & Bolton 1990; Saint-Paul & Verdier 1993). Nevertheless, this positive effect of inequality on growth through such taxation and public spending mechanism depends greatly on the government efficiency and quality, which are certainly not affected by income inequality.

Table 2: Source of Capital Expenditures for U.S. Non-Financial Corporations

Table 1 - Sources of Capex for U.S. Non-Financial Corporations, 1952-2013, Yearly				
	capex	internal	financing gap	
	% of	funds, %	% of	% of
	GDP	of capex	capex	GDP
1952-54	9.1%	93.9%	6.1%	0.5%
1955-59	8.9%	94.5%	5.5%	0.5%
1960-64	7.8%	100.5%	-0.5%	0.0%
1965-69	8.3%	87.1%	12.9%	1.1%
1970-74	6.4%	76.6%	23.4%	2.0%
1975-79	7.5%	86.7%	13.3%	1.2%
1980-84	5.2%	85.6%	14.4%	1.3%
1985-89	4.3%	98.1%	1.9%	0.2%
1990-94	4.5%	99.7%	0.3%	0.0%
1995-97	6.2%	94.5%	5.5%	0.4%
1998-00	10.9%	76.8%	23.2%	2.5%
2001-04	8.8%	93.5%	6.5%	0.6%
2005-08	9.4%	93.6%	6.4%	0.6%
2009	7.0%	126.8%	-26.8%	-1.9%
2010	8.3%	119.0%	-19.0%	-1.6%
2011	8.6%	116.5%	-16.5%	-1.4%
2012	9.3%	107.7%	-7.7%	-0.7%
2013	9.3%	108.8%	-8.8%	-0.8%
Average	7.8%	98%	2%	0.3%

Source: Buchik (2014)

Conclusion

In summary, this essay discusses theoretically and empirically the Neoclassicals and the New Keynesians explanations of the slowdown in global growth over the last two decades. The Neoclassicals promote the conditional convergence describe by the Solow model as the main reasons for this downturn while the New Keynesians suggest that it is income and wealth inequality that damage world economy growth rate. Each school of thoughts has their own argument and faces different criticisms.

Regardless being long established and very popular in the literature, the conditional convergence hypothesis contains significant theoretical problems and assumptions, including the definition of capital and the existence of a unique steady state, that have been rejected by many empirical researches. It seems that the more attention that have been drawn to conditional convergence, the more divergence evidences have been found. Hence, it is quite safe to conclude that the argument of conditional convergence with accordance to the Solow model can barely explain the downtrend in global growth yet many Neoclassical economists still believe that the Solow model and its convergence hypothesis are important for policy makers.

On the contrary, the New Keynesians theory of income inequality is strongly supported by empirical studies. The three main channels through which inequality could damage growth, including reducing human capital accumulation, falling in consumption relatively to production, and political instability, are endorsed by a large body of empirical works. In addition, the counter ideas of inequality damaging growth, made up of physical capital accumulation and increasing public expenditures on education and healthcare, have been rejected systematically and empirically. Physical capital accumulation (savings) does not engine growth through financing investment since the majority of fixed investment comes from profits of the corporations. The increasing in public education and health expenditures through higher taxation mainly depends on governments efficiency, hence it could not be a channels through which inequality could enhance growth.

Therefore, in this essay rather than conditional convergence, the slowdown in global growth in recent decades is due to the inequality in wealth and income distribution between and within countries. This conclusion is supported by not only theoretical arguments but also empirical evidences from both global and historical perspectives. Of these evidence, the hard work of Thomas Piketty, *Capital in the twenty-first century*, provides sound proves for the bad effects of income inequality on economic growth as well as attacks many Neoclassical growth and development hypotheses and models.

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Liberal Internationalism and Food Security for a Just and Equitable Global Food System?

By Silvia McElroy

Introduction

The recent food crises of 2008 and 2010 showed that without question widespread hunger and food insecurity are still problems which plague the global papulation. The FAO reported that from 2014 to 2016, a total of 795 million people were estimated to be suffering from chronic hunger and undernourishment (CFS 2016: 5). 2015 marked the end of the era of the Millennium Development Goals which included a goal of eradicating extreme poverty and hunger, and while there was significant progress made towards this end, improvements were uneven and varied extremely across geographic regions, and food security problems continued to persist to the same degree (FAO 2015: 17).

Food security is undeniably a global problem. It is a somewhat unique case, as food is considered to be a human right but is treated like a commodity in the world market, and food security is regulated by international norms of production, trade. This came into being as the global governance system of liberal internationalism was developed and implemented following the end of World War II, which suggests that a complex interplay between different elements of liberal internationalism which have been imposed within the realm of food security exists and should be investigated, especially considering the prominence of crises and serious social problems associated with the topic. Thus, this paper focuses on the relation between liberal internationalism and the discourse surrounding food security which it helped shape. It aims to address the following research question: How has liberal internationalism - as the dominant framework for international cooperation on food security –contributed in preventing the creation of an equal and just global food system?

Liberal Internationalism Theory

The liberal international order is the collection of ideas and structures which form the basis of the organization of the world system of governance, developed after the two World Wars and the Cold War. This "project," as it is referred to by Ikenberry, encompasses political, economic, and social norms which are embodied within "…a vision of an open, rule-based system in which states trade and cooperate to achieve mutual gains" (2009: 72). It is characterized by a strong sense of optimism based on the idea that governments and people all have fundamentally common interests,such as maintaining peace, solving security dilemmas, and taking collective action for problem solving (ibid: 72). In order to protect and realize these interests, liberal internationalists view cooperation among states within international institutions and exercise of restraint of the most powerful as the best means to that end (ibid: 72).

The political aspect of liberal internationalism is focused on the spreading of democracy, which is assumed to be the most conducive mode of governance to the protection of individual rights and domestic and international peace (Jahn 2013: 2). This is linked to the notion that, as opposed to authoritarian and autocratic states, democracies are more willing and able to engage

within the liberal internationalist order (Ikenberry 2009: 72). Within the economic element of this order, economic productivity and efficiency can be achieved through free markets, free trade, and the protection of private property, according to liberal theories (Jahn 2013: 2). Further, free trade is said to have a "…modernizing and civilizing effect on states, undercutting illiberal tendencies and strengthening the fabric of international community" (Ikenberry 2009: 72).Finally, another element that is central to liberal internationalism is the institutionalization of social norms, specifically human rights protection, at both national and international level institutions to promote cooperation and reform (Jahn 2013: 2-3). This was also linked to the principle of humanitarian intervention,and this ultimately led to the adoption of the global commitment known as Responsibility to Protect(ibid: 3) which is in place to prevent crimes against humanity.

The generalized ideas that are above mentioned are the common basis for all variations of liberal theory (Jahn 2013: 3). After each of the major world conflicts a new version of the liberal international order can be recognized, and each is characterized by a different combination and configuration of liberal ideas, rules, and institutions (Ikenberry 2009: 71-72). According to Ikenberry, these different versions of the liberal order vary over five important dimensions in particular: participatory scope in terms of rage of states involved, degree of sovereign independence or restriction, sovereign equality or degree of hierarchy, influence of the rule of law in the operation of the order, and breadth and depthof policy domains addressed (2009: 72-73). Tensions between these dimensions,and the interaction between their assumptions and the material realities of the time period they are embedded within, produced the various crises and breakdown of the international order, observed first in the aftermath of World War I when the Wilsonian vision of liberal internationalism failed to produce the necessary conditions for the upholding of collective security (ibid: 75). It is argued that now the second era of liberal internationalism established after World War II is in a crisis, as the structure and power relations within the international system have shifted away from a balancing between the most powerful states, and new powers are entering to challenge the functioning of liberal ideas and institutions (ibid: 80).

There is speculation as to whether or not the world is entering a new phase in liberal internationalism or if a new type of global governance will emerge. What is evident, however, is that, "…in practice, liberal actors often failed to live up to the theoretical expectations, while liberal policies failed to achieve their aims or led to highly paradoxical outcomes" (Jahn 2013: 2). This is still part of the reality of the current system, as is clear when the recent crises of the last decades(which have beeneconomic, political, ecological, etc. in nature) are taken into consideration. These are the implications of a disconnect between liberal theory and practice, as cited by Jahn, which is very visible in the economic realm of liberal internationalism for example (2013: 4). The process of neoliberalism came into prominence around the 1970s and involved a general expansion of capitalism in the world economy through the opening of national economies of states, and promoting liberalization, deregulation, and privatization in economic policy (ibid: 1). This spread and increase in market economies and free trade was very beneficial to select groups within society as in some cases these policies resulted in economic growth, while in others they led to increases in poverty levels and many forms of social resistance as a result of the several recent financial crises (ibid: 3).

Agricultural Restructuring

As changes were occurring within the realm of global governance following World War II, the global food and agricultural system also underwent a process of restructuring during this time which would later aid in bringing the two systems together. In describing this process, contextual background information is given to introduce the realm of global food and agriculture where the food security debate is taking place, and some interactions between it and liberal internationalism are identified. I utilize and make reference to conclusions drawn from food regime analysis, a comparative historical analysis approach which links international relations of food production and consumption to the forms of accumulation broadly distinguishing periods of capitalist transformation (Friedmann and McMichael 1989: 95).

Before this restructuring occurred, the global agricultural system was in the post-World War II food regime from 1945 to 1972. During this time the national economic organization of agricultural policies, the general state system, and commercial agriculture were linked by the two processes of the development of a system of liberal, independent states under liberal internationalism, and the industrialization of agriculture and food (Friedmann and McMichael 1989: 94).This was a period of U.S. hegemony, and was characterized by a set of rules which prioritized national regulations, and allowed for both import controls and export subsidies necessary to manage national farm programs(Friedmann 1993: 31). Through these policies chronic surpluses of food commodities were produced, especially in the U.S., and from this emerged a particular set of international relations in trade and food production which strongly favored the American agricultural sector (ibid: 31). This was accompanied by an expansion of the state system as a result of decolonialization, and those states experienced "…a) importation of wheat from the old settler colonies, especially the US, at the expense of domestic food production, and b) decline of markets for tropical exports, notably sugar and vegetable oils, through import substitution by advanced capitalist countries" (Friedmann and McMichael 1989: 103). Agricultural production became increasingly fragmented into specialized sectors, linked in unevenly developed industrial input chains that crossed national boundaries to create food products that were marketed transnationally (ibid: 94-95).

The "mercantilist" agricultural trade and regulation policies that were in place, coupled with the increased ability of transnational capital to organize and reorganize agriculture undermined national policies of states related to agricultural development, food security, and the support and preservation of rural/peasant communities (Friedmann and McMichael 1989: 95). The combination of these factors, an unexpected shift from surplus to scarcity in grain supplies in the U.S. and other export states, and the simultaneous financial and oil crises, led to a food crisis in 1972 which saw a rapid and dramatic rise in prices and widespread food shortages. Developing countries were, as may be expected, most negatively affected by this event. The era of neoliberal structural adjustment which followed these crises in the 1980s further undercut national agricultural policies by making financial aid through development loans conditional on the shift of production from staple crops for food security to non-traditional export crops(Bernstein 2016: 621-622). This was for the purpose of increasing integration of national economies into the global market in order to facilitate economic growth and eliminate the previous protectionist policies that had been in place. The World Trade Organization (WTO) was established in 1995 and incorporated agriculture into international tariff agreements from which it had been excluded in the past by the powerful U.S. farm lobby (Bernstein 2016: 622). The organization's dominant mode of regulation was (and still is) based on the neoliberal idea

of market liberalization, which it applied to the agricultural sector as competition increased for commodities with the entrance of "New Agricultural Countries" such as Brazil (ibid: 622). This can be seen as another meeting between elements of liberal internationalism, specifically the economic pillar encompassing the process of neoliberalism, and the global food and agricultural system in which food security is embedded.

Much like the discussion surrounding liberal internationalism and whether or not the system of global governance is entering into a new phase, there is a similar discussion taking place within the food regime literature. Some scholars claim that the world has in fact entered a new food regime, potentially classified as being corporate-environmental in nature (Bernstein 2016: 625-626). They state that a new variation of capital accumulation can be observed and is accompanied by an ever-increasing transnational class of both rich and poor consumers, and that the power to regulate the food and agricultural system rests with corporate transnational agribusinesses which dominate both the production and retail sectors (Friedmann 2005: 251-252). This private sector power is enhanced by the continuing disagreements between states within international organizations such as the WTO (ibid: 252). Another central feature of this potential new food regime is the prominent presence of social movements of resistance against the further neoliberalization of agriculture and in favor of alternative food systems, which is clearly reflected in the debate within food security which will be discussed later in this paper.

International Cooperation on Food Security

The development of the United Nations (UN) system of international institutions was one of the results of the revival of liberal internationalism in the aftermath of World War II. It continues to be the prime example of the institutionalization of liberal norms as a platform for cooperation in the international system to address a wide range of economic, social, and human rights policy domains. One of those domains is food and agriculture, represented by the Food and Agriculture Organization (FAO) which was established as a specialized UN agency in 1948, and in the same year the right to food was included in the Universal Declaration of Human Rights. The three main goals of the FAO are the eradication of hunger, food insecurity and malnutrition; the elimination of poverty and the driving forward of economic and social progress for all; and, the sustainable management and utilization of natural resources(FAO, n.d.). Food security/insecurity has been an issue of utmost importance within international efforts and cooperation on development issues, embodied first in the Millennium Development Goals and now in the Sustainable Development Goals, and in light of the recent food crises has been brought to the forefront of agricultural development policy discussions and recommendations (FAO 2016).

The concept of food security was formalized at the 1996 World Food Summit when the following definition was agreed on, which is used by FAO: "Food security exists when all people, at all times, have physical and economic access to sufficient safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life. The four pillars of food security are availability, access, utilization and stability." (FAO 2016: 9). International cooperation on this particular aspect of the global food system is articulated through the Committee on World Food Security (CFS), which is the inclusive, international and intergovernmental platform for all stakeholders involved in the food security and nutrition sectors to coordinate and work together (CFS 2016: 5). This committee is guided by numerous

overarching frameworks from the FAO and other UN agencies (ibid: 12-15), as the issue of food security is connected to many others and encompasses many different elements itself. It provides, among other publications, a Global Strategic Framework for Food Security & Nutrition (GSF) which outlines policy and program recommendations to other entities working on food security issues.

Through this institution of global governance under liberal internationalization the concept of food security is defined, institutionalized, and operationalized by the UN. Food security/insecurity are conceptualized and understood in a particular way that is in line with liberal internationalist ideas, and the discourse regarding how to address these concepts follows key pieces of the pattern of general global governance discourse surrounding "world problems" and "global challenges," as outlined by Brand (2005). I equate the global governance mentioned in his 2005 article with liberal internationalism.

To begin, a world problem must be identified as existing, diagnosed, and solved efficiently (Brand 2005: 166). Food security and insecurity, as well as the various specific indicators used to determine whether a person is in one state or the other, are mentioned in the CFS GSF and are defined in the FAO report "The State of Food Insecurity in the World 2015" (53), and the many degrees of severity of these indicators around the world are discussed throughout the report and GSF. The need for "efficiency" is related to the use of agricultural inputs, economic markets, social safety nets, etc. and is used very often in describing approaches to improving these problem-solving elements.

A second element of discourses associated with global governance is that the priorities of the problem and their treatment (cooperatively) are given as opposed to proposed to critical consideration (Brand 2005: 166). In the case of food security the priorities of the problem are relatively straightforward and are (1) that direct action should be taken to alleviate malnutrition and hunger for the most vulnerable and (2) that actions should be taken to build resilience and address the root causes of hunger (CFS 2016: 16). As to their treatment, cooperation is of course stressed as a necessary aspect of the approach to the treatment of these priorities, and the specific strategies that are given reflect the particular way of conceptualizing food security in this context:

- Improve agricultural productivity and enhance livelihoods and food security and nutrition in poor rural communities; promote productive activities and decent employment;
- Develop and conserve natural resources; ensure access to productive resources;
- Expand rural infrastructure, including capacity for food safety, plant and animal health; and broaden market access;
- Strengthen capacity for knowledge generation and dissemination (research, extension, education and communication) (ibid: 16-17)

Another important element to Brand's description of global governance discourse is the tendency of it to present a functionalist understanding of international politics, which is to say that they exist only in order to be able to solve world problems (2005: 166). Within this, Brand argues that property rights at the international level often serve dominant interests against weaker ones, and that "…'successful' politics is judged today on the creation of competitiveness and on the improvement of the conditions of dominant economic activities and the utilization of capital" (ibid: 166). These tendencies are present within the dominant

food security discourse in the form of promoting the use of biotechnology for sustainable intensification, a strategy which allegedly raises productivity, efficiency of natural resource use, and stability of returns on investment, while lowering production costs, and negative impacts on the environment (FAO 2016: 50). Sustainable intensification is seen as the best option for smallholder farmers to innovate and increase their food security, however the use of biotechnologies involved in this practice are all subject to property rights of some kind, usually owned by agribusiness corporations, and can send farmers into large amounts of debt and thus directly threaten their food security. Of course the spread of these patented technologies would improve the conditions of economic activity but only for those groups who own the inputs and means for production.

Lastly, which fits with the example mentioned above, global governance discourse privileges and features the knowledge and expertise of a certain type of western, supercilious knowledge (Brand 2005: 167). For example, food security discourse which promotes ideas that complement liberal internationalism, increase access to international markets, use of biotechnology and agricultural extension services to increase competition, do not leave room for traditional small farming practices, networks, and knowledge in places where projects are carried out or aid is given. The official notion within agricultural development is that peasant agriculture is at the level of the poverty baseline and therefore must be modernized through industrial agriculture (McMichael and Schneider 2011: 125).

Food Security and Food Sovereignty

Some of the defining characteristics of food security, a concept created and defined by the liberal internationalist UN agencies of the FAO and CFS, have been outlined in the preceding section of this paper. I will now present a brief overview of the comprehensive ideas associated with it for the purpose of then contrasting this to the main, most visible alternative food system movement, food sovereignty.

Food Security

As it is defined and understood via the official channels of UN agencies, the food security approach to agricultural development includes specific strategies and tools to be used in its implementation. The main goal is to improve smallholder farmer productivity using inputs from biotechnology, and subsequently incorporating them into industrial agricultural value chains and eventually into global markets (McMichael and Schneider 2011: 119). This is very consistent with a view of agriculture as a source of capital accumulation that is market-centric and focused on the opportunities to reinvest in and develop agricultural value chains (ibid:120). These components are embodied most clearly in the so-called Second Green Revolution, which also reflects neoliberal ideas, described in the article written by McMichael and Schneider in 2011 as "…the privatization of agricultural modernization, deepening the application of agri-technologies (including biotechnology), and reorienting agriculture as an export industry producing 'non-traditional exports' (e.g. shrimp and soybeans instead of pineapples and coffee) in the global South for world markets" (122).

Food Sovereignty

As a result of the emergence of this particular understanding of food security, several alternative movements calling for different ideas and practices to be adopted within the global food system and agricultural development have manifested. Among the most visible, and perhaps influential, is the food sovereignty movement which supports smallholder farmer rights to develop "…bio-regionally specific agro-ecological methods and provision for local, rather than global, markets" (McMichael and Schneider 2011: 120). It challenges the notion that smallholder farmers and peasants need to modernize in order to be productive, as there is ample evidence to suggest the contrary, and advocates for agriculture to be considered in a more holistic, multifunctional way, and for institutional arrangements' need to change to reflect this (ibid: 132).Food sovereignty sees opportunities to shift the focus of agriculture around the principles of social and ecological sustainability (ibid: 132-133).

Implications and Analysis

It is a well-known fact that there is currently enough food produced to feed the population of the planet. Yields of agricultural production are not the driving factor of the persisting inequalities and hunger that characterizes the global food system (see Holt-Giménez et al. 2012). It was not by coincidence that the most recent food crises of 2008 and 2010coincided with the financial crisis of 2008 and subsequent global recession, which saw the rapid and significant rise of food prices and of the number of hungry people, which was reported at over one billion people at the time (FAO, n.d.).

This brought the discussion of food security to the forefront of the agricultural development agendaand sparked a series of reforms within liberal international institutions involved in the governance of agriculture and food (CFS 2016: 5).

The dominant discourse associated with food security promoted by the CFS and other UN agencies is a product of the global governance system of liberal internationalism, its ideas and practices. This guiding framework which includes the specific way in which the issues of agricultural development and hunger are dealt with on an international level has not helped to create an adequate response to global hunger and food insecurity. On the contrary, it has produced very undesirable outcomes, such as corporate land grabbing as a result of smallholder land dispossession, increased price volatility for agricultural commodities, and a decrease in food security, the exact opposite goal of these policies (see McMichael and Schneider 2011). Food sovereignty offers an alternative approach to the management of the global food system, one that advocates to preserve and enhance systems of smallholder agriculture, agro-ecological practices, and the rejection of industrial agriculture that exposes existing global food systems to short-term investment volatilities and long-term environmental and energy vulnerabilities (ibid: 134).

It is argued by McMichael and Schneider as well as other scholars that the food crises of several years ago can be called endemic as opposed to episodic, that is were the result of underlying structural problems as opposed to contingent conditions (ibid: 134). As they state in their article, "the basic divide is over whether agriculture is a servant of economic growth, or should be developed as a foundational source of social and ecological sustainability," or in other worlds whether the liberal internationalist technocratic approach or a human rights-based approach such as food sovereignty is capable of producing a more just and equal global food system (ibid: 119).

Conclusion

There is a serious disjuncture between theory and practice, both in liberal internationalism in general and in food security discourse in particular. Liberal internationalism gave rise to food security, which in turn gave rise to food sovereignty, which cites very clear reasons to pursue an alternative approach to developing the global food system.

On a fundamental level, the ideas of liberal internationalism are not at all undesirable as the ideal vision they put forth for the world order would be a peaceful and prosperous space to live in. however, and unfortunately, the policies put forth as the operationalization of these ideas rarely seem to achieve their goals, and in fact often create new problems to be dealt with. The material realities of the time in which we live are not conducive to the "proper" functioning of the liberal international order as it has been put forth thus far. Deep and widespread changes must be made to this dominant variation of global governance if it is to survive in the future and address the global problems we face. It is understandable that the debate which is happening now about this topic asks the question it does: what comes next?

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Why Do Civil Society Groups Feel That Trade Agreements such as CETA, TPP and TTIP Will Undermine Democracy?

By Philomena Ngissah

Introduction

From the transatlantic bridges of the Mexican-EU FTA, Transatlantic Trade and Investment Partnership (TTIP) or the Comprehensive Economic and Trade Agreement (CETA) to the competing free trade treaties in the Pacific such as the Trans-Pacific Partnership (TPP) and the Regional Comprehensive Economic Partnership (RCEP). The "world economy has witnessed the proliferation of ambitious mega trade deals bringing several regional economies together" (Velut 2016: 2). This kind of cross-regional cooperation represents the latest chapter of economic globalisation, a rational phase in the growing concatenation of the global economy. Trade agreements such as CETA, TTIP, and TPP according to various reports (European Commission 2016; Business Europe 2016), offer significant economic benefits to countries that are part of the agreements. For example, the agreements help in the reduction of costs regarding production, trade, and consumption. The agreements did not just abolish tariffs, they also address the behind-the-border obstacles that encumber the free movement of goods and services between parties, embolden investment, and improve cooperation in dealing with several problems to provide more jobs and business opportunities (Bollyky and Bradford 2013; European Commission 2016; Business Europe 2016).

Nevertheless, there are a plethora of documented criticism against the trade agreements on several grounds. This includes but were not limited to concerns about environment, food safety, job losses, serving the interest of the multinational corporations and big businesses at the detriment of the citizens of state parties that are involved in the agreements (Eberhardt et al. 2014; Stuart 2015; Barlow 2015b; Blaise and Wilson 2016; BBC 2016). From all the criticism of the trade agreements, the danger of the trade agreements undermining democracy has been the top agenda of the civil society's campaigns across America, Europe and Asia (Petersmann 2017; Benvenisti 2016; Barlow 2015). On the other hand, some have argued that the predominant critics of trade agreements are those from the classical left-wing and green political dogmas aiming to snatch anti-establishment and frustrated voters just like other populist groups (Bauer 2016; Harman 2017). Bauer argued that the negativity that surrounds the modern trade treaties is nothing short of systemic exaggeration, invented myths, and orchestrated fear mongering with the objective of portraying TTIP and other modern trade agreement as anti-masses.

> "All too often, declared anti-TTIP, anti-CETA protest groups praise themselves as defenders of "our" national democracy and "our" national values. Their narratives aim to convey the message that protests TTIP are the result of a united bottom-up movement, whereby they regularly argue that the movement is supported by the majority of European citizens" (Bauer 2016: 87)

In spite of this, studies revealed that majority of the people of Europe are not against the trade agreements. For Bauer, anti-TTIP and other trade agreements messages of the civil society depicted ambivalent cult of the state. Even though there are some unsubstantiated fears of what

impact CETA, TTIP, TTP and other trade agreement can have on the people, nevertheless, the people are afraid of the fact that governments might be forced to curtail ecological standards, labour and employment law as well as democratic procedures (Harman 2017: 29).

It is against this background that, this essay seeks to unravel the reason why civil society groups feel that trade agreements such as CETA, TPP and TTIP will undermine democracy despite all the positive elements of the agreements. In this essay, I agree that CETA, TTIP, TTP and other trade deals undermine democracy. Although democracy as a concept is difficult to define, however, there is a consensus on basic characteristics and principles of democracy such as the rule of law, control of abuse of power, human rights, political tolerance, accountability, transparency, economic freedom, equality, citizen participation, etc. Besides, Kimber (1989) hypothesises that sovereignty is one the fundamental principles of democracy (Kimber1989: 199), unfortunately, all these principles of democracy are under attack by CETA, TTIP, TTP and others trades agreement. To organise my argument, this essay will be sectionalized into three parts that discuss the reasons that made me agree with the civil society groups that the trade agreements undermine democracy by critically examine how the trade deals have eroded the component of democracy. The first part, focus on how the role of citizen participation in decision making has been relegated in the negotiation of the trade deals. In the second part, I discuss how the trade agreement has strong-armed the state institutions in dancing to the tune of corporations as well re-emphasized why I agree that trade agreements do undermine democracy with various examples to support my argument. In the conclusion part, I give a summary of all the discussion in this essay

Trade Agreements, A Threat to Democracy

Citizenship Participation in Decision-Making Becomes Immaterial

Democracy is an idea as well as a set of institutions and practices. As an idea, it expresses two actual simple philosophies: first that citizens should be able to have control and influence on the policies and rules in the society by participating in the debates in regard of issues of mutual interest while treating each other as equals (Beetham 2006: 3). The second dimension, to democracy comprises of institutions of representative and government accountability, which together regulate the policies and law for society and secure veneration for the rule of law. There is a general consensus that citizen participation is an indispensable component of a strong democracy (Bullock 2014: 25; Michels 2011: 275). The participation of citizens in decision making ensures that the government actually works to meet the public demands as well as a driver towards socio-economic and democratic changes. According to Michels, participation offer citizens a platform to have "a more direct say, it gives a voice to individual citizens and to minorities" (2011: 276). The civil society groups believe that trade agreements subjugate the parliament that is saddled with the responsibilities to articulates the wishes and views of the decision-making process, make new laws and repeal the out-dated ones (Pelizzo and Stapenhurst 2007: 1). This is because the negotiations of the trade deals are conducted with so much secrecy. The representative of the public has little or no idea of the things which are been negotiated, and the official agreement texts of the trade agreements are hidden from the general public not until the negotiations are concluded (Fowels 2015). As representatives of the people, "parliaments represent the interest of the people in the dealings with other branches of government in dealings with the other branches of government, and with various sub-national and international bodies" (Beetham, 2006: 5). Unfortunately, the parliamentarians that ought

to represent the people in the trade agreement are only allowed to read the cumbersome legal texts (for example the CETA agreement, approximately 1,500 pages) in exclusively selected reading rooms devoid of any assistance from the legal expert help. To make the matter worse, they are not permitted to inform the public the contents of what they have read. What they can only do is to reject or accept the agreements once the negotiations are finalized; they have no opportunity to amend or ask for amendment (Petersmann 2017; Eberhardt et al. 2014). There is no other clear evidence that the voice of people has been relegated to the bin in relation to the trade agreement more than representatives of the people not to have a say in the laws that affect the citizens.

> "Within the traditional separation of powers – between the executive, legislature and judiciary – parliament as the freely elected body holds a central place in any democracy. It is the institution through which the will of the people is expressed, and through which popular self-government is realised in practice" (Beetham, 2006: 4-5).

By inviting corporations to co-write new laws at the detriment of people representatives is an attack on democracy. When the so-called "regulatory cooperation" allow the representatives of big corporate bodies from both divide of the Atlantic to influence the draft laws in the expert groups even before these laws are tabled before an elected parliament for discussion. This undercuts democracy. The excessive influence that big corporation exercise on the CETA, TTIP, TTP, and other cross-regional trade agreements secret negotiations are alarming, it is only in some few instances that trade unions and consumers were invited for formality sake to share their views. Benvenisti argued that

> "by maintaining secrecy over the contents of the negotiations, the negotiators are hoping to impose top-down significant new rules for the global economy – far beyond trade and investment – that will affect most voters in developed and developing countries without their knowledge or consent" (2016: 58).

Strong-arming of the State Institutions to Favour Corporation

In a democracy, the government are saddled with the responsibilities to defend and protect the interest of the individuals as part of their social contract agreement with the citizens. CETA, TTP, TTIP and others

> "impose new limits on the right of governments to regulate on behalf of their people or the environment, establishing obligations that go far beyond the traditional requirement in trade deals not to discriminate between foreign and local corporations" (Barlow, 2015:6).

These trade agreements set limitations on national regulations on economic activity such as fishing, agriculture, forestry, mining, oil and gas mining and in the case of exemption; it must be listed and negotiated. The commitments of the trade deal bar subnational governments (states, provinces and municipalities) from favouring domestic firms and local economic development when it comes to procurement. This will significantly limit the vast majority of local governments and regions in Europe, North America, and Asia from using public expenditure as a catalyst towards the realisation of other societal objectives and goals such as addressing the climate crisis, supporting local farmers and creating jobs (Sinclair et al. 2014).

According to Benvenisti, the trade agreements (e.g. TTIP and TTP) have the potential to weaken the

"institutions that in democracies check the otherwise unbridled power of the executive: the legislature – the venue for deliberating and negotiating the preferences of the voters – and the judiciary – the institution that protects individual rights against governmental abuse of authority" (2016: 59-60).

While CETA fails to satisfactorily safeguard judicial remedies, democratic governance and rights of citizens in transatlantic market regulation, the TTIP negotiators prioritisation of utilitarian group interests so as to limit the resistance to a positive completion of TTIP; risks undermining "republican governance" (Petersmann 2015:579).

Be that as it may, the trades agreements are a monster to democracy to the extent that the pressure from civil societies groups on governments to respect the social contract they have with the citizens created a dilemma for the governments. Any attempt by the government to listen to the yearnings and aspiration of citizens might cost the governments a fortune in compensation. The Investor-State Dispute Settlement mechanisms (ISDSs) entrenched in the trade agreements allow elected governments to be sued by private investors should in case the government's policy hindered either their profits or the expected profits in the future (Benvenisti 2016 Petersmann 2015; Mann 2015). The judicial arm of democracy that supposed to address any dispute are negated, instead of "protecting fundamental rights and legal remedies in domestic courts in economic integration among transatlantic democracies, the EU's transatlantic FTAs risk undermining basic rights and judicial remedies" (Petersmann 2017: 1). The adjudication of the disputes is done in the international tribunal which is predominantly made up of corporate lawyers, which according to John Hillary, the coordinator of War on Wants, are "little more than kangaroo courts" with "a vested interest in ruling in favour of business" (Williams 2015). Corporations now sue governments for financial compensation on policies or practices that promote human rights, health, environmental sustainability which they considered to be undesirable to their agenda.

Picture 1 "What is TTIP and Six Reasons Why the Answer Should Scare You"

Picture 2: "Growing Opposition Forces EU Humiliating Climbdown CETA"

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A typical example of how trade rules according to extraordinary rights to foreign investors is a menace to democracy can be seen from various cases. For example, TransCanada's lawsuit challenging the Obama Administration's decision to block Keystone XL Oil pipeline project

(The Council of Canadian 2016: 8). We have also seen cases ranging from Phillip Morris, a cigarette maker that challenged Australian rules regarding the packaging of cigarette aimed at upholding public health to Vattenfall, a Swedish company, that sued Germany for a €4.7 billion concerning to Germany's choice to phase out nuclear power because of environmental legislation (Barlow 2015: 7). Unfortunately, the expansion of these rights has been aggressively pursued by Canada, US and the EU even while negotiating the recent Paris Climate Agreement with little thought for their bearing on the government's ability to meet their climate obligations. As long as distinctive rights for corporate investors remain a component of trade treaties, the short-term interest of corporation at the detriment of policies that are meant to address the public interest and climate crisis will be the priorities of the trade agreements (The Council of Canadian 2016: 8)

As the civil societies campaign against the trade deals intensified also is the numbers of investor claims for compensation against the governments continue to witness an upsurge. From a dozen court cases in the mid-1990s to 767 documented cases by the last quarter of 2016 (UNCTAD 2016) is a testament to the fact that the rate of attacks on one policy after the other by the investors is the order of the day. Everything is under attack, from tax measures to bans on toxics and mining, from anti-smoking laws to requirements for environmental impact assessments and regulations relating to hazardous waste, "virtually all of the initiatives were targeted, and most of them never saw the light of day"(Greider 2001).The consequences of these attacks have led to what Tienhaara (2010) described as "policy chill" because the governments are reluctant in using a considerable amount of taxpayer money to pay penalties and compensation to investors for the loss of profits. Tienhaara maintained that this policy chill discourages new government initiatives (2010) at the detriment of the masses that needed such initiatives. Moreover, governments will not want to take the risk of been dragged to international tribunal because it is almost certain that the judgement will be in favour of private investors going by UNCTAD 2015 report that shows that more than 60% of the adjudicated cases favoured corporation (Mann 2015). This implies that corporations are increasingly and successfully questioning government policies and regulations.

Conclusion

Although trade agreements such as CETA, TTIP, TTP and others have helped to eliminate many barriers and obstacles in trade but one would agree that they undermine democracy from a wide range of views based on empirical evidence. It is argued that these trade agreements pose a direct threat to governments to fulfil their social contract and democratic obligation to the citizen in providing quality public goods and services such as health care, education, and food among others. This is because the trade agreement limits the capacity of governments to regulate this service to the benefit of the public, therefore, encouraging the further expansion of the multinational corporation rights through the liberalisation of services. From the discussion in this essay, it is clear that the ratification and application of corporate-dominated agreements will not only negate the national legal sovereignty, but also social and environmental standard as well as the workers' rights. This is because, with CETA, TTIP, TTP, and other trade agreements in place. However, with TTIP and CETA in place, government officials and policy makers will be subjected to make a cataclysmic choice between

implementing the standards that violate the trade agreements and paying high penalties for violating the trade agreements. And in some cases, they might become risk averse by pre-emptively circumventing the initiation of any regulative measures at all. Whatever choice the government make, it is beyond doubt that the trade agreements that are backed by international law have the capacity to inhibit the democratically elected bodies the decision-making powers. For the fact that national laws regarding environmental standard and food safety – just to mention two conspicuous examples – that used to be a subject of democratic processes are at present undergoing renegotiation at the international level raises fundamental questions of concerns about the democratic governance of Trans-Atlantic free trade agreements. Without a doubt, the factors and the consequences of these trade agreement discussed in this essay are the main reasons why plethora of civil society groups (e.g. labour unions, environmental organizations, consumer associations etc.) have raised their voices against the trade deals and thus, demand greater transparency and inclusiveness in the trade negotiations. In conclusion, I believe that If we want all the tenet of democracy to survive, then TTIP, CETA, TTP and other trade agreements need to be renegotiated by those already ratified it and those that have not ratified it should not do so.

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Is Civic Driven Change a useful framework to analyze and understand the way migrants individually or collectively use the civic space in their country of residence?

By Daniela Montero Peña

"To all those who decide to return before crossing. To all those who cross over and are deported. To all those who make a life there, on 'the other side'. To all those who died at some point of the route. To all those who demand of us social sciences which are more critical and creative, more propositional and prospective" (Sandoval-García 2017: 03).

My experiences during the last four years as a development practitioner working with civil society organizations and social movements in Central America influenced my decision to come back to academia. During these past months in ISS, I have become aware on how identities and positions are never fixed. They are in constant change. They depend on where you stand, in front or with whom you relate to. I come from a place where migration is a structural dimension of everyday life. Around 12 percent to 14 percent of Central Americans live in a country other than their country of birth (Sandoval-García 2017: 01). Closer to my own experience, is Nicaraguan migration to Costa Rica. Scholars estimate that 7 percent of Costa Rica total population has a Nicaraguan background, becoming a major case of South-South migration (Sandoval-García 2015). But I have always seen it in binary terms. Nicaraguans as the migrants, as 'the others'. I never felt or seen myself as a migrant until I came to study in Europe. Of course, this type of migration comes from a position of privilege in every single way: I decided to come here, I am studying, I have a regular migration status. But it made much more aware of the notion of citizenship, of being included or excluded from, of being entitled –or not- to certain rights in a country different from my place of birth.

The course of Social Movements and Civic Innovation led me to reflect on the overall process of social change. Change processes are always happening; while writing this paper something is evolving. Every day by different people in different places. Whether it is on a local or global level, change is always happening. But what really resonated to me during the course are the amalgam of individuals influencing or leading these processes, how citizenship and other identities locate a person in a certain power dynamic, that empower or disempower and that at the end enhance or limit their civic action.

In this paper, I want to explore how Civic Driven Change framework (CDC) allows to understand the way migrants individually or collective make use of the civic space in their country of residence, within a context of an expanding number of migrants around the world. It does so by exploring the civil society narrative because it has dominated the analysis of change processes. Then, the paper analyses what civic space means, and its key dimensions in order to conceptualize the concept. The third part is to go deeper into Civic Driven Change (CDC) perspective and the four lenses provided by the framework. I question whether the notion of citizenship as a central element in CDC is a common ground or a divergent point in

migration research. I conclude arguing that CDC provides powerful lenses to analyze the interplay between citizenship and civic energy.

Is civil society passé?

"Civil society is passé", said a German government official. The rise of civil society had its momentum in the 1990s when a 'strong civil society' was recognized as a key element in any democracy. However, it is a problematic concept as it has been defined and re-defined by academics and philosophers over the years. Even though history of the idea of 'civil society' goes beyond this paper, it is important to identify how the understandings have shifted over the years and why is important to move forward.

The ideas about civil society varied from left, right and all political currents in between. The thinkers of Enlightenment, like Madison or Tocqueville or in subsequent years Putnam, did have in mind an articulated civil society that had to be protected from the state in order to resist and defend against any authoritarianism. More critical ideas came with Hegel and Marx. The latter focused on the existing inequality and power relations within civil society. For Marx, civil society was another "vehicle to furthering the interest of the dominant class under capitalism" (Edwards 2014:08) Gramsci draws upon Marx ideas but states that civil society is both a sphere where rebellion as well as ideological hegemony take place.

Major contributions which enriched the debate of civil society further was done by Habermas. Habermas built around Gramsci's ideas about civil society as the public sphere, focusing on the 'discursive public sphere' where people could connect by the free flow of information.

Overall, civil society as an analytical framework is complex for various reasons. First, the definition of civil society varies radically between spectrums without reaching a minimal consensus. Borrowing the words of Edwards, "an idea that means everything probably signifies nothing" (2009: 03). Second, civil society is mainly understood in a normative way as a type of society with positive norms and values. However, in recent times 'non-civic' movements, like anti-migrants' movements in Germany, drug cartels or *maras* (gangs) in Central America are unquestionable part of civil society. The most powerful of these groups are influencing or leading political processes in many parts of the world (Balassiano and Pandi 2012: 1581, Edwards 2009: 67). Third, the concept itself is developed in relation to the state, seen as an independent arena from the state and private sector. Yet, in the midst of large movements of commodities, capital and people throughout the world clean cuts among sectors are impossible to make (Biekart and Fowler 2012: 283).

Is civil society *passé*? No, as the concept still dominates the main narrative of politicians and international organizations throughout the world. The on-going debate pressures the assumptions that underpin the concept, but is it useful to analyze the complex change processes that are happening?

From civil society to civic space

The constraints of civil society as an analytical concept and as a concept in the agendas of international may have evolved in new ways elements and ways of thinking in development. Recently, internal agencies and non-profit organizations have situated their reports around the concept of civic spaces in general, specifically about the protection and measurement of civic space in the South (ACT Alliance and CIDSE. 2014, CAFOD. 2013, INTRAC 2012). Literature coming from academia regarding the regulatory space for civil society is less abundant. However, some scholars have also positioned their research around the concept of civic spaces, "as a space where civic action takes place" (Douglas, Ho, & Ooi: 2002: 346-347). An article by Hayman (2016) refers to exploratory research conducted by Claessen and de Lange (2016), Wood (2016) and Lutsevych (2016) who evidence how the arena in which CSOs organize and operate is being restricted both financially and operationally (2016: 672). It is important to note that the way you conceived civic spaces has important implications in who participates in those spaces (Hayes et al 2017:03).

It is important to define civic space before we going deeper in the debate of whether it is a useful concept to analyze the use of the public sphere by migrants in their country of residence. Civic space connotes "the set of conditions that determine the extent to which all members of society, both as individuals and in informal or organized groups, are able to freely, effectively and without discrimination exercise their basic civil rights" (Malena 2015: 14). As such, 'civic space' is not a new term. It can be closely related to spatial conceptualizations of civil society in general, and in particular Habermas' idea of civil society as a public sphere (Hayes et al 2017: 14). Habermas focused on the 'discursive public sphere' where people gathered in spaces –both abstract realm and physical venues- to engage in dialogues and discussion around common problems and push for change. As Edwards puts it:

> "In its role as the "public sphere", civil society becomes the arena for argument and deliberation as well as for association and institutional collaboration: a "non-legislative, extra-judicial, public space in which societal differences, social problems, public policy, governmental action and matters of community and cultural identity are developed and debated." (Edwards 2014: 67)

Critics may argue this notion of civil society is rather utopian, as it ignores the inequality to access those spaces, the variety of voices in those spaces and the power relations within society. Certainly, the challenge does not lie so much in giving access to those generally excluded from the sphere, as being able to listen to them.

However, civic space is a useful concept in the analysis for various reasons. First, because it focuses on the underlying conditions that enable citizens to achieve their own goals rather than formal groups bounded to a specific sector or issue (Malena 2015: 14). In civic space, 'citizens' include both citizens with a citizenship status as well as those without. Whereas civil society is mainly understood as 'over the radar', implying that because a group is not 'formalize' then it does not exist, civic space acknowledges a wide range of actors from individual members to formal civil society organizations (CSOs) and all the variety between them (e.g. community activities, public assembly, community-based organizations NGOs, online discussion groups, etc). (Malena: 2015: 14) This is particular important for migrants because their migratory

status, and other elements such as gender, class, race, have profound implications in the way migrants participate in change processes and how.

In an attempt to conceptualize, operatize and measure civic space, different initiatives have been developed by the international community. For example, in 2016 CIVICUS launched CIVICUS Monitor, an online platform that rates countries on the basis on how open or close their civic space is. This initiative reported on the state of civic space in various regions such as Latin America, Africa and the Middle East. In the case of Latin America for instance, the report referred to how democracy is well established (at least at its minimum) throughout the region, yet there is increasing evidence on how the political space is being constrained. (CIVICUS 2016)

Carmen Malena outlines the key features of civic space. These include five rights-based dimensions (and 16 sub-dimensions): 1) freedom of Information and Expression 2) Rights of Assembly and Association 3) Citizen Participation 4) Non-Discriminatory / Inclusion and 5) Human Rights / Rule of Law. Each of the five dimensions that can be assessed, allowing for a spectrum from protected to not protected. (Malena 2015)

Most of these tools refer to the metaphor of "shrinking space" which emerged in parallel to describe how civic spaces have deteriorated in many regions. The 'shrinking space' proposition is set as:

> "The current emergency has been long time in the making. But only recently has it galvanized a concerted response by organized 'civil society', which is now mobilizing to understand and counter what is termed 'shrinking space', a metaphor that has been widely embraced as a way of describing a new generation of restrictions on political struggle" (Malena 2017: 03).

In many respects, the concepts of 'civic space' and 'shrinking space' are problematic. The latter more problematic than the former. 'Shrinking space' implies that the space was open at a certain point which is not necessarily the case for countries in the South. Repression, violations are not new trends in the Global South, most of these countries are characterized by cycles of 'openness' and 'closeness'. (Hayes et al 2016: 06) For example, Nicaragua in previous regimes and the current government of President Daniel Ortega have never experience an 'open civic space'. Certainly, changes from one government to another can be pointed but not in binary terms of open and close. "Shrinking space" is simply a more nuanced and convenient way of talking about the problems of exclusion and repression that many social, political and civil rights movements have long faced." (Hayes et al 2017: 06)

Further, the metaphor does not problematize for which kind of actors is the space shrinking, implying that all spaces are closing. Specially in the case of migration, it is key to recognize how certain elements, such as legal status, gender, nationality, can limit the use of civic space by migrants yet enhancing it for nationals. In other words, different elements "allows governments to selectively prioritize certain types of shrinking spaces whilst ignoring others". (Hayes et al 2017: 06)

The concept of civic space is a work a progress, in the sense that new papers are being developed taking into account some of the elements mentioned above. It is a useful concept in the extent that it reaffirms that 'civic space' is never fixed or static, but rather dynamic. Its use responds to the different nature of actors and political struggles.

Is Civic Driven Change framework useful to analyze migrants' use of civic space?

Civic Driven Change (CDC) is a useful framework to overcome the limits of the 'civil society' approach because it moves away from a specific sector-bound or visible associational life. In a globalized world with constant flows of commodities, capital and people, clear-cuts on which sector change is happening are impossible to make. The boundaries among sectors are every day more permeable. New waves of entrepreneurship, social innovation or the 'marketization of NGO' – are a few examples of this nuanced area.

The authors of CDC propose a "citizens' approach to the enquiry of socio-political processes in relation to power and governance" (Fowler and Biekart 2015: 712). This framework puts in the center the notion of 'civic energy' inherit in every member of any society. In other words, it gives the centrality to both citizens and the civic energy in them.

CDC provides four useful lenses to unpack different socio-political dimensions in a particular chance process: 1) politics of belonging 2) politics of action 3) politics of scale and 4) politics of scale. This paper is concerned primarily (but no exclusively) with the first two of these dimensions. I argue that CDC permits an analysis on why civic energy arises in some individuals and in others not. Specifically, in this paper it is useful to understand why some migrants make use of the civic space in their country of residence, or why not or less so, and which elements drive their civic action. The four lenses are the following:

Politics of belonging: the assumption in CDC is based on "a rights-based understanding of 'political agency' -referring to the ability to bring about change in power relations"- which is known as *inclusive citizenship*. (Biekart and Fowler 2012: 186) This lens is particularly useful to study migrants use of civic space, as it is a starting point to understand the entitlement of migrants to political and civil rights.

This proposition draws around a key concept in migration studies, citizenship. The challenges of the notion of citizenship in migration research will be developed in the next section, however it is important to understand a basic meaning of citizenship and the challenges it suppose specially in the age of migration. (Castles et al 1998: 104-140, Castles and Davidson 2000: 1-24) Originally, citizenship was intrinsically related to the notion of the nation-state. Being a citizen meant to belong to a specific territory and political community, to being entitled to certain rights and obligations. As Castles states,

> "Being a citizen was just a matter of common sense in the fortunate minority of the world's countries that might be considered to be democracies. It was 'normal to be a citizen, which meant having the rights to vote and to stand for political office (…)" (2000: 01).

Globalization and massive population movements pressures the conceptualization of nation-state and citizenship, as the citizen no longer belongs to a specific territory but moves beyond the borders shaping and re-shaping their own identities. (Çakmaklı 2015: 422, Castles and Davidson 2000) The stake of the problem is that recent years have been characterized by strengthening external boundaries and protective measures to prevent influx flows, governments have been active in changing the rules for access to citizenship, second generation of migrants and migrant children. In this logic,

> "Millions of people are disenfranchised because they cannot become citizens in their country of residence. Even more people, however, have formal membership of the nation-state yet lack many of the rights that are to go with this. Porous boundaries and multiple identities undermine ideas of cultural belonging as a necessary accompaniment to political membership. There are increasing number of citizens who do not belong" (Castles and Davidson 2000: 08).

In sum, 'politics of belonging' allow us to go beyond the traditional notion of citizenship. First, it points that a society is made up of citizens as well as non-citizens and this is in itself has profound implications in the formal and informal belonging, which at the same time has huge with politics effects (Biekart and Fowler 2015 2016: 712).

Politics of action: This lens focuses on the premise of the '24/7 citizen' which refers to the idea that every citizens is constantly exercising its *political agency*. "In whatever they do, people's agency contains 'political choices', which co-determine how a society thinks, feels, functions and evolves" (Fowler and Biekart 2016: 187). CDC let us see beyond formal mechanisms such as voting, rather it focuses in the actions that are daily made by individuals in order to alter society they live in and change things.

In the context of migration in general, and specially in 'illegal' or irregular migration, a political action cannot be limited to collective action nor to formalized groups or movements, it really depends on contexts and scales and historical factors underpinning their civic participation. For example, Turkish migrants in Germany have been organizing in civic organizations since the beginning of their migration to Germany. Many of these organizations are trying to better integrate Turkish migrants in Germany, to develop protective mechanism against discrimination or to expand minority rights in Germany. Whichever the case, the organizations are influencing German politics. Although most Turkish migrants have still to gain German citizenship, migrants have access to certain rights that once were only reserved for German citizens (Sezgin 2008: 78-85). Lacroix and Dumont account the transformation of the Moroccan organization field in France and how their civic activities are changing over time (2012: 03-09). In the South, Nicaraguan migrants in Costa Rica are a major case of South-South migration in Latin America, but in this case Nicaraguan migrants have not been able to formally organize themselves nor to claim their space in the public sphere. Sandoval-García (2017) points out that Nicaraguans have played crucial roles in strikes in banana o pineapple plantations which ended in bettering labour conditions for workers but beyond labor rights, Nicaraguan migrants' civic participation is very marginal. In Costa Rica advocacy for migrants' rights is dominated "by NGOs, often supported by the international community, in certain circumstances overshadowed migrants' own agency" (2017: 03).

In short, CDC is useful in unraveling why now or why migrants are not using the civic space in their country of residence, to whose benefit, to whom is the action directed and how is it distributed and what are the drivers of this civic agency. In the other words, why in some latitudes migrants themselves are influencing socio-political processes in their country of residence and why that is not happening in other places? CDC places emphasis in civic agency as any political act in which individually or collectively, a group of people are trying to change things. Depending on places a political act could be an informal gathering in public spaces or pushing to expand migrant's rights, what is important to understand are the underlying causes of such action. At the end, "what becomes political and in whose favour over time is the exposed tip of an iceberg" (Fowler and Biekart 2013: 472).

The politics of scale: Another feature of CDC is scalability, applicable at local, national, regional and global level. This is particularly valuable if you consider that in an interconnected world a local change process has the potential to resonate globally. In the case of migration, for example, more and more literature evidence how migrant organizations abroad have ties with their country of origin. While investigating Moroccan organizations in France, Lacroix and Dumont describe a type of organizations who are leading projects socio cultural political projects in their place of birth (2012: 3-9). I would argue that in the upcoming years, migrant organizations with transnational ties and international character around the world will increase in size and number. From this point of view, it would be interesting to see how the civic energy of migrants is not constrained to a specific place (the community or country where they live in) but has the potential to resonate beyond borders whether it is in their country of origin or in other places with high migration flows adopting causes of humanitarian relief, political advocacy or integration.

The politics of knowledge and communication: the fourth feature of CDC refers to the politics of knowledge and communication. This lens recognizes that there is no just one knowledge, rather people's agency is informed by an individual experience. Thus there is not one 'change path', instead every polity has their own change process. Further, CDC acknowledges that other types of knowledge have been eroded throughout the years by colonialism and other 'violent practices'. In this sense CDC gives centrality to people's own ways to communicate.

Citizenship in CDC and 'irregular' migration: common ground or points of divergence?

As it was mentioned before, CDC proposes a shift from civil society narrative to one that is less focus to a location (market – state – civil society) and more focused in questioning how and why societies change. I argue that CDC is valuable to analyze the use of civic space by migrants in their country of residence. Some elements of the framework are innovative in the sense that they permit an assessment of whether the same drivers of civic energy apply for migrants as for nationals, and if so or less so, how a society is shifting and for whose benefit over a period of time.

Critics could argue CDC close relation to the notion of citizenship is problematic. At the end, citizenship implies both inclusion and exclusion. In some places, people in general are recognized citizens by the state but other political or cultural rights are denied (Castles and Davidson 2000: 01-24). This applies to minority groups such as indigenous populations or afro-descendants. In the case of migrants, certainly the most affected ones are the 'unwanted migrants'. In fact, research shows that in some countries, second and even third generation of migrants are being denied as citizens (Castles and Davidson 2000: 11).

The authors of CDC noted that the premise of this framework is the 'quality of citizenship', in more simple words "the right to have rights". Hence, is not limited to a particular political path or trajectory but people must enjoy basic rights in order to be able to apply the framework. (Biekart and Fowler 2009: 04-05)

Indeed, using the notion of citizenship as the formalized granted citizenship could limit the analysis to only those citizens recognized by the government. However, I argue that indeed while recent conceptualizations of citizenship (such as post national citizenship, universal citizenship, multicultural citizenship) can be better adapted to the case of migrants, CDC has the potential to challenge the traditional notion of citizenship without disregarding the concept. Firstly, by recognizing that citizenship is linked to civic agency and is being shape and re-shape by individuals, social movements, NGOs as well as government institutions. Dagnino for example, points out how citizenship was redefined by social movements in Brazil throughout the 1980s and how the "connection between citizenship and civic agency infused the political debate and specific struggles in the period" (2008: 31).

Citizenship in CDC implies a strong emphasis not only in the formalize granted citizenship but on the idea of civic participation, on having civic rights and freedoms. It can help envisage a citizen "on the move". Applying CDC lenses to migration research can help challenge the basic understanding of 'citizenship' in two ways. First, it can be applied in places where migrants have formal membership to the nation-state by the country's Constitution or other legal documents, but they do not see themselves as part of the polity. Thus, their civic participation is marginal. It can also be applied in the opposite scenario, one where migrants without formal citizenship have civic rights and freedoms. In those cases, civic participation is greater and they are influencing policies. In sum, the range of identities and ideas of belonging are redefining the concept of citizenship. In this sense CDC is valuable because it captures what are drivers of political action in a given socio-political context during a specific timeline.

Conclusion

This paper explored if Civic Driven Change framework can be valuable to analyze and understand the ways migrants use the civic space in their country of residence, taking into account the current migration patterns around the globe and how migrants are influencing development projects in places other than their place of birth.

I argue that CDC focus on civic energy and citizenship allows new understandings of migrants use of civic space. First because the former is more concerned on the drivers of civic energy,

what makes the migrants want to act in order to change things in the place where they live? Second, citizenship is useful because it goes deeper into the elements undermining the ideas of socio cultural and political belonging. The idea of being included or excluded from any or every arena in the society could be a source of civic energy, thus political action. Hence, a potential relationship between citizenship and civic energy in a specific context and period of time should be explored.

Of course, the framework has to be applied to a migrant case to see if the lenses provide valuable and new insights. The first step is to see migrants as political subjects with real influence on the development projects and change processes in both their place of residence and country of origin. This paper is far from being conclusive or to draw a clear relation between any of the elements, instead the points noted above trigger a wide range of questions. What are the new forms of belonging and how are those pursuing for social change? How do a group of migrants engage with the state in their countries of residence in order to change things? Is their exclusion, the driving element for collective action? Are second and third generation of migrants using civic space as migrants or are they reproducing the silence of the migrant's struggles? What about stateless people around the globe: how are they engaging in change processes? Is every migrant's act a political act? But if not, what is not political about migrating?

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'Go Forth and Multiply The (Agri)business'? State Promotion of A Brazilian Industrial Agriculture Frontier Under The Lens of New Institutional Economics and Marxist Agrarian Political Economy

Daniela Calmon

A Proactive State in The Expansion of The Brazilian Agribusiness Frontier

In the year 2015, Brazilian Federal Government officially recognized Matopiba region – 73 million hectares, encompassing 337 municipalities in four states of the Brazilian Northeast: Maranhão, Tocantins, Piauí, Bahia – as a priority territory for agriculture and livestock development, earmarked to receive special government support through investment in transportation infrastructure, technology transfer and agricultural credit (Portal Planalto 2015). The region is being announced as a new agribusiness frontier, as increasingly 'traditional territories'[1] and Cerrado vegetation are converted to industrial agriculture – especially grains/oilseeds – under the control of large farmers (mainly Southern *gaúchos,* who have been establishing themselves in the region from the 1980s on) and national agribusiness companies (such as Cosan, SLC, Amaggi, Suzano), often in partnerships with traders and receiving investments of pension funds and other international institutional investors (Salomão, Seibel 2017; Pitta, Mendonça 2015). The Federal and State Governments have had proactive roles in facilitating this transition, even before the official territorial delimitation. The Federal Government has been, for instance, heavily investing in the expansion of the North logistical corridor for exporting agricultural commodities, especially since 2007 with the Program of Acceleration of Growth (PAC) and loans of BNDES (National Bank of Social and Economic Development). The Matopiba frontier can also be seen as a continuity and geographical extension of the larger policy of promotion of agricultural modernization in the Cerrado region, favored as a strategy to stimulate national economic growth, which can be traced back at least to the military dictatorship in the 1970s (Delgado 2010).

This is an interesting case for analysis under different approaches on agrarian transformation precisely because the State has such a proactive role. That is, it goes much beyond the classical liberal role of the State that provides the necessary institutional arrangements for capitalist agriculture – protection of private property, criminal repression and punishment, legal predictability for commercial and labor relations, etc. – but has a more complex and intervening role of promotor, through its different powers and sectors. I will choose to focus on the intervention of the Executive Power, from which I underscore four key interventions: a) technological research and transfer under Embrapa (Brazilian Livestock and Agricultural Research public company, tied to the Ministry of Agriculture), which currently has 73 projects

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[1] The concepts of traditional territories and traditional communities have been increasingly used in Brazil to describe culturally diverse people who work the land (quilombolas, quebradeiras de coco babaçu, comunidades de fundo de pasto, etc)., instead of using concepts such as 'peasant' or 'smallholder' (Almeida 2008). In Matopiba region, there are 35 official Indigenous Lands, 745 land reform settlements and 36 quilombola territories, totalling over 7 million hectares (Miranda 2015:22), but there is also a variety of 'traditional communities' and smallholders without land titles, who are currently losing or selling land to the new commercial farmers (Pitta, Mendonça 2015).

in Matopiba, with almost two-thirds of them focused on genetic improvement of crops (Embrapa n.d.). Indeed, the new frontier would not be possible if the crops had not been adapted to the edaphoclimatic conditions of Matopiba, allowing, for instance, soy to be planted in increasingly lower latitudes[2]. Embrapa has often established experimental labs in potential new agricultural frontiers, assisting the 'pioneers'[3]; b) heavy investments in the logistical corridor for exportation of grains – such as the new Terminal of Grains of Itaqui Port (Maranhão) and the North-South Railway under construction; c) making billions of reais available in agricultural credit (190 billion were announced for 2017/18) through *Plano Safra*, the annual Agricultural and Livestock Plan (Estadão 2017), as well as other support public policies at state and municipal levels; d) land titling of unclaimed public lands to private landholders. In the states of Matopiba, land titling has often been conducted on state lands and hás thus been a function of the State governments – Piauí, for instance, has been conducting land titling with smallholders in partnership with the World Bank (Incra 2016). However, land regularization is also object of federal policy, such as 'Terra Legal', which has been accused of facilitating appropriation of public land in the Legal Amazon by large farmers (which partially overlaps with Matopiba) (Oliveira 2010). It is known that access to land by the new farmers and companies in Matopiba has largely been through *grilagem* – illegal appropriation of public lands, often achieved through falsifying documents of property at the public notaries (*cartórios*) (Pitta, Mendonça 2015: 42-47). Although there is not always direct involvement of higher spheres of government in the *grilagem*, its ubiquitousness does depend on the decision of the State and Federal governments not to repress the process and to reclaim public lands (and title them for traditional communities and peasants currently or previously in possession of the land) and has often had their later sanction.

In addition to these four types of policies I have highlighted, the Federal Government has also been promoting this 'frontier' discursively as key for economic growth and has helped coordinate policies among the participating municipalities and states and promote investment opportunities and partnerships with foreign actors with commercial and financial ties to Brazilian agribusiness, such as the Japanese government and traders[4].

Considering the growth in influence of New Institutional Economics (NIE) in the last years in mainstream economic policies and global governance institutions and considering that this approach contends that State intervention to address market failures and reduce transaction costs can be beneficial, I will first consider how an NIE perspective might evaluate the participation of the Brazilian State in the Matopiba agribusiness frontier. Then, I will criticize the limitations of NIE from a Marxist Agrarian Political Economy perspective and present two possible opposing viewpoints within Marxism of State involvement in agricultural modernization.

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[2] One of the regions of fast growth of area occupied by soy plantation, in the northeast of Maranhão (Baixo Parnaíba), is only a few degrees from the Equator line. While "tropicalization of soy" has been one of the flagships of Embrapa in the last decades, highly productive soy in such low latitudes would be unthinkable until recently.
[3] Embrapa installed an Advanced Support Unit in Balsas, Maranhão, in 1986, for example. This experimental unit was consolidated as a research center in 2011 (Embrapa Cocais 2017).
[4] On July 7th 2017, the Ministry of Agriculture, along with Japanese Embassy and Japan Chamber of Industry and Commerce in Brazil will host the "3rd Dialogue Brazil-Japan: Investor Road Show", which will, among other things, discuss the need for improving grain transport infrastructure in Matopiba region (MAPA 2017).

New Institutional Economics – coming to terms with the State?

New Institutional Economics stems from neoclassical economics, and maintains its basic tenets and concerns over promoting allocative efficiency and economic growth. However, NIE recognizes that economic actors are not simply guided by instrumental rationality (since they do not have access to complete information or make perfect calculations) and thus acknowledges that institutions are required to address market failures and to reduce uncertainty (North 2003; Harris et al. 2003). That does not imply, however, that State regulation is presented simply as a solution to market failures or that authors in NIE accept a positive view of a developmental State, but rather that, for them, "neither state nor market is invariably the best way in which to organise the provision of goods and services" (Harris et al. 2003:1) and that pursuing a more adaptive form of efficiency (North et al. 2003: 26) might be necessary in promoting development. In this sense, since NIE maintains growth and productivity as its ultimate parameters, Brazilian State intervention in building the agribusiness frontier is not necessarily automatically endorsed, but can be justified by authors and policymakers with an NIE-based approach if this intervention is indeed allocating land for more efficient and productive uses and promoting economic growth. At first glance, this might signify a possible support for the strategies adopted by the government in this case, which favor majoritarily agricultural intensification and have been justified by the Brazilian government precisely as an economic growth strategy. This strategy has had some success in the last two decades, especially under the commodity boom, in the form of generating positive commercial balance through Brazilian agricultural exports, although the long-term economic traps of primary especialization can a possible contention to this (Delgado 2010).

Nevertheless, under an NIE lens, the State intervention can also be questioned in terms of simultaneously allowing rent-seeking behavior, especially in the form of acquision of land for speculation – which has been also a strong phenomenon in the Matopiba region (Pitta, Mendonça 2015:8-9) – and potential distortion of competition due to the dependency of Brazilian agribusiness on credit provided by government at lower interests and other state-supported amenities. Indeed, one of the points that New Institutionalists criticize in relation to underdeveloped countries is that the heavy influence of interest groups in the State can promote rent-seeking and redistribution, instead of increasing productivity (Harris et al. 2003: 6). NIE authors do recognize that different "interest groups" have different levels of bargaining power, being thus able to steer rules and policies in their favor, which can lead to inefficient equilibrium points (Harris et al. 2003: 10, North 2003: 20). For Harris et al. (2003), NIE has advanced in understanding the importance of political activity and processes, instead of restricting itself to an economic theory, but has yet to be framed within a more comprehensive political economy. As we shall see below, in its individual-based worldview, NIE cannot fully apprehend that the contradictory struggles between "interest groups" are at the heart of capitalism and the capitalist State. Its condemnation of distortive influence of dominant interest groups over the State, but appraisal of growth – which in capitalism has been predicated on this influence, including in the 'developed' countries they take as positive examples – leave them in a contradictory position. This means NIE-based authors or policymakers might favor State intervention in the Matopiba frontier as a sort of "Big Push" for economic development (converting 'unproductive', 'marginal' land for more productive uses), but might also condemn

the forms through which this conversion has occurred – such as the more unbridled and violent forms of *grilagem* and state protection of certain companies and economic actors – and instead favor more gradual processes of land use and control change through competition.

This type of ambiguous positioning can be seen in a recent global reference agricultural policy document: the 2008 World Development Report (WDR) of the World Bank, called "Agriculture for Development". This document operates under many assumptions of NIE, although it is also influenced by neo-populist views of need for pro-smallholder policies (Oya 2009: 595-6)[5] and by Sustainable Rural Livelihoods Approaches in its descriptions of how rural households design livelihood strategies (for instance, in its Chapter 3). As put by Carlos Oya (2009), the 2008 WDR ends up with many internal inconsistencies (between, for instance, proposing development both through maintenance of smallholders on the land and through promotion of rural wage labor), although these can be partially explained by its recognition of different policy suggestions for countries with different agrarian/economic structures and its emphasis on 'diverse pathways out of poverty' (through wage labor, integrated smallholders, and migration out of agriculture). We use the document here to further illustrate how an NIE-based view on agriculture can frame the Brazilian promotion of agribusiness in Matopiba.

In its chapter on governance, the 2008 World Development Report follow the NIE motto of situating the role of the state in "overcoming market failures while avoiding government failures" (World Bank 2007: 247). The report acknowledges not only the classical functions of the State (which it calls "creating an enabling environment"), but presents a growing need for the State to "coordinate, facilitate, and regulate", under growing complexities and risks of 'disconnects' in the agrifood system (World Bank 2007: 247-8). Among key recommendations - underscored for urbanized countries such as Brazil - the report encourages strengthening property rights and consolidating land markets, which in turn can "transfer land to the most productive users and [...] facilitate participation in the rural nonfarm sector and migration out of agriculture", following the NIE concern over the "efficiency" of land and labor allocation (World Bank 2007: 9). While the Report favors titling land for smallholders or instruments of market-based land reform to settle smallholders (a portion of which would presumably sell their land in the long term), transformations in Matopiba have largely revolved around large landowners and companies taking over multi-thousand-hectare plots (Alves 2009; Miranda 2011), although in the last years there hás been also some titling for smallholders[6]. Even though the violent and fraudulent means for land transfer currently underway in Matopiba are in contradiction with the Report's prescribed policies, the end result – a 'regular' land market – fits more into the NIE vision than the current messy situation of abundance of untitled public land and traditional occupation, with overlapping claims.

The 2008 WDR also gives importance to the need for public investments in agriculture, among which it emphasizes publicly supported Research & Development. The report provides

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[5] Is is debatable to what extent these policy recommendations are actually neo-populist - as said by Akram-Lodhi (2008), they are actually about supporting "commercially-oriented, entrepreneurial smallholder farming, which is a much more specific form of farm enterprise" (Akram-Lodhi 2008:1156).

[6] As noted above, the state has also promoted in the last years the creation of land refom settlements and some land titling for smallholders, and Piauí is currently implementing a land titling program precisely in partnership with the World Bank.

Embrapa as a positive example of public agricultural research corporation (World Bank 2007: 169). In a recent interview, the president of Embrapa defended the importance of research and innovation promoted by the State. He used the metaphor of a locomotive that opens the way for the private sector, as Embrapa takes up research challenges of higher risk and with results expected in the long term, that are often not pursued by companies (Lopes 2017). We see, thus, in Embrapa itself the NIE ideology of State intervention to address market failures – not in the sense of mitigating or opposing damage by the market, but of actually smoothing the workings of the market and creating even more favorable conditions for the private sector. This can be seen in the example of genetic modification of soy for Matopiba climate and soil.

In the 2008 WDR, this ultimately favorable view of the market shines through, despite this being a document that declares itself to be more concerned with ending poverty. As put by Akram-Lodhi (2008), the 'solutions to poverty' are all presented in terms of naturalizing industrial agriculture expansion – the solutions encompass further integration of smallholders in commercial chains, conversion of peasants into wage labor and even outmigration from the agricultural sector. As described by Carlos Oya (2009), the report tends to see win-win scenarios and invisibilize power relations in the expansion of agribusiness, while presenting ambiguous messages. At several points, the document favors ensuring smallholders' access to land and to other resources and it is even critical of the Brazilian agribusiness expansion model of the last years, since it promoted growth but did not create a substantial amount of jobs or directly lead to the reduction of rural poverty (achieved more through government cash transfers and other sectors) (World Bank 2007: 38). Despite this, since the report defends a model that reconciles "growth with poverty reduction, while relying less on social protection" (World Bank 2007: 241), the bottom line is that State intervention is still looked upon sympathetically if there is growth of agricultural productivity and of the economy and 'integration' of dispossessed peoples into other sectors of the economy, maximizing the 'efficient' distribution of land and labor. The risk of undue influence by interest groups ("elite capture") is occasionally addressed in the report, especially in its Chapter 11, and some solutions are proposed concerning maximizing accountability, transparency, and participatory decisionmaking.

A Marxist Agrarian Political Economy Critique

I have already anticipated above that the New Institutional Economics understanding of society as formed by profit-maximizing individuals – despite the fact that NIE goes a step further than neoclassical economics by questioning the instrumental rationality of these individuals and giving more importance to institutions – leaves it in a position unable (or unwilling) to understand the social contradictions that form society and the State. Marxism explains this in terms of social classes – which are formed based on different relations to means of production – and class struggle, and understand the State itself as an instrument of class domination, or, as Marx and Engels famously wrote, "a committee for managing the common affairs of the whole bourgeoisie" (Marx, Engels 1969: 15). Throughout the twentieth century, many debates have been held among Marxist authors on the degree of 'relative autonomy' of the State (often in dialogue with Poulantzas) and some strands of Marxist thought, such as those based on Gramsci's formulations, have framed the State more as a contested arena, reflecting the balance

of forces of classes, instead of as a simple class instrument. In Marxist Agrarian Political Economy, Henry Bernstein has expressed that the rule of capital is exercised through the State, although this does not occur with "simple unity and instrumentality of purpose" and that efforts to guarantee both accumulation and legitimacy by different classes of capital lead to diverse results (Bernstein 2010: 116). These different formulations notwithstanding, for authors understanding agrarian transformation through a Marxist Political Economy perspective, the 'capture' of the State by 'dominant interest groups' – around which NIE expresses some unease – is not a distortion (that could be addressed simply by means such as 'accountability'), but at the heart of the State itself and what motivates interventions such as the policies around the Matopiba agribusiness frontier. In the Brazilian case, landowners and agrarian capitalists have often been directly represented in the State and one of the biggest pushers of the Matopiba Development Plan has been the former Minister of Agriculture, Kátia Abreu, who is herself a large farmer in Tocantins and former president of the national Confederation of Agriculture and Livestock, an entity of representation of large producers. The current Minister, Blairo Maggi, who has continued many of the policies for Matopiba region – despite not having publicized it so far as much as Abreu - is one of the largest soy planters in the world and one of the owners of Amaggi, a production and trading company, which has many investment stakes in Matopiba (including participation in the Terminal of Grains of Maranhão). A more in-depth Marxist analysis – which will not be conducted here - would also look at the larger class formation and class interests around the government, situating the accumulation strategy in Matopiba in relation to the different class fractions in the State. While NIE can only go as far as uneasily acknowledging "elite capture", it is bound by its positive view of a State that creates an enabling environment for the market, with the latter seen as a locus of maximization of interests and of general efficiency. Thus, while NIE authors might tend to see "win-win" situations around the transitions in Matopiba, Marxists are more skeptical and see conflicts of interest between labor and capital.

Within Marxism, there are different forms of evaluating this type of intervention, depending on the view on the inevitability of agrarian transition and de-peasantization under capitalism. Lenin theorized the strong tendency to differentiation of the peasantry under capitalist competition, leading to polarization, typically as rural proletariat and rural bourgeoisie, and the dismantling of peasant societies (Lenin 1982). Lenin also considered different historical transitions, both pushed from above (landlords becoming capitalist farmers, as in Prussia) and from below (through differentiation, as in the United States), considering the latter a more progressive possibility for Russia at the time (Bernstein 2010: 30). For Marxists who see de-peasantization as inevitable and understand the formation of the proletariat and the progress of productive forces as conditions for a socialist revolution, agricultural modernization can be seen as a necessary path. Thus, the intervention of the State in Matopiba could be viewed more positively if it is able to manage a more 'progressive', less violent transition, with voluntary land transfers and guaranteeing that dispossessed peasants are employed elsewhere. In this view, orthodox Marxists might come closer to NIE, basing its judgment of this type of intervention on whether the transition is 'successful' (peasants who lose land find another occupation), instead of defending the permanence of the peasantry on the land *per se*, as in a more populist view. For instance, while Oya is critical of the 2008 WDR for assuming win-win situations in agrarian transitions (Oya 2009: 597), he also criticizes the assumption that land grabs as purely win-lose scenarios, calling for more nuanced analyses of land grabs

impacts, with possible benefits of employment that substitutes smallholder farming that barely meet subsistence (Oya 2013).

On the other hand, critiques within Marxism to the inevitability of agrarian modernization and dispossession have come from different perspectives – Marxist Theory of Dependency authors, for instance, have questioned the idea of linear transitions, pointing to a variety of agrarian relations under dependent capitalism. Some current authors, such as David Harvey (2003), have proposed to detach dispossession of peasants as a characteristic of transition to capitalism and instead recognize the continuity of extra-economic coercion and dispossession even under mature capitalism (called 'accumulation by dispossession'), which implies also in the possibility of political struggles over dispossession. Michael Levien agrees on the continuity of dispossession under capitalism, but criticizes that Harvey also ends up under-theorizing the *politics* of dispossession, seeing it as functional to crises of overaccumulation. Levien proposes a view of dispossession as a "contingent political phenomenon whose outcome is determined by class struggle", which means state promotion of dispossession is not simply a straightforward result of economic contradictions of capital (2013: 382-3). Since, in promoting dispossession, the State needs to legitimize the transfer of resources from one class to another, it usually has to seek legitimacy through claims for public good, and whether this appeal to legitimacy will be effective or not and the overall results of struggles for dispossession are not pre-determined (Levien 2013). In the Matopiba development region, although dispossession is an important feature, the State does not only interfere in this way (also creating the 'enabling conditions' of capital-intensive, export-oriented agriculture, as in the investments in infrastructure, biotechnology and agricultural credit) and it is not always visibly involved in the transfer of resources (as in the under-the-radar *grilagem*). Yet its declared support for the transition to intensive agriculture underway in Matopiba and its policies do potentially create a space for political struggle against the transition. In fact, social movements, such as the Pastoral Land Commission (CPT) and the Brazilian Landless Workers' Movement (MST) have been contesting the Matopiba policies. In these more heterodox forms of Marxism, the naturalization by NIE and by orthodox Marxism of 'agricultural modernization' (and notions such as 'efficiency' and 'progress of productive forces'), and of the State's role in promoting modernization, also come under scrutiny.

Conclusion

From a Marxist Agrarian Political Economy perspective, New Institutional Economics does not actually come to terms with the State, but naturalizes its position as an enabler and occasional facilitator of the 'market', which remains a largely unquestioned category for NIE. In explaining and evaluating the State participation in promoting agribusiness in the Northeast of Brazil, NIE is more sympathetic to a State that 'coordinates' and 'facilitates' increased agricultural productivity, under the argument of efficient allocation of scarce natural resources. However, it wavers in addressing the actual forms in which this happens. Within Marxism, the place of the State as promoting the interests of dominant classes comes to the forefront, but there are many divergences concerning the extent to which the State can be influenced by opressed classes (besides taking state power directly by revolution) and concerning the (in)evitability of de-peasantization and of the development of capital-intensive modern agriculture. These divergences also influence how Marxists see possibilities for actual political

struggles, and, while having a completely different view of society, some strands might trail closer to or further from NIE in views of specific land and agricultural policies under capitalism.

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Growth, Inequality and Poverty in Ecuador. A Pro-Poor Story.

By Julio César Muñoz

Introduction

Political instability and a financial crisis characterized the decade of 1996 and 2006 in Ecuador. In this period, eight Presidents ruled and the worst financial crisis of its history[7] happened at the end of the 1990s. As a consequence of the crisis, Ecuador lost its currency "Sucre" and implemented the dollarization of the economy. During the last 10 years, Ecuador has lived a process of development and political stability. The size of the Ecuadorian economy grew in real terms by 37.93 percent from 2007 to 2015. This process was led mainly by two aspects: a greater participation of the state in the economy, and an expansion of the government expenditure in different areas such as social field, infrastructure, and security, among others. This expansion was financed due to the boom of oil prices from 2007 to 2014. The 2008 international crisis affected Ecuador, but with relative consequences for the real sector of the economy due to an expansion of the government expenditure and the application of trade tariffs. In contrast with the 2008 crisis, 2015 Ecuador has faced important external shocks such as appreciation of the Dollar, depreciation of Colombian Peso and a fast decline of oil prices. These shocks reduced government incomes and its fiscal capacity to apply contra cyclical policies as it was the case in 2009.

In the period 2007 – 2016, relevant indicators have improved significantly. Indeed, the headcount of income poverty has reduced 13.8 percentage points from 36.7 percent in 2007 to 22.9 percent in 2016. The extreme poverty headcount also presents the same tendency of the absolute headcount. Additionally, inequality in Ecuador, measured by the Gini coefficient, has decreased in 5.7 Gini points.

Furthermore, taking on consideration the evolution of key indicators as the gros domestic product (GDP) growth, household's incomes, poverty and inequality, this paper tries to identify if the growth path of Ecuador between 2007 and 2016 could be characterized as "pro poor".

The rest of this paper is organized as follows: Section 2 describes the Ecuadorian macroeconomic context; Section 3 illustrated a review of the different approaches of a pro poor growth and analyzed income growth, poverty and inequality in the period 2007 to 2016; Section 4 presents two poverty reduction decompositions among 2007 and 2016; and Section 5 presents the conclusions.

Ecuadorian economic context

In 1999, after the financial and exchange rate crisis, Ecuador lost its currency "Sucre" and adopted the US dollars in the 2000 as its legal currency. In 2003, the effects of the 1999 crisis had vanished and the economy stabilized. Additionally, in 2003 a new oil pipe "Oleoducto de Crudos Pesados (OCP)" was inaugurated and the oil revenues increased significantly. These two factors had driven Ecuadorian economy to growth in an annual rate of 8.21 percent in 2003 as can be seen in Figure 1 (BCE 2016). Furthermore, Ecuadorian economy increased in real terms its size between 2007 and 2015 in a 37.93 percent from US$51 billion to US$70.4 billion

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[7] In 1999 the GDP of Ecuador decreased in 30.1 percent, poverty headcount was 52.2 percent and unemployment reached 14.1 percent.

respectively. The average growth rate among this period was 3.92 percent, reaching its maximum point in 2011 when the economy grew at 7.87 percent as can be seen in Figure 1. This process was led by an increase in oil prices, which is the principal good of exportation of Ecuador[8] and an expansion of government expenditure.

Figure 1 : Evolution of Ecuadorian GDP 2002 - 2015
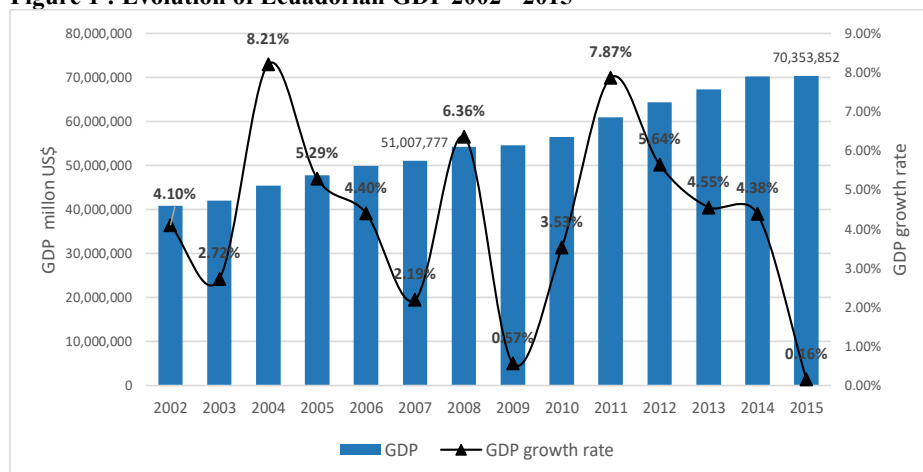
Source: Central Bank of Ecuador (BCE 2016)

After analyzing GDP growth, it is important to understand the role of the government in the process of growth in the last 10 years. In this sense, the total government income between 2007 and 2015 increased by 146.4 percent from US$13.631 billion to US$33.586 billion. Within the total income, it is possible to disaggregate among oil incomes and non-oil incomes[9]. The first one, represents in 2015, 18.9 percent of the total income and it grew in 91.3 percent in the period of 2007 and 2015. This phenomenon was associated with the boom of the oil prices that happened in Ecuador between 2009 and June 2014. In this period the average price of Ecuadorian oil barrel was US$ 84.78. After June 2014, the upward trend changed radically to a fast drop in oil prices (BCE 2017). For a better understanding of Ecuadorian oil prices evolution, see Appendix 3. In contrast, the non-oil income represents 77.2% percent from the total income of the government and it grew in 174.1 percent among 2007 and 2015. This growth was driven mainly by income taxes that incremented from US$5.565 billion in 2007 to US$15.588 billion in 2015. This growth represents an increase of 180.1 percent (Table 1). In the same line, the government expenditure has increased 214.3 percent among 2007 and 2015. In this period, current expenditure concentrated in average more than the 70 percent of the total expenditure, but capital expenditure grew above the overall expenditure and it reported an increase of 234.7 percent.

Table 1: Government Income and expenditure Ecuador 2000 - 2015

Period	Total Income	Oil Income	Non-Oil Income	Tax Income	Total Expenditure	Current Expenditure	Capital Expenditure
2000	4,135	1,460	2,525	1,522	3,898	3,103	795
2001	4,955	1,352	3,497	2,508	4,947	3,539	1,408

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[8] In 2014 the oil exports represented the 67.4% of the total exports of Ecuador.
[9] For this analysis is not included the operational surplus of non-financial public companies

2002	6,361	1,393	4,781	2,906	6,161	4,580	1,582
2003	6,910	1,664	5,156	3,164	6,587	5,126	1,460
2004	8,176	2,115	5,825	3,595	7,493	5,885	1,608
2005	9,146	2,212	6,871	4,283	8,880	7,049	1,831
2006	11,263	3,235	8,333	4,953	9,928	7,985	1,943
2007	13,631	3,318	9,463	5,565	12,305	8,961	3,344
2008	22,108	8,675	12,540	6,919	21,761	14,760	7,001
2009	18,378	5,212	12,373	7,553	20,610	13,930	6,680
2010	23,178	7,845	13,987	8,667	24,123	16,905	7,217
2011	31,190	12,935	16,489	9,765	31,290	21,943	9,348
2012	34,570	12,220	19,783	12,255	35,394	24,431	10,963
2013	37,260	11,433	22,630	13,668	41,607	26,977	14,631
2014	39,032	10,906	23,939	14,460	44,346	28,992	15,354
2015	33,586	6,346	25,942	15,588	38,676	27,482	11,195

Source: Central Bank of Ecuador (BCE 2016)

Ecuadorian economy has not had its own monetary policy since the 2000 due to the dollarization. In this sense, Ecuador's economy depends completely on how many dollars are circulating in the Economy. For this reason, the external sector plays a key role for the economy's health. In the Ecuadorian context, where the Foreign Direct Investment (FDI) has not played an important role in the last 10 years, non-equilibrium in the trade balance could lead to a serious risk for the economy. A negative trade balance implies that more dollars are leaving from the economy compare with the number of dollars that are entering. Since 2008 Ecuadorian economy has presented a continuous negative trade balance as can be seen in Table 2.

Table 2 : Trade balance of Ecuador 2007 - 2015

Period	Exports	Imports	Trade Balance
2007	16,287,685	15,636,623	651,062
2008	16,773,701	17,894,428	-1,120,727
2009	15,970,518	16,119,428	-148,910
2010	15,932,657	18,508,988	-2,576,331
2011	16,835,682	19,183,903	-2,348,221
2012	17,756,018	19,344,062	-1,588,044
2013	18,210,280	20,691,563	-2,481,283
2014	18,974,458	21,584,147	-2,609,689
2015	18,904,003	19,731,906	-827,903

Source: Central Bank of Ecuador – BCE (BCE 2016)

In terms of the 2008 international crisis, Ecuador suffered an important contraction in 2009 (year of impact to the Ecuadorian economy of the 2008's crisis), but it still reported a positive growth rate of 0.57 percent. This growth was driven mainly by an increase of government expenditure as a contra cyclical policy to face the crisis and the incorporation of trade tariffs to imports with the aim of protecting the balance of payment of Ecuador. As a result of this policies, the economy "recovers" from the international crisis and grew at 3.53 percent in 2010 (BCE 2016). In the real sector, the prices were the first symptom of the crisis so the annual inflation rate in 2008 was 8.38 percent, the third highest inflation rate since the 1999 crisis.

Afterwards, in 2009 the inflation rate dropped to 4.3 percent as a result of the economy contraction as can be seen in
Appendix **1** (INEC 2017b). In addition, other key factor inside the real sector is the employment. In developed countries, the unemployment rate is a good picture of the labor market. However, in economies as the Ecuadorian, to only focus on the unemployment rate could lead to biased analyses due to the level of informality[10] and labor conditions within economy. In this sense, including the under-employment as a complement to the unemployment rate is fundamental. In 2009, these two indicators were affected, the unemployment rate reached 6.47 percent of the labor force, meanwhile the under-employment located in 16.34 percent (
Appendix **2**). Another particular aspect was that during the 2008 crisis, in Ecuador the labor supply did not change its downward sloping trend. In other words, households did not change their expectations and they did not send their members to pressure the labour market as can be seen in Appendix 4 (INEC 2017a) .

Moreover, the recovering of the economy caused the increase of GDP growth, reaching its maximum point in 2011 when the economy grew at 7.87 percent. Since 2011, the acceleration of the growth path has been reducing, getting its bottom point in 2015 when the economy grew 0.16 percent. In fact, the 2015 growth rate is lower than the 2009 rate. In contrast to the 2009 scenario, Ecuadorian economy suffered important external shocks from this "new" crisis such as, the appreciation of the US dollar, depreciation of Colombian peso (41.4% between December 2014 and December 2016) and a strong decrease of the oil prices. In fact, the average oil prices between 2015 and 2016 was US$38.63. All these shocks have blocked the government capacity to apply contra cyclical policies to reduce the effects of the crisis on the real sector. In this sense, since 2015, key indicators such as poverty, inequality, unemployment, and under-employment and the labor supply have turned back their trends.

Growth Inequality and Poverty

An important question analyzing the links between growth, poverty and inequality is to understand if economic growth in periods of economic expansion has been beneficial for the poor or not. In this sense, the literature of the last 25 years has used the concept "pro poor growth" which denotes in general terms that economic growth helps on poverty reduction. There is not a unique consensus on how to conceptualize it. For this reason, this paper review the main approaches to this concept. According to Kakwani and Pernia definition, the income growth rate of the poor people should be greater compare to the non-poor people. In other words, this definition of pro poor growth is more inclusive because it assumes that poor people could gain more from economic growth than rich people (Kakwani and Pernia 2000). As can be noted, this concept is high restrictive because it only labels a growth process as "pro poor" if the poor gains more. In this sense, (Ravallion 2005) proposed a less restrictive definition establishing that pro poor growth is the economic growth that allows poverty reduction. By other side, Kraay (2006) defined pro poor growth as a combination of three main factors: high growth rate of the average income; how sensible is poverty against growth and a path of poverty reduction in relative incomes. On the other hand, (Dollar and Kraay 2002) stipulates that pro poor policies are not necessary because the benefits of economic growth are gained proportionally by the poor and non-poor. Besides the different approximations that pro poor

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[10] In 2016 the rate of employment in the informal sector was 43.7%.

growth could have they share the importance that have growth and inequality on the pathway for poverty reduction.

Poverty and Inequality

For a better understanding of the links between growth, poverty and inequality and characterize a period as pro poor or not, it is important to review the evolution of this indicators in the period of analysis 2007 - 2016. In this sense, the headcount of poverty in Ecuador has decreased 13.8 percentage points from 36.74 percent in 2007 to 22.92 percent in 2016. This reduction implies that more than 1 million and a half people left from its poverty condition. In 2014, the poverty headcount reached its minimum point (22.49%), but from this point at the national level it has been stable without presenting differences statistically significant. This turning point of the poverty reduction coincided with the external shocks that Ecuadorian economy has suffered since 2015. This shows how linked is the economy performance with the household's income and poverty reduction. Additionally, extreme poverty presented a similar reduction pattern from the absolute poverty so it has reduced 7.8 percentage points from 16.45 percent in 2007 to 8.69 percent in 2016. For the first time in history, Ecuador presented an extreme poverty rate of only one digit.

Figure 2 : Absolute and extreme poverty in Ecuador 2007 - 2016
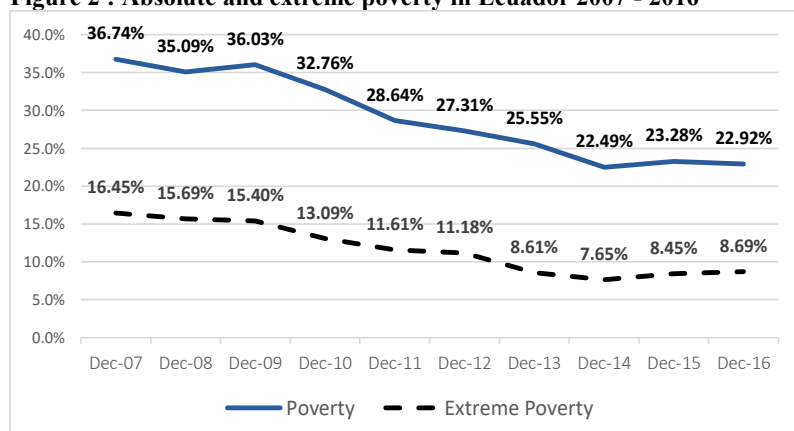
Source: National Institute of Statistics and Census of Ecuador – INEC (INEC 2017a)

In terms of inequality measured by the Gini coefficient, the long trend of the last ten years has been positive. This indicator presented a reduction of 5.7 Gini points between 2007 and 2016. The minimum point was reached in 2014 (0.467) afterwards the trend change and income inequality has shown an upwards sloping trend getting to 0.494 in 2016 that is a similar coefficient than in 2010. Likewise the poverty reduction, inequality changed its trend in 2015 due to the external shocks and contraction of the economy.

Figure 3 : Evolution of income Gini coefficient in Ecuador
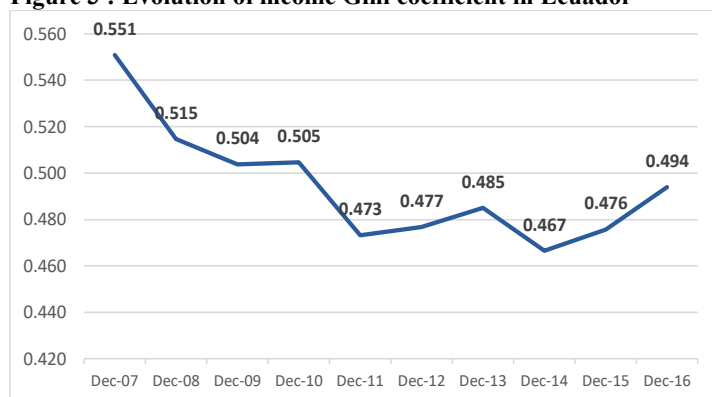
Source: National Institute of Statistics and Census of Ecuador – INEC (INEC 2017a)

Per capita income growth

Pro poor growth and its different approaches could be formalized by using the growth incidence curves (GIC). This graph method was introduced by (Ravallion and Chen 2003) to analyze the poverty reduction path of two periods of time. The GIC measures the changes of a welfare variable (income or consumption) across different percentiles of its distribution. Between 2007 and 2016, per capita income in Ecuador growth at a real annual rate of 8.57 percent from US$205.2 in 2007 to US$222.8 in 2016 (INEC 2017a). Figure 4 presents the income growth incidence curve for Ecuador between 2007 and 2016. In general terms there are an increase of the per capita income all over the distribution. The reduction from the 90th percentile onwards could be associated with a small sample in these percentiles. Additionally, the GIC of the last 10 years in Ecuador shows that the income of the poor grew more than the non-poor. In fact, until the 50th percentile the growth rate of this segment is higher than the median annual growth rate (31.40%) (INEC 2017a) . Taking into consideration the definition of Kakwani and Pernia (2000) or Ravallion (2005), the GIC of Ecuador presents a "pro poor growth" pattern.

Figure 4 : Income growth incidence curve between 2007 and 2016 in Ecuador
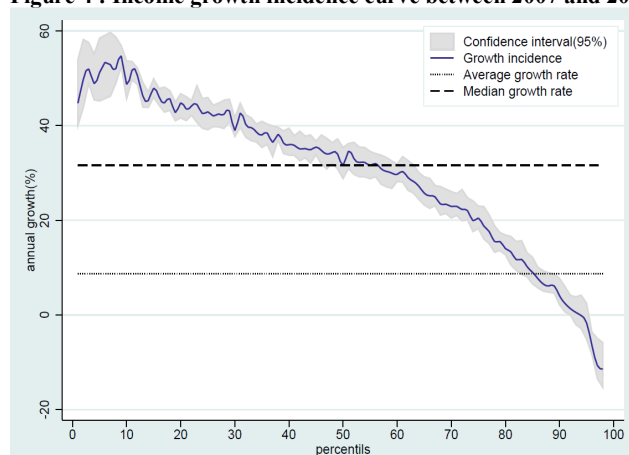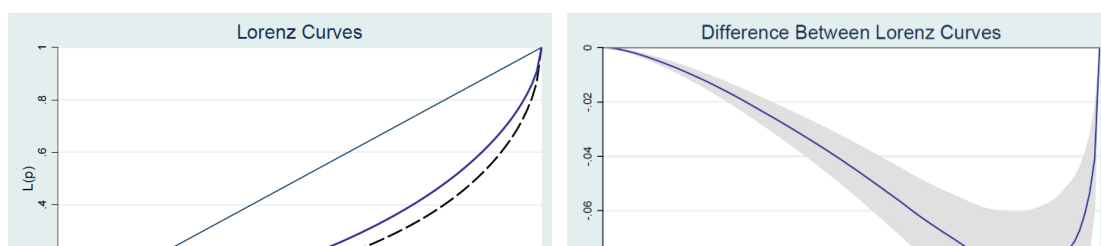

Source: Author calculations using (INEC 2017a)

Lorenz curve dominance

In terms of inequality, we saw in

Figure 3 that income inequality measured by Gini coefficient has reduced 5.7 Gini points between 2007 and 2016. It is important to highlight that this difference is statistically significant at the 95 percent level of confidence. This reduction could lead the reader to assume that the income distribution of 2016 is more egalitarian than the 2007, but it is not possible to conclude this only by analyzing the trend of one indicator. In this sense, the literature has developed the Lorenz curve Dominance method that allows to conclude if a distribution is unequivocally more egalitarian than the other. In simple words, if one curve is closer to the line of perfect equity across the entire distribution, it is considered as more egalitarian than the other (Castillo 2016). The left hand graph of Figure 5, shows the income Lorenz Curves for periods 2007 and 2016 respectively. As can be seen, the distribution of 2016 is above all over the percentiles from the 2007 distribution and closer to the perfect equity line (45^0). Graphically, we can observe that the 2016 income distribution is unequivocally more egalitarian than 2007. Additionally, the right hand graph on Figure 5 is the difference between the 2007 and 2016 Lorenz curves. This method is a test for robustness since for the entire distribution, the difference among the Lorenz curves of the two periods is below zero. Hence, it does not matter which indicator is used to analyze inequality between this period, there is an unequivocally decrease of inequality in Ecuador during the last 10 years.

Figure 5 : Lorenz curve dominance, Ecuador 2007 – 2016

# What has driven poverty reduction in Ecuador?

Specification of the Model

In sections 2 and 3, the changes in the last 10 years on growth, poverty, and inequality were analyzed in an isolated form. Even though analyzing the different evolution of these indicators allows having a general understanding of the trend of these indicators, it is not possible to associate in an accurate manner which is the relative contribution of growth and inequality on the poverty change. The poverty literature of the last 25 years has developed different methodologies that address this problem. In this sense, Datt and Ravallion in 1992, developed a methodology to analyze on an integrated technique the relative contribution of growth and inequality on the changes of the poverty headcount (P_t). This method consists of decomposing the change of P_t among the growth and redistribution effects. Before conceptualizing the growth and redistribution effect, it is fundamental understanding the poverty headcount. This indicator is a function of the poverty line (z), the mean income of the distribution (u_t) and the Lorenz curve (L_t) which shows the structure of relative income inequalities (Datt and Ravallion 1992). The poverty headcount is formalized as follows:

$$P_t = P(z/u_t, L_t) \qquad (1)$$

The growth effect, could be defined as a change on the poverty headcount by reason of a change on the mean income of the distribution (Datt and Ravallion 1992). Additionally, this concept could be easier to understand graphically. As can be seen in Figure 6, there are two income distributions graphed as log-normal, and the growth effect is represented with the movement from curve f1 to curve f2 as a result of household's incomes grew in a proportional rate without changes in the distributional form given by the Lorenz curve (Gasparini et al. 2013).

Figure 6 : Reduction of poverty by growth effect
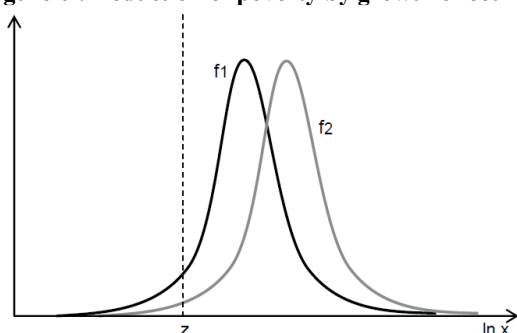
Source: (Gasparini et al. 2013: 520)

Furthermore, a change on the Lorenz curve holding constant the mean income of the distribution is defined as redistribution effect (Datt and Ravallion 1992). Likewise with the growth effect, it is possible to graph the redistribution effect. In Figure 7, the two income curves (f1 and f2) do not move because the mean of household's income holds without changing. In contrast with the growth effect, the form of f2 changes becoming a more egalitarian income distribution (Gasparini et al. 2013).

Figure 7 : Reduction of poverty by redistribution effect
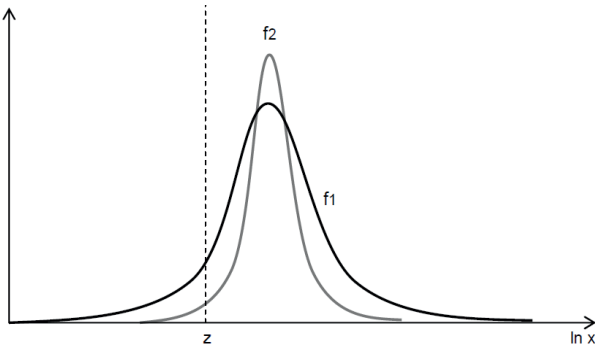
Source: (Gasparini et al. 2013: 520)

After analyzing by separate the growth and redistribution effect, the decomposition method analyzes changes on poverty between periods attributed to these two effect and the jointly contribution of them. Equation 2 formalizes the decomposition as the change on poverty among the period $t + n$ and period t is equal to the sum of the growth effect (G), redistribution effect (D) and the residual (R). The reference level (r) that could be the initial or final period takes on account the sensibility of the decomposition for which period is taken as reference. The residual (R) illustrates the difference among the growth effects and the Lorenz curve of both reference levels $(t + n$ and $t)$. Furthermore, the presence of R is the result of the poverty tends to be zero when the mean of the income distribution and the Lorenz curve hold without changing over the period of analysis (Datt and Ravallion 1992):

$$P_{t+n} - P_t = G(t, t + n; r) + D(t, t + n; r) + R(t, t + n; r) \qquad (2)$$

The growth and distribution effect can be formalized as:

$$G(t, t + n; r) \equiv P(z/u_{t+n}, L_r) - P(z/u_t, L_r)$$
$$D(t, t + n; r) \equiv P(z/u_r, L_{t+n}) - P(z/u_r, L_t)$$

Growth vs Redistribution effect?

The decomposition of (Datt and Ravallion 1992) is another method to explore in an integrated manner what type of poverty reduction path has been present between two periods of time. Table 3 presents the results of this process for Ecuador between 2007 and 2016. As we saw in Figure 2 the poverty reduction in the period of analysis was 13.8 percentage points, the same result is observed in the first part of the decomposition. This part works as a double check for the inputs that are part of the decomposition. The next two parts of the decomposition show the relative contribution of the growth and redistribution effect to the absolute reduction of poverty. How it was clarified in section 4.1, this method suffers of path dependence. In other

words, it is sensible to the initial period that is taken as reference period. For this reason, there are results for 2007 and 2016 as reference period separately. The last part of the decomposition is the "Shapley"[11] approach.

Furthermore, presenting the two method of decomposing poverty reduction is with the aim of showing robust results. As it is observed in Table 3 the three decomposition show the same trend and size. Hence, the lecture between the two methods is the same. The factor that has driven the reduction of poverty in Ecuador between 2007 and 2016 is the "redistribution effect". This component explains on average 10.6 of the 13.8 percentages points of the poverty reduction. In contrast, the growth effect explains in average 3.3 percentages points of the total reduction of poverty. An important aspect to highlight is that the residue is minimum (0.2%).

The poverty reduction pattern between 2007 and 2016 shows that both effects growth and redistribution effects have contributed positively to the reduction of poverty in Ecuador. Moreover, given the weight of the redistribution effect in the absolute reduction of poverty this type of growth is considered as "pro poor".

Table 3 Decomposition of the variation in the FGT index into growth and redistribution components

	Estimate	STE	LB	UB
Distribution dic-07	36.7%	0.2%	36.4%	37.1%
Distribution dic-16	22.9%	0.2%	22.6%	23.2%
Difference: (dic-16 - dic-07)	-13.8%	0.3%	-14.4%	-13.3%
Datt & Ravallion approach: reference period dic-07				
Growth	-3.3%	0.4%	-4.0%	-2.7%
Redistribution	-10.7%	0.5%	-11.6%	-9.7%
Residue	0.2%	---	---	---
Datt & Ravallion approach: reference period dic-16				
Growth	-3.2%	0.3%	-3.6%	-2.7%
Redistribution	-10.5%	0.5%	-11.4%	-9.5%
Residue	-0.2%	---	---	---
Shapley approach				
Growth	-3.3%	0.4%	-4.0%	-2.5%
Redistribution	-10.6%	0.5%	-11.5%	-9.7%

Source: Author calculations using (INEC 2017a)

Conclusions

In the last ten years, Ecuador has presented a positive growth path led by an intense increase of the government expenditure and high oil prices. In this sense, the average growth rate between 2007 and 2015 was 3.92 percent reaching its maximum point in 2011 (7.87%). Between 2007 and 2016, poverty and inequality has decreased by 13.8 and 5.7 points

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[11] The Shapley decomposition uses the same framework of Datt and Ravallion 1992, but the difference between these two approaches is on how the residue is handle. For the Shapley approach there is not a residue due to that this method assigns arbitrary the value of the residue to the redistribution effect.

respectively. According to the relevant literature about growth, poverty and inequality, there are different types of processes of poverty reduction where the income growth rate and inequality play a key role. Indeed, if economic growth is also beneficial to the poor this growth path is known as "pro poor". Analyzing the data between 2007 and 2016, Ecuador presented a growth path with "pro poor" characteristics explained by two main factors. Firstly, the income of the poor grew more than the rest of the distribution among the period of analysis as it was observed in the growth incidence curve (Figure 4). In fact, the income of the poor percentiles has grown above the mean (8.57%) and median (31.40%) income rate of the distribution. Additionally, it is important to highlight that the entire distribution has increased their incomes in the period of analysis. Secondly, the pro poor growth path of Ecuador is leaded by a better distribution of the income among 2007 and 2016. This statement is based on the Lorenz curve dominance test which determinate that the income distribution of 2016 is unequivocally more egalitarian than the income distribution of 2007.

Finally, taking into consideration the elements mentioned before: income growth and income distribution are independent factors, it is important to test jointly to understand if Ecuador has experimented a pro poor growth path or not. In this sense, applying the Datt and Ravallion and Shapley poverty reduction decomposition, it is observed that the poverty reduction among 2007 and 2016 (13.8 p.p.) was explained further by the redistribution effect that explains 10.3 percentages points of the total poverty reduction. In contrast the growth effect that only explains 3.3 percentage points from the total reduction. The results of the decomposition show a clear pattern of a pro poor growth.

The evidence presented in this paper lead us to hold the statement that poverty reduction in Ecuador between 2007 and 2016 had "pro poor" characteristics due to a better income distribution and that per capita income of the poor grew more than the rest of the distribution.

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Appendix:

Appendix 1 Ecuadorian inflation rate 1999 - 2016
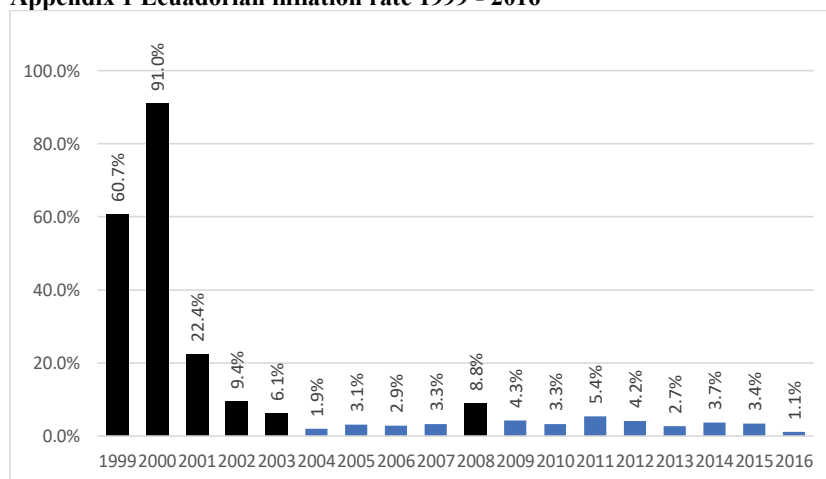
Source: National Institute of Statistics and Census of Ecuador – INEC

Appendix 2 : Unemployment and Underemployment in Ecuador 2007 - 2016

Appendix 3 : Ecuadorian Oil prices 2007 - 2016

Source: Central Bank of Ecuador (BCE 2017)

Appendix 4: Evolution of labour supply and demand
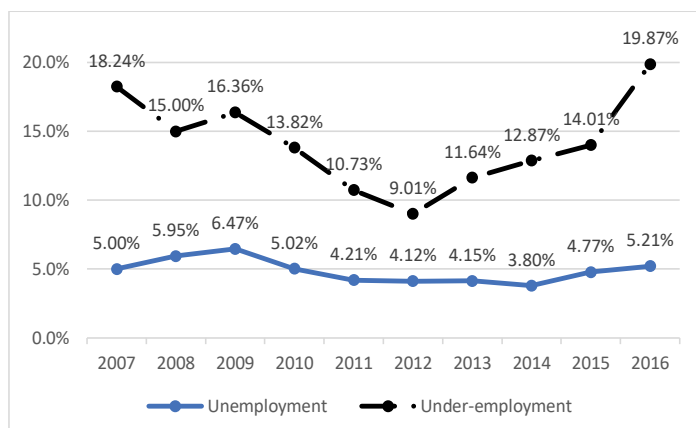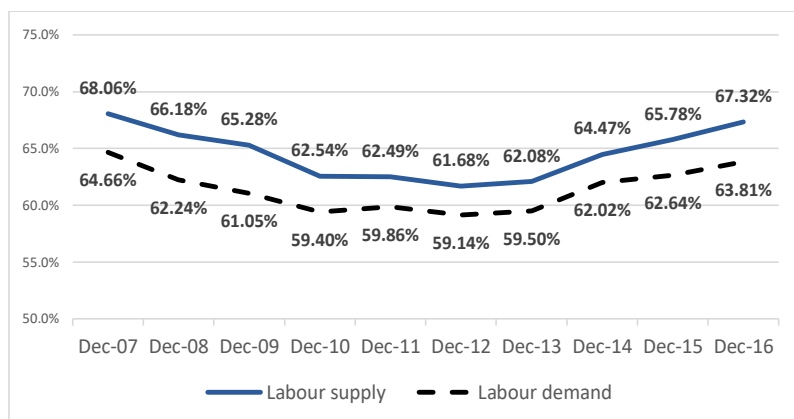
Source: National Institute of Statistics and Census of Ecuador – INEC (INEC 2017a)

Appendix 5: Colombian peso exchange rate to US$ dollar 2007 - 2016
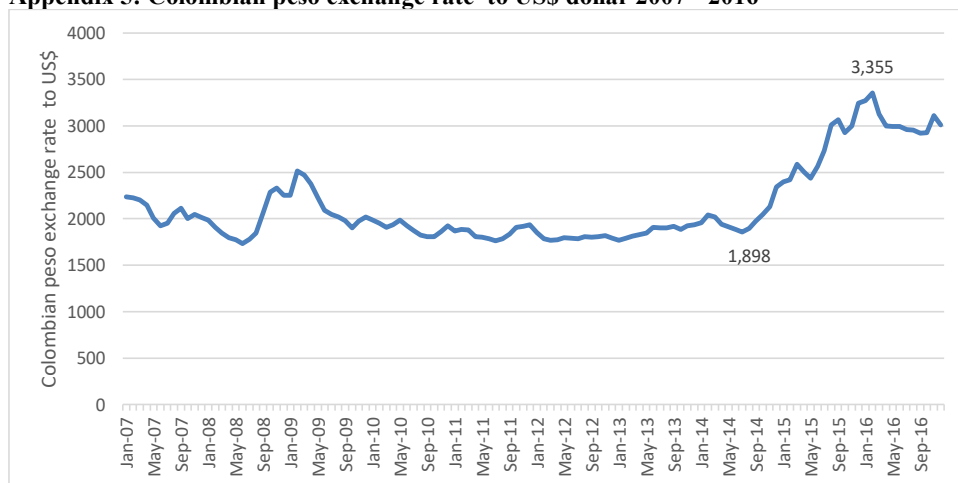
Source: (Banco de la República. 2017)

From Juche to Donju: Bottom-up liberalization in post-Cold War North Korea

By Rafael Guimarães Requião

Introduction

Isolated by nearly seven decades of a Stalinist regime that rigidly controls the physical and informational flows in and out of its borders, North Korea is a country like no other. Aware of its unique history and power structures, one could hardly expect its institutional changes or public policies to follow the paths often seen in other parts of the world. Since the end of the Cold War, observers and analysts have been reporting an increasingly active market economy, which prospered not only without state support, but also against its own fundamental rules. Private trade – especially that of grain, which will be more extensively covered in this work – is considered a criminal activity under North Korean law. Still, signs of its existence can be spotted throughout society and ordinary individuals depend on it for their very survival (Lankov 2012).

This essay seeks to understand how the informal markets went from being an effectively forbidden activity only a few years to becoming the emerging force in North Korean society in the 21st century.

Historical Background

Being the most mountainous part of the Korean Peninsula, with a small fraction of arable land and no significant oil fields, the area above the 38th parallel of latitude could hardly sustain a significant population based only on its own natural resources and technology. From the end of the Korean War in 1953, the North Korean had relied heavily on trade with other countries of the communist bloc in order to obtain the resources to maintain a population that, for over six decades, has been kept at par with Australia, a country with much more abundant natural resources (World Bank n.d.).

During the Cold War, the Democratic People's Republic of Korea skilfully played its two main allies, China and the Soviet Union, exploring the divisions between them in order to extract the maximum amount of benefits from each side. The relationship between the DPRK and its patrons was not only restricted to trade, but also included an important amount of aid – especially in products such as fuel or fertilizers (Deane 2005).

According to Noland et al. (2007), North Korea struggled with economic stagnation throughout the 1980s and started defaulting on its external payments before the end of the decade. The Sino-Korean relations had already weakened since the death of Mao Zedong brought to power Deng Xiaoping and his market-friendly *socialism with Chinese characteristics* in the late 1970s. With the fall of the Soviet Union, North Korea lost its most important ally, most generous donor and largest trade partner.

The small and externally-dependent North Korean economy could not resist for long and collapsed in the early 1990s. Since 1991, there is already policy evidence that food production is compromised in spite of lack of official statistics. The situation was much aggravated by unprecedented yearly floods between 1995 and 1997, which not only severely damaged the

crops in the fields, but also destroyed a stock of grain equivalent of 12 percent of the yearly production (United States Department of Health and Human Services 1997). Based on data presented by Pyongyang to the International Monetary Fund (International Monetary Fund 1997: 17), it is known that the nation's economic output fell 49 percent between 1992 and 1996, with agricultural output reduced by 39 percent in the same period.

Reduced international donations of fertilizer aid, no access to hard currency to buy them in market, and flood-damaged crops and food stocks established the conditions for the perfect storm. This period came to be known as the *Great Famine*, or officially referred in North Korea as the *Arduous March*. There is no definitive figure for the number of people who lost their lives, with estimates ranging from 240,000 to 3.5 million, and the most reliable statistics counting around 800,000 deaths, or roughly 4 percent of the country's population at the time (Noland et al. 2007: 2), until its end in 1999 (Lankov 2012).

"Juche"

Paradoxically for a state so heavily reliant of international support, the North Korean regime developed an ideology that proclaims self-sufficiency and independence. *Juche* is generally translated as *self-reliance* and it defends that the Korean nation and its people should be the main protagonists of its country development, in economic, social and cultural matters (Korean Friendship Association 1982: 7-14).

The *juche* idea was arguably put forward by Kim Il Sung, the country's founder and leader for nearly five decades (Korean Friendship Association 1982: 2-6). It is often called *Kimilsungism* or *Kimilsungism-Kimjongilism*, in reference of the contributions to the idea made by Kim Jong Il, Kim Il Sung's son, right-hand man and successor. Academically, the idea is usually seen as a variation of Marxism-Leninism – although North Korean scholars deny this interpretation, as accepting a foreign origin for their self-sufficiency ideology might prove intellectually uncomfortable (Myers, 2015: 93). The main theoretical variations from Marx and Lenin's ideas were the rejection of the deterministic and materialist principles and an emphasis in the power of the individual, the masses and the state to change their own destiny (Korean Friendship Association 1982: 16).

Once again deviating from Marxism-Leninism, *juche* defends that the masses should be guided and conducted by one leader who would have the full support of the united masses, comprising peasants, workers and intellectuals. It is a duty for the individual to respect, support and follow the leader and its instructions. Loyalty to the leader is considered no less than loyalty to the nation (Korean Friendship Association 1982: 18).

North Korean Public Distribution System

In a capitalist economy, the allocation of goods and services between individuals is regulated by the market. Prices, beyond compensating the producer of a determined product, have the role to determine who, among a limitless number of potential consumers, will have access to each specific good. The amount of income one individual can earn through wages and profits, combined with decisions of personal preferences and taste, will define the types and amounts of goods this person can access. Theoretically, the price of goods varies according to supply

and demand, ensuring that any individual willing to pay the market price can access any product of that economy.

In a communist regime like North Korea before the 1990s, the access to goods and services was not organized through prices, but by state. The national government in Pyongyang would decide what every individual would consume of each good available in the economy. Ideally, personal income had only a vestigial role to play, seldom amounting to more than the equivalent of two euros a month, envisioned to be required only for small discretionary purchases, such as movie tickets, flowers or other supplementary items (Lankov 2102).

The goods provided by the state to the population were organized into rations and supplied to every household in the country according to its numbers of children, adults and elderly. The institution that regulates and operates this effort is the North Korean Public Distribution System, providing the population with nearly all their material needs, from food to clothes, including alcoholic beverages and items of personal hygiene. Like the distribution through the market forces, the communist regime provided different amounts and quality of goods for different individuals, with more qualified professionals being allowed better food items, party members having access to more plentiful rations (Lankov 2012) and the national elites being given imported luxury goods (Jang 2015: 75).

According to Noland et al (2007), on its heyday, the system would allow 700 grams of grain per day for each adult in a common household, with children (300 to 500 grams, according to age) and the elderly (300 grams) being given smaller quantities, and soldiers being entitled to more (800 grams). However, as the national agricultural output declined throughout the 1990s, the rations progressively diminished, from a pre-crisis national average of 585 grams per person, to *per capita* amounts as small as 150 or 100 grams (United States Department of Health and Human Services 1997). There is even a debate on whether these reduced rations were even distributed at all at the height of the crisis, with authors such as Andrei Lankov claiming that the Public Distribution System stopped working altogether for around 90 percent of the population at that time. As of 2012, one and a half decades after the height of the crisis, arguably no more than a third of the North Korean population was attended by the System (Lankov 2012).

Grassroots market forces

With their traditional source of food covering only a small fraction of their nutritional needs, North Koreans were forced to look for alternative strategies to guarantee their survival. Foraging and barter were the first options, but it did not take long for cash-based markets, the so-called *jangmadang*, to gain force (Noland 2006: 7). Before the 1990s famine, buying and selling grain was not only uncommon but also forbidden, as the state already provided the items and private trade could bring speculative moves that weakened the state control over its food stocks, which were perceived as strategic. However, during the crisis, with the collapse of the Public Distribution System, the state had little option but to loosen its enforcement of the informal trade as it provided a starving population with an alternative mean to access food (Lankov 2012).

Despite having its rations severely cut or altogether withdrawn, North Korean workers were still expected to remain working for the state. In a centrally planned communist regime, unemployment rates are traditionally very low, as the companies do not necessarily pursue

profit and hiring does not need to be justified in terms of productivity. North Korea was no exception given that nearly all labor in the country was employed by state, with the exception of housewives (Noland 2006: 8).

In this context, individuals did not have much time available to engage in market activities. Consequently, the most usual domestic division of labor was for men to continue working in the farms, barracks or fields, which had a much-reduced productivity at the time due to the lack of raw materials and spare parts for maintenance, and women to conciliate housework with informal market activities. As the market gained forces, this led to curious shift of power in a traditionally male-dominated society, with women gradually becoming the main breadwinner in the households (Park 2015).

As the economic situation of the country and the operational levels of state-owned enterprises deteriorated, more men were attracted to the informal markets. Usually, through the payment of a small periodic bribe, or eventually a commission, men were either dispensed from being present every day for work or had their absences written-off. After the payment of these fees, which were small in value but larger than their salaries, men were able to join women in the relatively profitable *jangmadang* activities (Choe, 2015).

Although officially illegal, the growing markets were well known by the state. Initially, these activities were tolerated as they provided one of the only alternative sources of food for a starving population, in a time of insufficient rations and misappropriated aid. Progressively, state officials realized they too could benefit from the informal markets – first by collecting bribes, and later by privately exploring the state-owned resources they controlled for personal gain. Henceforth, one could see the employment of army trucks to illegally transport products from one town to another or the use of public warehouses to store and protect goods owned by private individuals (Noland 2006: 7).

"Donju"

The more successful of these new North Korean entrepreneurs are called *donju*. The word literally means *money masters*, and it is used to refer to the country's new *bourgeoisie*. These individuals often are not merely competent businesspeople, but knots of sophisticated and pervasive trade networks, encompassing every province in the DPRK, China and the global markets. They typically started as traders of consumable goods, but accumulated enough capital and influence to venture beyond national borders, integrating North Korea with the international economy (Habib 2015).

Obviously, such power could not be amassed without the connivance of the state. *Donju*, in fact, are among the better-connected individuals in the country. In order to execute complex business transactions, often across international borders, these entrepreneurs must also build a network of trusted officials, kept in motion through the constant payment of bribes. According to Habib (2015), these individuals are frequently either government officials themselves or related to someone with a public office. Like Victorian Britain, where wealthy industrialists would marry their offspring to children from the impoverished nobility, in modern-day North Korea, often marriages occur between families with prominent positions in the business world and those with high-ranking officials in the Workers' Party of Korea (Lankov 2007: 127).

Bottom-up liberalization

Throughout the developing world, the 1990s was the decade of intellectual dominance of the free market. Policy-makers, from Buenos Aires to Bangkok, drew a number of adjustment programs designed to reduce the state role in the economy and to let the market operate whenever possible and as freely as possible. These policies had an origin that is seldom disputed: they came either from multilateral organizations, such as the International Monetary Fund and the World Bank, and from national governments of a liberal persuasion (Labri 1999: 27). The liberalization of markets for goods, services and capital, combined with a reduction in the functions traditionally performed by the state, were examples of top-down policies, that often faced significant popular opposition in most of Asia, Africa and Latin America.

For North Korea, the phenomenon was an opposite one. While reforms were decided by national governments and implemented with guidance from local and international experts in the rest of the developing world, in Pyongyang, the national government was using all its power to bring the market economy under its control. Nevertheless, it failed, because of the effort of hundreds of thousands of individuals who wanted to buy and sell more freely. According to Noland (2006: 13), it is safe to argue that North Korean liberalization was a bottom-up endeavor, coming from a widespread reality and becoming, in practice, state policy against the resistance of the national government. The fact that the change in policy was only the temporary and informal abandon of enforcement, rather than an official amendment in legislation, although important, does not change the nature of the decision as a public policy. For a government bound to a rigid ideology, as is the case of that of the Democratic People's Republic of Korea, a formal legislative change could erode its legitimacy, so a change in enforcement was favored instead.

In a broad sense, every buyer or seller, in Wonsan, Hamhung or Chongjin, who resorted to the *jangmadang* to partially or completely fulfil its consumption needs, was equivalent to a political activist. In a country with very limited popular participation, these individuals, albeit unintentionally, managed to act collectively to bring about change. The quiet activism of traders experienced in North Korea is not dissimilar to what Bayat (1997: 55) observed in informal dwellers in Iran, from the late 1970s to the early 1990s, and called "the politics of the 'informal people'" (ibid: 53). As in the cases described by the Iranian author, North Korean silent activists were not interested in the political arena, *au contraire*, they avoided it for fear of reprisal, but in fighting for survival and resources.

In a repressive state like the Democratic People's Republic of Korea, citizens have traditionally very limited influence in public policy. Nevertheless, the unofficial liberalization of the markets for grain in the 1990s seems to be an exception to this rule. This was arguably only possible by a unique combination of factors that weakened the state with an uncoordinated combination of efforts of individuals that – driven first by famine, then by profit – defied the government authority and engaged in private activities.

Reflections on the stakeholders

To better understand how the different groups were affected by North Korean bottom-up economic liberalization, it is possibly insightful to briefly reflect using the tools of stakeholder analysis proposed by the Overseas Development Administration (1995: 2-9), which is the preceding name of the presently called Department for International Development of the

British government. The main actors involved in this transformation are the North Korean ruling elite, non-elite state employees, traders in the *jangmadang* and the starving, or potentially starving, population.

In terms of interest, the elite was against the liberalization. The *juche* ideology, which is sternly anti-market, is the intellectual basis of the North Korean model and the reason of its international isolation. Accepting a free market economy can be seen by many in the elite as equivalent to the failure of the regime and lead to the loss of control by the elite. Non-elite state employees certainly benefit from liberalization through the possibility of buying and selling in the market, but lose the opportunity to extract bribes from traders. Therefore, it is possible to say that this stakeholder is neutral towards the change, as it will experience both gains and losses in any of the scenarios. Traders are likely to be the greatest beneficiaries from liberalization, making them strongly in favor of the policy. For the starving, or potentially starving, population, liberalization of the food markets brings a lifeline of alternative food and income supply in a time when hundreds of thousands are starving to death. They are also in favor of liberalization.

In terms of the impact of each actor in the policy, the choice of stakeholders analysed means that the levels of impact vary only between medium, high and very high. The ruling elite clearly could not control the growth of the market economy when it started, as it feared that an aggravation of the famine could threaten their grip to power. On the other hand, it arguably made a conscious effort to relax the enforcement of the bans in trade. For that one can conclude that its impact is high. Non-elite state employees could also affect the policy through implementation, tightening or loosening their regulatory control. As they have only a residual level of impact on a policy decided elsewhere, their impact can be considered medium. Traders and the general population of buyers are the protagonist of this revolution. By collectively defying government regulation and engaging in private market activities, they effectively changed the government policy, challenging the power of the elites in Pyongyang. Thus, both traders in the *jangmadang* and the starving, or potentially, starving population have a very high impact level on the policy.

Regarding the priority of interest, the combination of the importance of bottom-up liberalization for the North Korean economy in the 1990s and the small selection of actors portrayed, again means that the results range from medium to very high. The ruling elite sees both the famine and the market liberalization as threats to its positions. They can be considered to rate the policy high in terms of priority. For the non-elite state employees, the policy will require changes in their coping mechanisms, but will not affect their existence. Their priority level can be considered medium. For traders, the bottom-up liberalization is nothing short of their premise for existence. Their priority level is very high. The general population came to depend on the market for their very survival, making it also of high priority for this group.

Although the effort in this essay is far from amounting to a stakeholder analysis, merely benefitting from some of its categories, it is possible to understand how the bottom-up liberalization came to be. Being both the actors with the highest impact in the policy through collective action, sharing the same interest in the implementation of the policy and holding liberalization highly in their priorities, the traders and the general public could defy the power of one of the most authoritarian governments in the world and bring true transformation to its economy.

Final remarks

Seen from the outside, North Korean society may seem like a relic of the past: a Stalinist, monolithic, autarkic country, governed by a string of dictators worshipped like living gods by a starving and alienated population. Official policy has changed very little since the days people in Pyongyang enjoyed the same standards of living as their relatives in Seoul. Nevertheless, a closer look reveals a much richer and more nuanced picture. It shows a country in profound transformation, if only under the surface.

North Korea is experiencing a moderate surge in the private economy that, although cannot be considered a capitalist revolution even by the most enthusiastic Friedmanite, has truly changed people's lives on a daily basis. Gladly for those who dedicate their professional lives to understand the workings of government, one single policy – which, as in the North Korean example, does not even need to be officially written – can be richer and more complex than countless pages of literature.

Uniquely, North Korean liberalization has not been the result of a deliberate, top-down decision of policy-makers in Pyongyang trying to reform the country's economy, but rather a move that defied their power. What happened, on the contrary, was a bottom-up phenomenon that took place spontaneously and simultaneously, in hundreds of different *jangmadang* throughout the country, born from the coping mechanisms developed through the 1990s famine, against which the government had no power to battle.

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Liberal Internationalism and the "Sovereign Frontier": An Exploration of Kenya

By Miriam Ayoo

Introduction

Sovereignty is a core liberal internationalist principle that presumes the ability for states to have ownership and authority over the processes in their territories (Ikenberry 2009). A common understanding of sovereignty includes a freedom of control of affairs, values, resources, and direction of a state without foreign influence. Ikenberry (2009) discusses how sovereignty and the norms around it have shifted in the different models of liberal internationalism, which he categorizes sequentially from 1.0, 2.0, and 3.0. Specifically in liberal internationalism 3.0, which he characterizes as a "post-hegemonic liberal internationalism...whose full shape and logic is still uncertain", he posits sovereignty to manifest as "post-Westphailian" with "increasingly intrusive and interdependent economic and security regimes" (ibid: 74).

Nowhere is this dynamic of intrusivity and interdependency more evident than through the lens of the international aid system, where the idea of sovereignty is often a blurred space. Aid dependent countries, which include many African states, often have to contend with what Harrison (2007) calls the "sovereign frontier", or the space with which relations between donors and the state are mediated. The dynamics of this "frontier" is based on the history of the international donor community's[12] engagement with aid recipients, which Brown (2013) neatly summaries in the context of Africa:

> "Western aid policies towards Africa have been dominated by, in roughly chronological and cumulative sequence, economic conditionalities around structural adjustment programs; political conditionalities around respect for human rights and governance; and ' partnership' policies involving intensive and extensive redesigning of policy formation and budgetary processes in recipient countries." (Brown 2013: 263)

Specifically, in reaction to the international finance institutions' (IFIs) policy engagements with the global south, there are two camps with which aid's impact on sovereignty is usually situated. One camp posits that aid is a mechanism that reinforces a "new imperialism" of the west, positioning and imposing western external interests over recipient country internal interests and in turn undermining recipient sovereignty (Plank 1993). The other suggests that aid is not necessarily
undermining sovereignty, especially in the context of "participation" and "postconditionality", instead it "reflects the liberal nature of globalization, producing partnerships between state and donors collectively charting a course of common sense and progress" (Bhatnagar and Williams 1992; Picciotto, 1995; Reitbergen- McCraken 1996 as cited in Harrison 2001).

It is on this backdrop that this paper seeks to explore international aid's impact on sovereignty in the context of the east African nation of Kenya. The research objective centers on the extent to which western aid impacts the sovereignty of African states in terms of domestic economic and political processes. Looking through a timeline of Kenya's engagement with the IFIs, with focus on both the structural adjustment and the participation/post-conditionality era of the aid policy discourse, roughly from 1980s to mid-2000s, this paper attempts to (1) explore if sites

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[12] For the context of this paper, the use of international donor community and/or IFI refers to the World Bank.

of contention between Kenya's national agenda and the conditionalities levied by donors existed, and if those contentions led to concessions which would imply an undermining of sovereignty and (2) highlight the impacts of strategic approaches taken to strengthen its "sovereign frontier". The paper ultimately argues that Kenya's sovereign frontier is embedded in its internalization of and eventual consent to the liberal political and economic agenda of the IFI's; consequently, the process of that internalization itself can be argued as an undermining of its sovereign frontier.

This paper will first discuss Harrison's concept of the "sovereign frontier" and justify its use as a framework of analysis. It will then highlight the lacunas in Harrison's framework with regard to one's ability to incorporate and explore the dialectical interplay of structure and agency, and suggests Jessop's Strategic Relational Approach (SRA) as a means to further interrogate the dynamics of sovereignty. Finally, the paper will move into the contextual background of Kenya's engagement with the International Finance Institutions (IFI's), specifically the World Bank and IMF, and the processes of structural adjustment programs in the 80s and 90s which then morphed into the Poverty Reduction Strategy papers at the dawn of the new millennium as the backdrop to discuss the nature of Kenya's sovereign frontier and analyze the degree to which aid has impacted it.

From Sovereignty to a Sovereign Frontier

In his piece "Debt, Development, and Intervention an Africa: The Contours of a Sovereign Frontier" (2007), Graham Harrison provides an analytical framework to understand intervention in African states. He introduces the term "sovereign frontier", defined as a 'transnational 'and 'dynamic zone of practice and political intervention' (ibid: 198), as opposed to the more positivist and normative idea of sovereignty as a condition (ibid). This conceptualization of the dynamics of external intervention allows for space to analyze the "dual tendency of subordination and incorporation" (ibid: 198) encompassed in aid negotiations, and allows for an exploration of the contestations that manifest different forms of sovereignty at any given time.

The usefulness of the sovereign frontier is in the fact that one can explore the prevalence of western agencies in African states undergirded by strategies and contestations, expansions and contractions throughout time, as opposed to simply exploring top-down and coercive undercurrents. It allows for the making and enacting of agency from both actors, the state and the donors, and that takes into account not only interests but the impact of the collection of political actions and reactions that establish certain dynamics of ownership of policies and processes:

> "Ownership understood from the perspective of sovereignty thus means allowing space for domestic political processes: for struggles within recipient societies to define the national interest and for recipients to make their own policy choice and to draw their own lessons from their experiences, respecting that their own perceptions of their own problems and solutions are legitimate." (Whitfield, 2009: 14)

In this regard then, the frontier incorporates both internal and external processes and is like the playing field of a sports game, where players--in this case states and donors--deploy different strategies and understandings and interact strategically based on the feel for the current rules of the game. Though the sovereign frontier helps locate the nature of the game, the players, rules, and strategic relations within them can be better fleshed out through the use of Jessop's (2005) approach on structure and agency.

Jessop's Strategic Relational Approach

Harrison's introduction of the sovereign frontier as a "zone of mediation" which is articulated through "political collectivity" as demonstrated through a "bundle of acts" provides a helpful framework to explore and analyze the interplay of sovereignty and intervention in the African context (Harrison 2007). However any worthwhile analysis of the sovereign capacities of African states, or any states for that matter, needs to also have a clear framework to analyze the structures within which these "acts" are produced, shaped, and transformed. Though Harrison posits that the sovereign frontier "offers us a way of locating any specific bundle of practices within a *longue duree* of Western global expansion" (Harrison 2007: 198), which suggests an analysis of path dependency with regards to institutional structures, its analytical framework lacks a strong mechanism to analyze the nature, timing, space, and co-constitution of the structures through which these "habits and practices of intervention" exist, take from, and reify. If the sovereign frontier "is not indifferent to larger projects of power projection" (ibid), we must then incorporate the tools to analyze the nuances and relational capacities of these "larger projects", especially with regard to stability and change.

Here is where Jessop's work on the Strategic Relational Approach (SRA) can shed light. SRA speaks to the mutual construction of structure and agency, meaning that structures cannot exist without and are reified and reproduced by agents and actors. Simultaneously, agents act based on the options within and dynamics of structures at a given time. In Jessop's words, "the facticity and fixity of structures have no meaning outside the context of specific agents pursuing specific strategies" (2005: 52). In other words, his theory helps in looking at the relationship between actors and society; not in a dualistic or separate sense, but relationally and contingent on time and space. Jessop's approach looks at structures as *strategically selective* and actors as *strategically-constrained* and structuring:

> Thus the concept of structural selectivity highlights the tendency for specific structures and structural configurations to selectively reinforce specific forms of action, tactics, or strategies and to discourage others. Likewise the concept of structurally-oriented strategic calculation highlights the possibility of reflection on the part of individual and collective actors about the strategic selectivities inscribed within structures so that they come to orient their strategies and tactics in terms of their understanding of the current conjuncture and their 'feel for the game'. (Jessop 2005: 49).

The relational view posits that structures work to prop up certain strategies, actions, and identities in certain spaces and time, and in turn actors "contextually analyze" these dynamics and navigate strategically based on the current situation to ensure best outcomes based on their interests. Jessop's framework allows for both path-dependent[13] and path-shaping aspects (Jessop 2005), which speaks to stability and change.

In sum, Jessop's strategic relational approach can help us see the relationship between the Kenyan government and the IFI's at any moment as the outcome of strategically selected interactions with actors having different capacities to strategically engage in and impact structures and strategies over different space and time horizons (ibid). The following sections will look to apply the sovereign frontier and SRA concepts to the exploration of Kenya's engagement with IFI's. The Structural Adjustment Programs (SAPs) prevalent in the

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[13] Path-dependency implies that a structure's prior development shapes current and future trajectories and possibilities for structural transformation and innovation (Jessop 2005: 53).

Washington Consensus era and the Poverty Reduction Strategy Papers (PRSPs) widespread in the so called post-Washington consensus era, will help anchor this exploration and analysis.

From Structural Adjustment to Poverty Reduction Strategy Papers: A timeline of Kenya's engagement with the IFIs

In order to properly discuss the strategic relations of Kenya's engagement with the IFIs, it is important to reflect and map the 'economic, ideological, political, and institutional context of aid negotiations in Kenya, and how these conditions shape the balance of negotiating capital between its' government and the IFIs' (Whitfield 2009:15). Kenya's engagement with the IFI's in the 1980's and 1990s can be characterized as a contentious one. Kenya was one of the first countries to sign a structural adjustment loan with the World Bank in 1980 (Gertz 2008). Over the next two decades, it marched forward with implementing the polices characteristic of the SAP, with a strong emphasis on liberalizing its trade regime, implementing exchange rate reforms, privatizing key parastals, reducing public expenditure, and controlling money supply (Ahluwalia and Nursey-Bray 1997). However, by the mid-90s, it was all but clear that the SAPs had backfired, and Kenya remained a country plagued by lack of economic growth and intensified poverty (Hope 2012). Adding to this disappointing milieu was the challenges associated with the presidential regime of President Daniel Arap Moi, who was at the helm of Kenya's government for 24 years, from 1979 to 2002, and in the 90s, was held in the negative purview of the international community because of his authoritarian and repressive government, which was also rife with corruption scandals.[14] Because of their dissatisfaction with the Kenyan government's commitment to and often sluggish
pace at economic reform and the persistence of large scale corruption scandals, the IMF and World Bank suspended loans to Kenya in 1991 for two years and again in 1997, for another three years (Ahluwalia and Nursey-Bray 1997; Shiverenje 2005). During Moi's tenure, the withdrawal of IFI support also had to do with his persistent disillusionment with and theoretical (if not always actual and implemented) rejection of their policies, which he deemed "unilateral, unrealistic, harsh, and
dictatorial" (Ahluwalia and Nursey-Bray 1997: 18). Despite Moi's distrust of the IFIs reforms, Kenya carried out various reforms in various sectors (often because the threat of losing aid surpassed the president's idiosyncratic tendencies). For example, the elections of 1992, which was Kenya's first multi-party election, is known to have happened because of the pressure of the donors (ibid). On the other hand, Kenya's strategic location as a relatively stable country perched near countries which were going through immense instability at the time, such as Somalia, made for IFI's to often concede to resuming aid support, but always based on conditionalities:

> In November 1993, the World Bank's consultative group on Kenya met in Paris and approved US$850million in new aid disbursements to Kenya for 1994. The aid was tied to an agreement between the government and the IMF in which the Kenyan government made a commitment to introduce further economic reforms as well as act upon corruption and ethnic violence (ibid: 20).

Nonetheless, as stated earlier, by the new millennium, the IFIs had withdrawn aid support again to Kenya based on their disapproval of President Moi's regime and its failure in implementing certain reforms attached to aid disbursements. However, a critical juncture in the reinstating of

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[14] One such scandal is that of Goldenberg, where almost ten percent of Kenya's GDP was unaccounted for, based on
fictitious scheme of gold exportation. Many high level officials in Moi regime were involved. See (Ahluwalia and Nursey-Bray, 1997) for more information.

Kenya's engagement with IFI's centered on Kenya's presidential election in 2002, which toppled President Moi's longstanding regime, and appointed President Mwai Kibaki as Kenya's new top administrator. Kibaki's win allowed for a renewed engagement and new attitude towards Kenya, as demonstrated in statements made by then World Bank President John Wolfensohn in a trip to Kenya in 2003:

> "Mr. Wolfensohn's comments illustrate how the World Bank's attitude toward Kenya has changed since President Mwai Kibaki replaced Daniel Arap Moi, whose long reign ended last year… He says, "The reason that we diminished our support was really very straightforward. We had an understanding of what would be done. Those things were not done, and so we pulled back. We are now coming to this relationship with an entirely different perception. We are very keen to move forward."[15]

On the other hand, around this time, starting from 1999, IFI's changed their reform strategy away from discourses on structural adjustment to that of Poverty Reduction Strategy Papers (PRSPs) (Fraser 2005). A mechanism under the "post- Washing Consensus" era that emphasized ideals of institutional capacity building, participation, and ownership, PRSPs gave a face-lift to the neoliberal economic and political agenda of IFIs by it being a country owned process where countries wrote their own three-year national plans based on indicators towards growth on macroeconomic policies and social development programs of which the countries then present to the IFI for approval (ibid). For Fraser, the PRSPs did not represent a progressive element, instead he refers to them as a "technology of control" used to "manufacture consent" to liberal systems of political and economic management (ibid: 317).

Given this backdrop, Kibaki's win not only demonstrated a shift of a presidential regime, but also ideological stance on Kenya's engagement with the IFIs. Kibaki campaigned and won on the back of commitments to eradicate corruption, revive an ailing economy and restore WB/IMF support (Shivernje 2005). Music to the IFI's ears, the Kibaki administration began immediate designing and implementation of an aggressive economic reform platform, which constituted their first PRSP, and which manifested into the Economic Recovery Strategy for Wealth and Employment Creation or ERSP (2003), promoting privatization and marketization, and paved the way for a re-instating of warm donor relations. Building on this, Shiverenje accounts that:

> "The government had a successful consultative group meeting with development partners in Nairobi in 2003. This was significant in that it was the first in over a decade, it took place within the first year of NARC [Kibaki] government in power, was attended by various Kenyan stakeholders and more importantly, the meeting generated pledges amount to about US\$ 4.5 billion over a three-year term." (Shivernje 2005:29)

Therefore, after years of delinquency, Kenya had returned into the good favor of the international donor community. This occurred on the back of a intermittent but persistent embedding of a neoliberal common sense that had begun to be established in the country during the Moi regime and crystallized by the time the IFIs had backtracked on the SAPs as their main reform instrument and introduced the PRSPs. From Moi to Kibaki, Kenya's sovereign frontier had been contracted then expanded, however, this expansion was based on the incorporation and acceptance of a neoliberal common sense of liberal economic and political reforms as intuitive.

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[15] "World Bank President Impressed With Kenyan Reforms." 2003-07-23. Retrieved from: http://www.voanews.com/a/a-13-a-2003-07-23-53-world/298961.html

This generalized outline of the IFI's engagement with Kenya, from the SAPs with President Moi to the PRSPs with President Kibaki, sheds light into the *strategic selectivities* set in place by the IFI's that emerged and transformed by the new millennium. And within which the new Kibaki government at the time *strategically calculated* it success by hitting the ground running with its reform agenda, especially with regards to getting the IFI's back on the bandwagon. PRSPs marked a softer, but more intrusive means of "securing a stable consensus for liberal systems" by African states (Fraser 2005). By designing and implementing the ERSP that the IMF eventually approved in 2004, the Kibaki government established its strategic orientation of alignment and consent with the IFI's liberal agenda.

Conclusion

> "To realize our development vision, we in Africa must substitute external conditionality—that is, what the donors tell us to do- with internal policy clarity—that is, knowing ourselves what we need to do and articulating this clearly and consistently to our people and our development partners. To achieve these imperatives, we in Africa must adopt a 'development through growth' mindset, as opposed to a development through aid one. This requires that, among other things, we need to learn to 'say no' to do not whenever their priorities do not align with domestic objectives and agendas. (Kagame, as cited in Whitfield 2009: 15)

This statement by Rwanda's President Kagame demonstrates a laudable and affirming logic that is often hard to execute when it comes to aid's impact in African nations. Kagame is often known to be strong-willed and tactical with ensuring and maintaining policy space for Rwanda's development agenda (Hayman, 2008). There is a confidence that Kagame possesses, based on his ideological convictions, that drives his determination. Whitfield states "the confidence to translate a country's conditions into negotiating capital and deploy it effectively in aid negotiations" (2009: 20), is what separates countries that are able to retain sovereignty in spite of aid. In the case of Kenya, this confidence was undermined by years of economic failure driven by an authoritarian and oppressive regime that in the end made Kenya vulnerable and require external assistance to the extent to which the government under Kibaki oriented itself to "fully committing to new aid modalities" and locating government energy towards fashioning the administrative systems donors find easiest to align to (Whitfield 2009: 21). On the playing ground of Kenya's sovereign frontier, we see strategic selectivities interfacing with strategic calculations, and neo-liberal internalization and common sense taking effect, stabilizing and persisting.

This paper has attempted to explore the idea of sovereignty within the liberal international model in the African context, demonstrated through the dynamics of the international aid system. Using the analytical framework of sovereign frontier, the theoretical approach of SRA, and anchoring in the country case of Kenya, it has been argued that through strategic relations embedded in historic processes and junctures of development agendas and domestic political regimes, Kenya's sovereign frontier is embedded in its internalization of and eventual consent to the liberal political and economic agenda of the IFI's; consequently, the process of internalization is in fact the location of undermined sovereignty.

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Constitutionalism in the Promulgation of the 2014 Interim Constitution by the Military Junta in Thailand

By Thanit Nilayodhin

Introduction

The 2014 Interim Constitution of Thailand had been a license for the military junta to use violence against civilians since the coup d'état on 22 May 2014. Instead of constraining the state's authority, it granted superior powers to the junta for using forces in the name of peace and security and public order. 84 years of Thailand's "democracy" has undergone 19 constitutions. Seven of them were written by military junta who seized power from civilian government (Thai Publica 2014) and claimed to establish new laws and institutions as the means of solving "political crisis" (Ramraj and Thiruvengadam 2009: 11). Currently the 2014 Interim Constitution promulgated as a consequence of the military coup was declared to end political conflict and social division lasting for six months as the coup makers claimed[16].

Ideological polarization characterized a decade of Thai political conflict since 2006. Essentially it was the clash of political ideologies between two different political affiliations. One was the Red Shirts who believed in election, parliamentary system, equal access to political power and justice. Whereas the Yellow Shirts did not trust election system, and favoured external players, for example, military, to intervene in check and balance system (Satitniramai et al. 2013: 2). The two groups had been violently confronting each other for the purpose that their affiliated political party could step in the power (ABC 2014).

The conflict resumed in November 2013 when the Yellow Shirts rallied on the street to call for the Red Shirt-leaning Prime Minister to step down by claiming her abuse of power and corruption. The Red Shirts gathered on street to protest against the Yellow Shirts. The clash involved use of weapons and caused deaths and injuries among civilians. The Prime Minister was ousted by the Constitutional Court's ruling against her illegal transfer of National Security head (BBC 2014a). In May 2014 the military proclaimed the 1914 Martial Law to replace civil authority with military one, and two days later launched the coup claiming to preserve peace and security and public order (BBC 2014c). The military junta annulled the existing constitution and enforced its own one in order to dissolve prevailing executive, legislative and judicial powers and to establish its mechanisms.

The 2014 Interim Constitution granted extensive powers to the military junta for the sake of peace and security and public order. It had power to form National Legislative Assembly, National Reform Council, and government. In addition, section 44 and 48 authorized the military junta to make any order to carry out that task with impunity, including arbitrary detention and intimidation of dissidents, and suing civilian security-related cases to military court. Crimes against security as prescribed in the constitution were any act, including criticism and public gathering, against the monarchy and the military junta. According to the statistic

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[16] Despite the fact that political conflict between two groups of civilians initially started in late 2008 and had gained momentum along the political history, the military junta asserted in the Interim Constitution that it was occurring during late 2013 and May 2014.

generated by the local non-governmental organization iLaw (2017), since the 2014 coup until March 2017 there were 283 civilians tried before military court.

This use of powers was worrisome to wide range of civil society and international community. For example, hundreds of people gathered in the centre of capital city Bangkok to claim their rights deprived by the coup (eNCA 2014). Human Rights Watch (2014) launched a statement calling for the military junta to end human rights abuses. Likewise, the United Nation Secretary General, European countries, the United States, and Asian nations declared condemnation for the junta's "violent" practice (Aljazeera 2014).

The purpose of the essay is to analyse the compliance of the military junta's use of powers granted by the Interim Constitution with the concept of constitutionalism.

In the essay I focus on the problem of the way in which the junta uses the 2014 Interim Constitution to justify massive abuse of right to freedom of expression of dissidents without constraint. I scope the problem as such for three reasons. First, ideally constitution is supposed to authorize the state to safeguard rights of citizens, rather than serving as a license to violate their rights. Second, the military junta's seizing control of country from civilian government causes scepticism about its powers probably to be purposefully abused. Third, this incident has drawn criticism from human rights organizations, and international community, downgrading human rights profile of the country.

Therefore, the essay question is: to what extent is the 2014 Interim Constitution promulgated by the military junta in Thailand in line with constitutionalism? Two main concepts will be employed in interconnected manner. First, 'legal culture of noncompliance with rules' is helpful to embrace a range of underlying attitude and positioning of subject, the military junta, in a social context with regard to law enforcement and compliance. Second, 'Constitutionalism' is an approach to analyse how the state gains legitimate powers, and specifically to explore (dys-) function of state apparatuses in relation to the prescription of their authorities in the law.

My claim is that the military junta's promulgation of the 2014 Interim Constitution establishes extensive powers against the concept of constitutionalism.

In the first part of the essay, I will apply the concept of legal culture to investigate the junta's nature of complying with and enforcing laws. Second part, I will use constitutionalism approach to analyse the way in which it institutionalizes powers in the constitution. Third part, I will make linkages of both concepts to answer the essay question. And final part, I will conclude my analysis and emphasize the findings.

The Military Junta's Legal Culture of Noncompliance

This part is the analysis of the military junta's nature of noncomplying with and enforcing laws by using the Mauricio García Villegas' (2015) theorization of legal culture of noncompliance with rules. Initially it is important to understand the profound concept of legal culture before going into deeper investigation of culture of noncompliance.

According to David Nelken's "Using the Concept of Legal Culture" (2004), the concept of legal culture investigates how group of persons or institution in a cultural setting uses laws. The focus of the analysis is on "social behaviour and attitudes" of law user and lawmaker in a

community with regard to legislation, legal enforcement and compliance (Nelken 2004: 1). For example, this paper examines values conceived by the junta as a motive to write the constitution as such and to exercise extraordinary powers accordingly while considering social context, instead of looking at the provisions in the constitution as a 'truth' established by the junta.

As claimed in the introduction section, the junta annulled the existing constitution and promulgated the Interim Constitution to set up new legal norm for its own purpose. I use the concept of 'culture of contextual noncompliance with rules' which considers mentality of subject of study and its social context as the sources of decision to disobey the rules (Villegas 2015: 65). Although Villegas' article discusses about the culture in the context of Latin America, his theorizing is applicable to the case of Thai junta.

The junta's replacement of constitution can be derived from culture of contextual noncompliance with rules: the attitude of seeing prevailing "legal norms" no longer functional to tackle the situation deemed "exceptional" (Villegas 2015: 64-65). Two sources of this culture are elaborated as follows: mentality and social context.

Villegas (2015: 65) argues that mentality is the incorporation of "social class and rationality". Upper class and value-based rationality constitute arrogant behaviour. Upper class, which is at high rank in political and economic structure, enjoys, possibility to seek for exploiting, exceptional privilege from social systems. Whereas low class is more passively disobedient with the powerful people by holding antagonistic feelings in a less overt manner. For instance, a cabinet of political elites is incline to amend tax law to exempt inheritance tax since the elite or upper class usually receive high-value property from ancestors.

Another element of mentality is rationality. One rationality amongst kinds introduced in his article is value-based rationality (Villegas 2015: 73). A particular belief is conceived so strongly that it should not be tolerated. The disobedient are determined to passionately run against the rule perceived as threat to their value. Spiritual killing of an insane guy in Thailand exemplifies this argument. Four people angrily killed a man who just destroyed the Erawan Shrine, the popular religious statue in Bangkok, with hammer (BBC 2006).

Social context is the second sources contemplated together with mentality. Villegas (2015: 73) suggests that it is determined by dynamic of relevant formal institutions, laws and ally or counterpart at different levels (local, national and international levels). Functionality of institutions and law and similarity in practice of other people are the main factors. For example, at national level, which is the focus of the essay, the police are not capable of using Public Assemble Act to control a group of street protesters illegally occupying the government house for the purpose of pressuring the Prime Minister to resign. The dysfunction of state authority and law, together with alliance, creates incentive for another group having similar goal to follow the unlawful action.

Yet, in his article, Villegas does take into account power relations in defining social context. Social context is not natural as it is. It is subjectively described by a powerful actor and is widespread perceived accordingly via, for example, national broadcasting programme.

My analysis of the military junta's culture of contextual noncompliance with rules is as follows. The combination of arrogant mentality (i.e. privilege of upper class and the guardian of Thai

Nation value) and legitimacy to define exceptional circumstance incentivizes the military to launch coup d'état in May 2014 and to promulgate the Interim Constitution.

Upper class and value-based rationality form arrogant mentality of the Thai military junta. Military, as well as civilian, officials have been ruling the country throughout generations, even before the transition from absolute monarchy to constitutional monarchy in 1932, and have had close tie with the monarchy. Thus, they have had "status, income, and power" from government posts and business relationships (Phongpaichit and Baker 1997: 22). Usually senior military officers have been appointed "on the boards of business enterprises" (McCargo 1998: 137). Their relationship with major businessmen is built at the National Defence College which offers courses exclusively to business owners, high-rank civil servants, politicians, senior military officers (Phongpaichit 1995: 332). Moreover, former senior military officers have been appointed to occupy half of the seats in the advisory institution of the King, the so-called "Privy Council" (Thailand's Constitution 2007).

Besides social class, the military also has rationality based on values of Thai Nation. The main Thai Nation values prioritize the loyalty to the Monarchy and the maintenance of peace and security and public order respectively. As described in its mission, the army's mandate is to protect the monarchy and maintain national security (Royal Thai Armed Forces, n.d.). On top of that, the military school which was established by the King Rama V in 1868 and graduate military officers, including the current military junta leader, has the same vision of four-year socializing the students to carry out the mission (Chulachomklao Royal Military Academy 2007). Indeed, recently the school website provides the military's task on suppression of threat to the Monarchy since the mid-2016 and calls for military students' support, underlining the fact that the monarchy is its priority mission (Chulachomklao Royal Military Academy, n.d.). This value can be deciphered in the 2014 Interim Constitution where the terms "the Monarchy, social harmony, social cohesion, peace and security, and public order" are recurrently stated as the justification of staging coup and exercising powers. However, mentality alone is not enough to drive the junta to tear the existing legal norm unless agreeable social context.

Social context was strategically made sensible by the ultimate authority, the military, along with support from the Yellow Shirts (ASTV Manager Online 2014). One should not treat social context as an ontological truth. Rather it is intentionally described by a legitimate actor. According to the Thailand's Martial Law of 1914, instead of the government, the military has sole authority to determine the situation as "exceptional circumstance". Its determination sounded acceptable since it was relatively corresponding to the actual dynamic of state institutions and legal norm. At that time the Prime Minster was removed from the power by the constitutional court's ruling while clashes between the Yellow Shirts and the Red Shirts continued violent. The military then declared "exceptional circumstance" via national broadcast on television and radio two days before the coup (BBC 2014b), claiming to curb violent political protests widely occurring the country in order to effectively maintain national peace and security (The Guardian 2014). Also, seen in the preamble of the Interim Constitution, its claim to stage the coup in 2014 is to end political crises which the civilian government and law had no capacity to deal with. Indeed, this assertion of exceptional circumstance was perceived legitimate for many sectors, especially the Yellow Shirts financial sponsors who

were influential businesses of Thai economy and had close relationship with the military (as mentioned in the analysis of the military's social class) (Post Today 2014)[17].

In a nutshell, the military junta is arrogant in its privilege to establish exceptional rule and sees itself as the grand guardian of Thai Nation value while the social context is considered threatening that value. As a result, it decides to write and promulgate its constitution in the name of preserving Thai Nation. Consequently, the new Interim Constitution draws a number of condemnations from civil society and international community for its grant of extensive power to violating human rights.

Constitutionalism in the 2014 Interim Constitution

This part is the analysis of the junta's operationalization of constitutionalism by the use of executive, legislative and judicial powers granted by the Interim Constitution. The constitution actually institutionalizes the military junta's unlimited powers to suppress particular group perceived as source of the political crisis, instead of bringing back peace and security, public order, and social harmony as explicitly claimed in the Preamble section. Such use of powers can be regarded as "emergency powers": state's coercive use of powers to identify threat in exceptional time (Ramraj and Thiruvengadam 2009: 2). Hence, these institutionalized powers should be carefully investigated in order to qualify constitutionalism of the Interim Constitution.

Constitutionalism can be characterized in terms of both structure and function. Structural constitutionalism, Arts and Handmaker (2010) argues, is the exercise of power or authority by the government under restrictions imposed by laws and norms. It means that the constitution should lay down structure of constraining powers of the government according to legal provisions and norms. For example, the constitutional court has authority to declare invalidity of executive order released by the government, as exemplified in the case of the US federal court's ruling against the discriminatory immigration policy of President Donald Trump (Abadi 2017). However, this essay treats the junta as the key actor who exercises constitutional powers. Thus, the examination of constitutionalism should focus on the junta as the highest authority above all institutionalized powers: executive, legislative, and judicial branches.

Figure 1: Structure of Constitutional Powers monopolized by the Military Junta's orders

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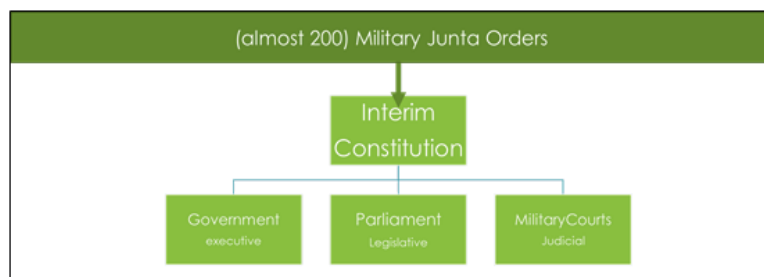
[17] A Thai newspaper Post Today reported that the government authority claimed 32 individuals, including businesses and persons, were the financial sponsors for the Yellow Shirts. For example, Thai Beverage Company is one of the biggest beverage industries in Thailand.

Powers of the junta are superior than executive, legislative and judicial institutions, contradicting to norm of democratic regime and to legal protection of human dignity prescribed in the Interim Constitution. The junta proclaims in the constitution to maintain "a democratic regime of government with the King as Head of State" and safeguard human dignity, rights, liberties, and equality (Thailand's Constitution (Interim) 2014). Yet, article 44 and 48 of the 2014 Interim Constitution essentially establish the military junta as the absolute authority to use executive, legislative, and judicial powers against dissidents in the name of peace and security and public order with impunity by enacting its own orders (as shown in the figure1).

Although three core sovereign powers – government, parliament, and courts – are founded by the constitution, their authorities are dominated by the junta's orders. Orders are enforced for the purpose of eradicating threat to the Monarchy, peace and security, and public order. New orders are released to provide more effective tool for curbing emerging threat. Moreover, any act committed in the name of the junta's order is discharged from legal penalty. For example, the Thai Lawyers for Human Rights Center (2016) reported that despite the denunciation of Martial Law after ten months of the coup, the junta declared an order prohibiting political public gathering of more than five people and authorizing the junta's appointed officers to execute incommunicado detention of the accused and to bring case to military court. It means that the junta's powers replace the criminal procedure which guarantees the rights of the accused in the justice system.

The Parliament, or the so-called National Legislative Assembly, is under control of the military junta. Its members are appointed by the junta: more than a half of them are (retired) senior military officers (Office of the Senate Secretary, n.d.). Its mandate prescribed in the constitution is in line with the junta's mission: bills are enacted to serve the junta's interest. In other words, the parliament is founded to constitutionalize powers of the junta. For example, an amendment to computer crimes act was unanimously enacted in order to authorize the police to arrest online critics against the monarchy or national security (Human Rights Watch 2016).

Government can never be differentiated from the junta in terms of power and authority. According to the 2014 Interim Constitution, the Prime Minister is selected by the parliament, and all ministers are appointed by the Prime Minster. As this case, the current Prime Minister and the junta leader are the same person (Lefevre 2014). Alike the parliament, authority of the government is restricted by the junta's policy direction. All statements coming out from the Prime Minster are equal to the junta's order.

Military courts do not have power to limit the junta's exercise of powers. All judges are selected by senior military officers and the minister of defence (Thailand's 1955 Military Court Act); hence, their independence and transparency are questionable. Due to hierarchical chain of command inherent in military norm, one could assume that judges are likely to respect their senior, rather than the legal documents.

In addition to structural view of constitutionalism, Franklin and Baun (1995) suggests to look at the function of constitution in effectively bringing justice for all groups of people. The focus is on the way in which a society agrees upon justice for all, rather than the availability of institutions. This way of conceiving constitutionalism requires shared value of equal citizenship.

Constitution is supposed to be social consensus to which people have equal contribution. The Interim Constitution was secretly written by the military junta, and thus did not inclusively embrace needs of all groups of people. Furthermore, the value of Thai Nation embedded in the constitution was enhanced exclusively for people who respect the Monarchy and national security as presumed by the junta. Its consistent attempts to arrest of the critics against the Monarchy and the military exemplifies the lack of consensual justice in the constitution (Solomon 2016).

The conception of citizenship, as a result, is unjust for certain group. Political, economic, and cultural identities of particular group were not incorporated into the value of citizenship. For example, pro-election and democratic movements and showing support for the ousted Prime Minister are perceived by the junta as threat to value of Thai Nation, and hence are more likely targeted by the authority. A ridiculous example is the case that military officials went to a Red Shirts village for seizing calendars painted with photos of ex-PM Yingluck (The Nation 2016).

To conclude this part, constitutionalism means both the institutionalization of powers constrained by legal provision and norms, and the functioning of laws in creating equal justice. The Interim constitution does not constitute constitutionalism in both senses. It grants unlimited powers to the junta over executive, legislative, and judicial institutions, and authorizes unjust treatment of the dissidents.

Making linkage of constitutionalism and culture of legal noncompliance

I have drawn my argumentation that the junta's arrogance underlies the decision to launch coup d'état in 2014 and then to establish extensive powers overall institutions which conceptually defies the notion of constitutionalism. In this part I will illustrate the interconnection of both concepts – culture of legal noncompliance and constitutionalism – to substantiate the argument. Both concepts have strength and weakness, thus should be complementarily applied to explain the constitutionalism of the Interim Constitution.

Culture of strategic noncompliance with rules is able to provide explanation about intrinsic motives that encourage the junta to breach the existing norm perceived useless for curbing exceptional circumstance anticipated to deteriorate its tenet. Nevertheless, the concept leaves alternative practices of the junta as the aftermath of noncompliance unknown.

Constitutionalism does not give reasons or incentives behind the flaw limitation, either internationally or unintentionally created, of the junta powers, but is able to analyse the institutionalization and functioning of powers inherent in the constitution as the alternative practice.

Therefore, by employing these concepts together it can be argued that the promulgation of the Interim Constitution implies the lack of constitutionalism, characterizing the junta's legal culture of noncompliance. The junta manages to delimit its powers in the constitution for the purpose of intensively protecting the value of Thai Nation as it perceives.

Conclusion

The promulgation of the Interim Constitution by the military junta is deemed against constitutionalism. The article 44 and 48 of the constitution authorize the junta to use powers extensively without impunity and constraints. Executive, legislative, and judicial institutions established by the constitution are under absolute control of the junta, and thus are dysfunctional in ensuring the norm of democratic regime and human dignity as prescribed in the law. This character of exercising powers is attributed to the junta's arrogance of its (perceived) role of the guardian of the Monarchy and national security. It seeks exceptions through the article 44 and 48 to carry out the task. Therefore, the Interim Constitution does not conceive the notion of constitutionalism.

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The International Criminal Court as a site for silencing sexual violence against men during war: The case of forced male circumcision in Kenya

By Naomi Mwangi

Introduction

Various dynamics influence the commission of wartime sexual violence including the use of rape and other forms of sexual violence during war to dominate and "maintain and restore certain power imbalances" (Sivakumaran 2007: 267). Wartime sexual violence against men has a distinct character; that of emasculation and feminisation of particular groups of men (Lewis 2009: 17). Whilst statistics do not reflect the widespread nature of sexual violence against men during conflict, albeit owing to the underreporting of these cases, the counteractive effect of this has been the invisibilisation of men's sexual experiences during war by humanitarian agencies, domestic actors, international and domestic courts (Sivakumaran 2007: 255). The limited focus on the sexual experiences of men during war is reinforced by the dominant gendered war narrative that positions men as abusers and women as victims resulting in an essentialised narrative that leads to the hypervisibility of the sexual violence experiences of women during war while obscuring the sexual violence experiences of men (Zarkov 2011: 105).

The privileging of women as victims of sexual violence crimes during war has also permeated into the International Criminal Court (ICC) which is a site for transitional justice. According to Rosemary Grey (2014), the reaffirmation by the ICC of the dichotomy narrative led to the ICC's misrecognition of forced circumcision of men as an inhumane act rather than a crime of a sexual nature in the case of the *Prosecution V Uhuru Muigai Kenyatta et al* (Grey 2014: 279). Arguably, sexual violence against men as an element of war crimes, crimes against humanity and genocide is often times misrecognised and misrepresented by the different actors dispensing justice in international criminal tribunals and courts owing to the notions of gender hegemony that portray women as the subordinated other to hegemonic masculinity (Lewis 2009: 2).

This essay therefore seeks to explore how the ICC as a site for transitional justice, is contributing to the silencing of men's sexual experiences in wartime. This paper takes the view that socially constructed ideas of hegemonic masculinities and subordinated femininities; which have played a key role in the formulation of the dominant gendered war narrative -which posits women as victims and men as perpetrators- is a key contributor to the invisibilisation of men's sexual experiences during war by the ICC. This paper will seek to make the foregoing analysis using the case of the *Prosecution V Uhuru Muigai Kenyatta et al* on the issue regarding forced circumcision of Luo men during the Kenya post-election violence in 2007/2008.

This paper is divided into four parts. The first section will be an overview of the Kenya post-election violence which will be followed by a discussion of the practice of male circumcision in Kenya including the symbolic meaning of forced circumcision of Luo men during the post-election violence of 2007/2008 in Kenya. The third part will detail out the contestations that took place in the trial of the Prosecution *V Uhuru Muigai Kenyatta et al* regarding the legal characterisation of the crime of forced male circumcision in Kenya during the post-election violence period. Further, this section will provide an analysis of how the ICC's conception of the notions of hegemonic masculinity and subordinated femininities may have influenced the

Trial Chambers decision to recharacterize the crime of forced male circumcision as an 'inhumane act' as opposed to comprising 'other sexual acts'. The last section of the essay will be the conclusion.

Overview of Kenya post-election violence of 2007/2008

The contentious Kenyan presidential elections of December 2007 triggered an eruption of violence in certain parts of the country that was ethnically motivated. The politicisation of ethnicity has its roots in the post-colonial era shortly after Kenya gained her independence in 1963 when the first president of the Republic of Kenya, Mzee Jomo Kenyatta, who was a member of the Kikuyu tribe, used the circumcision rhetoric of '*mtu mzima*'[18] to insinuate that Kenya could not be led by uncircumcised men from the Luo tribe (Kamau 2009: 3).

 The violence which lasted for a period of a little over 30 days from 30th December 2007 to mid-February (Turan 2016: 30) led to the killing of 1,000 people, rape and sexual violence of 900 people, the displacement of 350,000 people and serious injury of 3,500 people (International Criminal Court). The contested presidential elections were between the Party of National Unity (PNU) which was the ruling party at the time and the Orange Democratic Party (ODM) which was the opposition party. It is noteworthy that composition of the PNU and ODM parties mirrored ethnic divisions; the PNU party drew its membership largely from the Kikuyu, Meru, and Embu tribes whilst the ODM party constituted of members from the Luo, Luhya and Kalenjin tribes. Further to this, voting patterns during the 2007 elections were based on tribal lines which reflected the ethnic compositions of the parties (International Crisis Group 2008 as cited in Grey 2014: 279).

Upon announcement of the election results by the Kenya Electoral Commission in December 2007, members of the opposition party, ODM, expressed their |disgruntlement in the conduct of the elections and made claims that the elections had been rigged. As a result, the ODM party refused to acknowledge the presidency of the incumbent president Mwai Kibaki.

During the campaign period, prior to the presidential elections of December 2007, the ODM party made it clear to their followers that its strategy was to oust the Kibaki administration from power as it had entrenched tribalism during its rule. On the other hand, the PNU party reiterated that Kenya would not be ruled by uncircumcised men referring to members of the Luo tribe (Human Rights Watch 2008: 4). It is no wonder that the violence that ensued following announcement of the presidential elections took an ethnic cleansing form. Violence erupted first in Rift Valley, Nyanza and Western provinces which are provinces that are occupied predominantly by the Kalenjin, Luo and Luhya tribes respectively. The violence in this area was directed towards members of the Kikuyu tribe and mainly took the form of mass killings, physical attacks, rape and other forms of sexual violence and destruction of property. Thereafter, members of the Kikuyu tribe commenced retaliatory attacks which were targeted at the Luo and Kalenjin residents of Naivasha and Nakuru towns. The violence meted out specifically on Luo men took the form of forced circumcision, penile amputation and forced nudity (Turan 2016: 31, Grey 2014: 273, ICC-01/09-02/11-382-Red: 260).

The practice of male circumcision in Kenya

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[18] Swahili word meaning adult.

Male circumcision in Kenya, which is often used as a cultural marker of transition from childhood to adulthood, is widely practiced among a majority of the 47 ethnic groups in Kenya (Ahlberg and Njoroge 2013: 456). It is of importance to note that the Luo tribe does not practice male circumcision in the manner that it elaborated hereunder. There are two main discourses upon which the practice of male circumcision in Kenya derives its legitimacy from. The first narrative of the health discourse asserts that male circumcision reduces the rate of HIV/AIDS infection. This analogy is premised on the assumption that once the foreskin is removed, the remaining layer of skin is too tough for HIV to penetrate (Ahlberg and Njoroge 2013: 456). There have however been doubts as to the veracity of this claim because statistics on new HIV/AIDS infections have been on the rise even among communities that practice male circumcision (Ahlberg and Njoroge 2013: 456).

The second more dominant narrative is the cultural discourse that asserts that male circumcision symbolises the right of passage from childhood to adulthood of men within practicing ethnic communities. In most of the practising communities the circumcision ceremonies are conducted on an annual basis. Throughout the circumcision period, the young boys are sequestered for about one week during which they are educated on the expectations of manhood and masculinity. According to Ahlberg and Njoroge, circumcision involves:

> "a ritual that imparted cultural values, knowledge, and communal moral standing, that is, the spirit of umundu (humanness) that recognizes the sovereignty of the human person and was a public moment for education and a demonstration of bravery on the part of the young boys involved" (Ahlberg and Njoroge 2013: 458).

Further the young boys are expected to brave the pain of having their foreskin removed without administration of any pain relivers. This act of endurance, is a symbolic representation that the young boys are 'men enough'. Consequently, the young boys are emboldened and educated to embody traits associated with manhood. Once the young men return home after their circumcision, they are treated with a new-found respect and reverence, a respect that only accrues to them by virtue of being circumcised and being viewed as embodying a new form of masculinity (Ahlberg and Njoroge 2013: 458). Even though the practice has evolved considerably especially now where circumcision takes place in hospitals and sometimes under anaesthesia, the symbolic meaning attached to male circumcision; that of transition from childhood to adulthood and the acquisition of hegemonic masculinities is still a prevalent notion (Ahlberg and Njoroge 2013: 459).

Symbolic meaning of forced circumcision of Luo men during the post-election violence of 2007/2008

The use of forced circumcision of Luo men as a tool of war during the Kenya post-election violence by Kikuyu men was a reinforcement of power and domination of hegemonic masculinities embodied by circumcised Kikuyu men over the subordinate masculinities of the uncircumcised Luo men (Turan 2016: 31).
This superiority/hegemony associated with male circumcision can be traced back to the post-colonial era where members of the Kikuyu tribe felt more entitled and powerful because a majority were members of the *Mau Mau*-the freedom fighters' movement that led Kenya to independence-and they were circumcised and therefore real men (Kamau 2009: 3). Further, as was highlighted in the preceding section, the use of the circumcision rhetoric of *mtu mzima* results in male circumcision assuming a political and ethnicized face in Kenya (Kamau 2009: 3). The intentions of the forced circumcision of Luo men was to emasculate them and feminize them (Sivakumaran 2007: 271). The fact that feminine attributes are imputed on Luo men even

in peacetime therefore means that "the emasculating effect of sexual violence against men may therefore be exacerbated in wartime" (Lewis 2009:2).

The symbolic construction of a 'real man' in the Kenyan political arena as one who has undergone circumcision, serves as a determinant of hegemonic masculinity. Connell (1995) articulated that gender hegemony goes beyond the subordination of women and includes the reduction of men that embody marginalised masculinities that do not fit the frame of the dominant hegemonic masculinity (Schippers 2007: 86). Complicit masculinities are "masculinities constructed in ways that realize the patriarchal dividend, without the tensions or risks of being the frontline troops of patriarchy..." (Connell 1995, as cited in Schippers 2007: 86). Consequently, the domination of hegemonic masculinity which is aimed at serving the interests of gender order, owes its ascendency to subordination of other forms of masculinity (Schippers 2007: 86). Therefore, "hegemony relates to cultural dominance in the society as a whole. Within that overall framework there are specific gender relations of dominance and subordination between groups of men over other marginalised masculinities" Connell 1995, as cited in Schippers 2007: 86).

The feminisation of Luo men by men from the Kikuyu tribe even in peacetime since they do not undergo circumcision is an illustration that femininity is already considered inferior to masculinity and seen as contaminating the idealised masculinity. (Schippers 2007: 96). The Kikuyu men who are dominant in Kenyan politics have created a narrative that ideal presidential and political aspirants must embody hegemonic masculinities which in the political field are synonymous to male circumcision. This socially constructed ideal Kikuyu man who has been circumcised is therefore regarded with higher esteem in comparison to an uncircumcised Luo man (Connell and Messerschmidt 2005: 832). Whilst the post-election violence in Kenya was ethnically motivated, the symbolic use of forced circumcision of Luo men as a tool of emasculation and feminisation cannot be overemphasized. This is reaffirmed in the following statement made by one victim's wife: "We were all forced to watch, including the children. They were saying that until all the Luos are circumcised they can't take part in the political process" (Boulet 2011:5).

Prosecutor V Uhuru Kenyatta et al

The International Criminal Court was established in the July 2002 to investigate and try individuals responsible for crimes of the greatest concern to the international community which include war crimes, crimes against humanity and genocide (Preamble: Rome Statute). Following the Kenyan post-election violence of 2007/2008, the Office of the Prosecution (OTP) made a request to the Pre-Trial Chamber on 30th March 2010 to commence investigations into the Kenyan case *proprio motu*[19](International Criminal Court). The Pre-Trial Chamber granted the OTP its prayer and the prosecutor commenced investigations into the Kenyan case and eventually brought cases of six suspects before the court (International Criminal Court).

In the case of the Prosecutor v Uhuru Muigai Kenyatta et al, the accused persons were charged with crimes against humanity which included the perpetration of forced circumcision of Luo men (International Criminal Court). Despite the fact that forced circumcision is not explicitly codified in the Rome Statute as constituting a war crime or a crime against humanity, the Office of the Prosecutor (OTP) relied on the residual provision of "any other form of sexual violence

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[19] On its own motion.

of comparable gravity" (Article 7 (1) (g): Rome Statute) to prefer charges of sexual violence as a crime against humanity against Uhuru Muigai Kenyatta and his co-accused.

The Prosecution brought these charges based on evidence of forced circumcision of Luo men by PNU supporters (Grey 2014: 279). During the confirmation of charges hearing, the court refused to accept the crime of forced male circumcision as falling under the residual provision of 'any other form of sexual violence' for the reason it was a physical harm that was ethnically motivated. In the alternative, the Pre-Trial Chamber asked the OTP to recharacterize the acts of forced male circumcision as 'inhumane acts' under Article 7(1) (k) of the Rome Statute.

The Pre-Trial Chamber acknowledged that the Prosecutor at the time of bringing the charges highlighted that that "these weren't just attacks on men's sexual organs as such but were intended as attacks on men's identities as men within their society and were designed to destroy their masculinity" (TCC-01/09-02/1 l-T-5-Red-ENG, p. 88, lines 9-15). However, in misrecognising forced male circumcision of Luo men as 'inhumane acts' rather than acts of a sexual nature, the court held that "not every act of violence which targets parts of the body commonly associated with sexuality should be considered an act of sexual violence. In this respect, the Chamber considers that the determination of whether an act is of a sexual nature is inherently a question of fact" (ICC-01/09-02/11-382-Red (265).

The Pre-Trial Chamber further reiterated that the evidence adduced by the Prosecution did not indicate that the acts of forceful circumcision were of a sexual nature but rather that "it appears from the evidence that the acts were motivated by ethnic prejudice and intended to demonstrate cultural superiority of one tribe over the other" (ICC-01/09-02/11-382-Red (266). The OTP sought to appeal the decision of the chamber albeit unsuccessfully because the appeal chamber did not grant appeal but instead concurred with the view of the Pre-Trial Chamber of recharacterizing the charge (ICC-01/09-02/11-27: 30) as cited in Grey 2014:280). In support of the OTPs appeal due to recharacterization of the charges, the representation of victims made several observations that were aimed at convincing the court to allow for the characterisation of forced male circumcision as a crime of a sexual nature. The victims' legal representative stated that the court failed to take into consideration the "power dynamics at play" (ICC-01/09-02/11-458:12). The victims' legal representative further observed that:

> "The forced circumcisions were not just acts of violence; they must be understood as occurring within the context of Luo feminization. This feminization fits within the context of a biased history that tells Kenya's story as that of brave Kikuyu warriors, the Mau Mau, who rescued the state from its colonial masters… Other ethnic groups are constructed as weaker, belongingness, having less of a stake in: as feminine. The forced circumcisions represented Kikuyu men declaring that they wield masculine power over the feminized Luo men whose flesh they mutilated" (Kamau 2009: 3).

The misrecognition of sexual violence against men in international courts of justice is not peculiar to the Kenyan case. The International Criminal Tribunal of the former Yugoslavia in the case of *Prosecutor V. Tadic,* characterised acts of male sexual mutilation as "torture or inhuman treatment, wilfully causing great suffering or serious injury to body and health, cruel treatment and inhumane acts" (Sivakumaran 2013: 93). The Trial Chamber failed to take into consideration the gendered and ethnic dimension of the use of forced male circumcision of Luo men as a tool of ethnic cleansing in Kenya as well as a tool for emasculation and feminisation (Grey 2014: 274, Turan 2016: 30 and Sivakumaran 2013: 93). The victims' legal representative highlighted in its observations that despite the fact that the act of forced circumcision was ethnically motivated this does not expressly exclude them from acts of a sexual nature (ICC-

01/09-02/11-458). "Thus, while in the context of war ethnicity becomes a *primary difference* this difference is constituted through the notions and practices of masculinity, power and heteronormativity" (Zarkov 2011:109).

The lingering question remains why the chamber blatantly rejected to acknowledge the nexus between ethnicity and sexual violence by employing an intersectionality approach but rather opted to disregard the Prosecutions and victims claim for the recognition of forced circumcision as acts of sexual nature (Grey 2014: 283). The chambers decision points to the fact that application of the residual category of 'other sexual violence acts' is a subjective one. The subjectivities of the trial judges on issues regarding to hegemonic masculinities and subordinated femininities that position women as victims and men as perpetrators are indeed reflected in the court turning a blind eye to the gendered and ethnicized motivations of forced male circumcision resulting in misrecognition of these acts as 'inhumane acts'. The court failed to recognise that "castration is not merely an amputation but the amputation of a male sexual and reproductive organ and the symbolic amputation of masculinity" (Zarkov 1997, as cited in Mibenge 2013: 81). It is no wonder that the court has previously in cases involving the rape of women based on ethnic grounds acknowledged the existence of a link between sexual violence and ethnicity. For instance, in the Bashir case**,** the court acknowledged that the rape of women of a particular ethnic group could amount to an act of genocide (Grey 2014: 283). It has further been argued that the misrecognition of the gendered and sexual construction of forced male circumcision is attributable to the chamber assuming the patriarchal discourse that assumes that women lack agency and are overpowered by men's domination that has permeated into the ICC and as such caused an invisibilisation of men's sexual violence experiences during war (Turan 2016: 32). The trail chamber contributed to the perpetuation of silencing men's sexual experiences during war by failing to acknowledge that sexual violence is used to symbolise domination (Sivakumaran 2007: 274). Perhaps the gaze on women as victims and men as perpetrators is to blame for the lack of attention to men's sexual experiences during war.

Conclusion

Male sexual experiences during war are clearly overshadowed by the spectre of the dominant war narrative of women as victims and men as perpetrators. The invisibilisation of male sexual experiences during war is demonstrated in the ICC's failure to contextualise the forced circumcision of Luo men which despite having an ethnic driven character, was a display of the use of power by Kikuyu men to insubordinate the masculinities of the Luo men through emasculation and feminisation (Sivakumaran 2007:270). It is appalling that the ICC which is a site for gender justice as well as transitional justice would lack a sensitivity towards the 'construction' and 'destruction' of masculinities during wartime. Indeed, forced circumcision of men "is an act of physical as much as symbolic de-masculinization, of stripping man of his masculine powers symbolised by his penis" (Mibenge 2013: 81). The ICC therefore maintained the status quo that privileges women as victims of sexual violence during war and therefore obscured the sexual violence experiences of the Luo men during the Kenyan post-election violence on 2007/2008.

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The Internet as Space for the Marginalised: Potential and Limitations of Black Lesbian Cyberfeminism in Cuba

By Maria Wagner

Introduction

Revolutionary Cuba has seen a shift from condemning and persecuting people who were considered incompatible with heteronormative Revolutionary ideals, towards promoting respect for diverse sexual orientations and gender identities. Despite considerable progress for women and the LGBT community in Cuba, however, restrictive ideals of 'good' sexuality continue to shape the life experiences of Cubans, especially females[20]. In particular, females at the intersection of same-sex desire, blackness, and low 'cultural status' (i.e. class) have been left behind by the 'Pink Revolution': they are depreciated for their ascribed female masculinity and lack access to safe social space, which ends up reinforcing their invisibility. Over the past decade, Black lesbians[21] have started to use internet-based platforms such as blogs and social media for exposing and countering experiences of racism, sexism, homophobia, and their intersections in Cuba.

In this essay, I will problematise the shortcomings of the Cuban approach towards gender and sexual justice by examining the invisibilisation of lesbians of colour, and analyse the potential of Cuba's loosening of internet policies for facilitating black lesbian expression and thus, a 'new type of public sphere' for black lesbians.

The State of Sexual and Gender Justice in Revolutionary Cuba[22]

Despite the long-reaching socio-economic difficulties over the years of the Revolution (e.g. U.S. embargo, fall of the Soviet Union, ideological isolation), Cuba has made promising progress on feminist demands of sexual and gender diversity and gender equality.

Sexual and Gender Diversity

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[20] Fidel Castro blames the legacy of U.S. imperialism and European colonialism for the *machismo* in Cuba (Castro 1965, Castro & Borge 1992:126f). Similarly, scholars such as María Lugones (2010) or Oyeronke Oyewumi (1997) point to the coloniality of Gender, and Amalia Cabezas refers to the less restrictive nature of gender and sexuality norms in the Afro-Cuban interpretation of the Yorùbá religion (2009:116). However, popular opinion and some scholars challenge the supposedly bigger acceptability of same-sex activity or promiscuity in Yorùbá communities, both in Cuba and in Nigeria, where the religion stems from (see Alaba 2004; Alimi 2015). As the issue remains subject to debate, the ´real´ *origins* of gender and sexuality norms in contemporary Cuba is an issue that cannot be dealt with within the scope of this essay (particularly not as a researcher with only basic knowledge about the religion), and should be dealt with elsewhere.

[21] The term ´lesbian´ and ´lesbians´ will be used, in line with the consulted literature. The studies did not specify whether the females who have sex with females self-identified as ´lesbians´ or whether the authors categorised them as such. The unreflected use of the term ´lesbian´ risks ascribing a Western concept of "homosexual identity" on people whose sexuality might not translate into such an identity (see, e.g., Sinnott 2004 for the Euro-US-centrism of ´lesbian´ and ´gay´ identities).

[22] This section is based on a segment in my Research Paper Design, as the course material influenced the Research Paper Design process.

In the early years of the Cuban Revolution, the official discourse associated same-sex desire with relicts form the capitalist past: anti-revolutionary extravagance (Guerra 2010: 271) and criminality (Rivero Roldan in Hamilton 2012: 42). Therefore, in the 1960s, people 'suspected' to engage in such 'antisocial behaviour' – for instance, if they 'wore the pants too tight' (Castro 1963) – were prosecuted and forced to work in labour camps (so-called 'UMAPs': Unidades Militares de Ayuda a la Producción/Military Units to Aid Production; Hamilton 2012: 40; Roque Guerra 2014: 130). While the 'quinquenio gris' in the early 1970s marked the "harshest years of authoritarian control" and persecution of homosexuals (Hamilton 2012: 117), the government's stance on homosexuality started to change from the late 1970s on, as exemplified by the more moderate stance on homosexuality by the newly-founded National Task Force for Sexual Education (now: National Centre for Sex Education, CENESEX, Hamilton 2012: 42) or the decriminalisation of same-sex activity in private in 1979 (Kirk 2015: 16). Together with the "massive anti-homophobia campaign" to promote Cuba's anti-HIV response, the policy shifts led to a "notable improvement in the treatment of men who have sex with men" (Saunders 2010: 9).

Since the 2000s, the CENESEX – led by Raúl Castro's daughter Mariela Castro – has promoted campaigns against homo- and transphobia (Doimeadios Guerrero & Pérez 2017), and pushed, for instance, for the authorisation of "free sex-change operations for qualifying citizens" by 2008 (Corrales 2010: 435). Nowadays, the Cuban government proudly presents itself as a leading promoter of diverse sexual orientations and gender expressions (e.g. Agencia Cubana de Noticias 2016).

Gender Equality

While the issue of sexual justice has been adopted rather recently by the Cuban government, efforts towards gender equality date back to the very first moments of the Revolution: Since 1960, Fidel Castro repeatedly emphasised the socialist countries' duty to eradicate discrimination against women (e.g. 1960,1974). Throughout the years of the Revolution, the Cuban government, with the 1960-established Federation of Cuban Women (FMC), has adopted numerous strategies to advance womens' participation in the workforce (e.g. Bélanger and Flynn 2009:13, EcuRed n.d., Randall 1992:147, UNESCO 2005:196). In 1980, Cuba was the first country to sign the Convention on the Elimination of all Forms of Discrimination Against Women (UN n.d.), and the 1984 Labour code promised to guarantee everyone – regardless of race, colour, age, or national origin – equal salary for equal work (Chapter IV, Section I, Article 99, *Código de Trabajo*).

Nowadays, Cuba counts with a female mass organisation of more than four million members (Lamrani 2015), and has the third highest percentage of females in parliament worldwide (Inter-Parliamentary Union 2017) as well as the highest female educational attainment on the Global Gender Gap Index (out of 144 countries compared, World Economic Forum 2016). However, there are reasons to be cautious in uncritically interpreting these indices as proof of 'absolute' gender equality. With regards to political decision making, for instance, Ilja Luciak argues that as "women's participation increased" in "Cuba's legislative bodies", "this relationship was reversed in the case of the party structures" – "and that women continue to be largely excluded from the most important decision-making bodies" (2005: 261).

Remaining Challenges

Ilja Luciak's study (2005) points to the conclusion that despite Cuba's official commitment to gender and sexual justice (*7mo. Congreso del Partido* 2016) and legal provisions against discrimination, the power relations underlying gender and sexual injustices are far from being eradicated. Structural and physical gender-based violence against biological females (CEDAW 2013: 6; Díaz Tenorio et al. 2011) and transwomen (I. González 2015), as well as hostilities against homosexuals (Martí Noticias 2015, Rodríguez Nuñez 2016: 10) continue to exist, and social norms continue to police deviation from gendered and sexualised norms.

Acknowledging that gender and sexuality "are not the same thing, and [that] they form the basis of two distinct arenas of social practice" (Rubin 1999: 170), I want to take a look at the interlinkages between the two power relations in the Cuban context, as "[g]ender affects the operation of the sexual system, and the sexual system has had gender-specific manifestations" (Rubin 1999: 170).

According to Fidel Castro, discrimination against women and double standards for female and male sexuality in Cuban society – and with it, *machismo* – are legacies from U.S. imperialism and European colonialism (Castro 1965, Castro and Borge 1992: 126f). Indeed, contemporary gender and sexual norms in Cuba *do* resemble Western Victorian-inspired ideals (Saunders 2010: 6), such as that of the dichotomy between 'good' sexuality, namely heterosexual, married, monogamous, reproductive, and at home, versus 'bad' sexuality: transvestites, transsexuals, fetishists, sadomasochists, for money, or cross-generational (Rubin 1999: 154). However, nowadays in the West and in the Cuban context, males can bend the line of acceptable sexuality more than females, as exemplified by the concession of 'lust' to males, whereas females are expected to maintain 'purity' (Rubin 1999: 170). Regarding this relationship between gender and sexuality, Gayle Rubin argues that "much of the oppression of women is borne by, mediated through, and constituted within, sexuality" (1999: 165).

Similarly, the concept of *machismo* links gender - what it is to be a wo_man in Cuba – to heteronormative notions of 'good sexuality'. That is, desirable maleness in modern Cuba is associated with virility (Forrest 2002: 91) and promiscuity as the perceived "natural outcome of male sexual urges" (Cabezas 2004: 1008) - characteristics that are traditionally associated with masculinity (Alvarez Ramírez 2014b). Masculinity, in turn, tends to be conflated with "maleness" (Halberstam 1998). Respected femaleness in Cuba (as in numerous other countries), on the other hand, implies motherhood (Lundgren 2010: 85), passivity (Rich 1993, as cited in Saunders 2009a: 182) and sexual encounters restricted to those with an emotional attachment (Alcázar Campos 2009: 311, although Trumbull relativised this notion, 2001: 369), and is thus linked to traditional understandings of 'femininity' (Alvarez Ramírez 2014b; Saunders 2010: 6,10).

Intersections

Marginalisation of Lesbians in Cuba

Given that "[w]omen's sexuality, in general, is regulated in all communities and maintained through particular legal responses, strict social constraints or severe punishment" (Budhiraja et al. 2010: 137), the next section will address nonconformity at the intersection of gender and sexuality norms. When females transgress both the limits of acceptable sexuality ascribed to their sex and the limits of heteronormativity, they risk being not only oppressed for being a

woman, but also for being "queers and perverts, by the operation of sexual, not gender, stratification" (Rubin 1999: 170).

Academic work on lesbianism in Cuba is scarce (SEMlac 2013; Lumsden 1996), and tends to conflate gender identity or expression with sexual orientation (SEMlac 2013, see also Budhiraja et al. 2010: 138). Instead of focusing on the particularities of lesbians' experiences, "analyses of homosexuality have tended to focus on a universalized 'gay experience in Cuba'" (Almendros and Jiménez-Leal, Arguelles and Rich, as cited in Saunders 2009b: 6). Although identity-based approaches might fall short of sexual rights-based approaches when organising across movements (e.g. lesbian, gay, queer, women, people with disabilities, or people of colour, Mohanty 1997: 22), Sangeeta Budhiraja et al. argue that "[c]ultural sources of oppression that target women demand advocacy and organizing that highlights and distinguishes this reality [of lesbians] from those of gay and bisexual men" (2010: 137). Particularly in the Cuban context, "the intersections of gender and sexuality have resulted in such a stark social distinction between lesbians and gay men" that "it is difficult to speak of a gay and lesbian community, or even a 'homosexual experience' in Cuba" (Saunders 2009a: 173).

The Cuban government's advocacy for gender and sexual justice has, to borrow an expression by Budhiraja et al., "implicitly posited that 'LGB's' have sex, while" women and men, (along with 'T&'s'), "have gender" (2010: 138), and failed to adequately address the intersections between non-normative gender and sexuality. A 2002 study found that lesbians were highly rejected by the majority of the population, and considered "despicable", "unbearable", "dirty", and "nasty" (Más 2011, own translation), as well as "rude, uncaring about their appearance, and unfeminine" (Saunders 2009a: 173). In response to unpublished studies about homosexuality in Cuba that showed that lesbians' situation had even deteriorated between 1994 and 2003 (whereas gay men's situation had improved in response to Cuba's anti-stigmatisation campaigns as part of the strategy against HIV), the CENESEX recognised the need to address "the social isolation and invisibility that lesbians face in comparison to gay men" (Acosta et al. 2003; Acosta, personal communication, as cited in Saunders 2009a: 168). In 2005, the centre started supporting the collective *Grupo OREMI* in building a social space for lesbians in Havana (Saunders 2009a: 169). Despite the popularity of the centre and an outreach to 150-200 visitors, the project was shut down after only two months, due to pressure on the CENESEX after complaints about visible lesbian sexuality (Saunders 2009a: 183). The CENESEX continued with small group counselling sessions for lesbians, but due to the formality of the setting and the need to register, this format did not fulfil lesbians' need for an anonymous, inclusive social space (Saunders 2009a: 184).

In a context where women were 'glaringly absent' in public life (Saunders 2009b: 10), lesbian social space thus remained "virtually nonexistent" (Saunders 2009a: 177; while gay male public space had increased since the 1990s, Saunders 2009b: 6). The state's ban for independent organisation restricted collective action for females interested in same-sex relations[23], rendering lesbians "one of Cuba's most socially marginalized populations" (Saunders 2010: Abstract) and trapping them in "near-total isolation" (Saunders 2010: 9). Therefore, lesbian socialising is taking place in private spaces or at underground parties (Saunders 2009a: 177)

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[23] In a personal conversation with a lesbian activist, Tanya Saunders was told about the existence of one grassroots lesbian organisation in Santiago de Cuba in 2003 (2009a:169).

that, "because of their clandestine nature", are described as having "an 'illegal' feel to them"[24] (Saunders 2010: 22).

Stratification in Cuba's Lesbian Underground Scene

Research by Tanya Saunders shows that even this limited, but existing social space, cannot be accessed equally by all lesbians (2010: 10). Despite the official commitment to ensure gender equality in the workplace, the persistent expectation for women to stay at home and fulfil the care work within a heteronormative conceptualisation of the family gives rise to economic difficulties for females outside of this framework (Saunders 2010: 22). As "class serves as a mediator for race" in Cuba (Saunders 2010: 19) and remittances from abroad go mainly to white Cubans, black (and to some extent, *mulata*) females face particular economic difficulties (Saunders 2010: 10). They "have to work hard to make it, to survive, to look for money […] all the time" (Saunders 2010: 22), and cannot afford to spend leisure time at lesbian underground events, nor survive financially from the informal income opportunities in the black underground hip-hop scene (Saunders 2010: 21).

Similarly, to Cuba's gender and sexual equality rhetoric, the Cuban government proclaimed that racial discrimination belonged to the capitalist past (de la Fuente n.d.). However, racism in contemporary Cuba continues to manifest in discriminatory hiring practices in the lucrative tourist sector (Clealand 2013: 1623,1626) and widespread dismissive attitudes against "Afro-Cuban culture, social conduct, and/or physical appearance" (de la Fuente 2001, as cited in Saunders 2010: 10). Afro-Cuban understandings of sexuality that, for instance, do not condemn promiscuity (Cabezas 2009: 116), clash with Western sexual norms that "consider sex to be a dangerous, destructive, negative force" (Weeks 1981, as cited in Rubin 1999: 150), and locate Afro-Cubans in the realm of "criminality as well as gender and sexual deviancy" (Helg 1995, de la Fuente 2001; as cited in Saunders 2010: 10). Correspondingly, Roderick Ferguson argues that "racialized bodies, just by virtue of being considered 'different', already embody nonheteronormativity" (as cited in Saunders 2010: 10). Cuban society continues to be influenced by the legacy of Enlightenment's scientific racism and sexism (Saunders 2010: 6), by which both "women and non-European men [were seen] as deviations from the European male norm" (Schiebinger 1999: 22). Therefore, while "[w]ealth, white skin, male gender, and ethnic privileges can mitigate the effects of sexual stratification" (Rubin 1999: 161), women of colour inherently transgress the boundaries of 'the norm' - and more so, if they are homosexual.

Black Lesbians: A Perceived Challenge to Dominant Ideals of Femaleness

Tanya Saunders highlights the absence of studies on Cuban women of colour outside of the realm of *jineterismo*[25] - "[t]here is virtually no data on black women's identity formation, sexuality, or emotional and material needs" in the Revolutionary period (Saunders 2010: 14). In her series of studies on black lesbians in Cuba, she argues that their position at the intersections of gender, sexuality, and racial discrimination tends to exclude them even within supposedly 'safe' lesbian social spaces: "[T]he racialized base of heteronormative constructions

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[24] The stigmatisation and marginalisation of lesbians, as well as the difficulty to access lesbian spaces (particularly for outsiders) might explain the lack of research on the issue (Lumsden 1996; La Fountain-Stokes 2002; as cited in Saunders 2010: 9).

[25] In Cuba, "jineterismo is a term used to give new meaning to various survival strategies with the aim of acquiring something, money, things, privileges from [male and female] tourists and [male and female] nationals in exchange for a variety of services, including sexual ones" (Alcázar Campos 2009:312, own translation).

of femininity is replicated in Cuba's lesbian population, in which lesbians of all races overwhelmingly eroticize hegemonic white femininity" (2009a: 170). In an attempt to counter pre-revolutionary stereotypes that linked blackness to criminality and degeneration, "affluent blacks began their own periodicals that encouraged a form of racial uplifting that centred on black Cubans' obtaining a 'respectable' form of morality, which translated into a heteronormative form of Victorian femininity" (Saunders 2010:13)[26]. Similarly, la *mulata*, who is "socially accepted", but "represents a fallen woman because of her African ancestry" (Saunders 2010: 11), can opt for upward mobility by assimilating towards a 'European' physical appearance and behaviour[27], and thus, negotiate her acceptance in both "white-only spaces and predominantly black spaces" (Saunders 2010: 11). Black women, however, represent the "opposite of white femininity" (Saunders 2010: 11).

Across various studies, Tanya Saunders shows that Cubans at the intersections of female homosexuality and blackness are marginalised because black lesbians are - regardless of their gender expression – perceived to embody masculinity (2009a, 2009b, 2010). As "female masculinity is generally received by hetero- and homo-normative cultures as a pathological sign of misidentification and maladjustment" (Halberstam 1998: 9), and femininity persists as an important marker of femaleness (Candelario and Saunders, as cited in Saunders 2009b: 2), dark-skinned lesbians face rigorous policing of their physical appearance, such as suggestions "to manage perceived female masculinity or hypersexuality by straightening and elongating their hair, losing weight, and wearing clothing that minimizes the visibility of their bodies" (Saunders 2010:176). Resulting from the conflation of black women's sexuality with perceived female gender deviance, lesbians of colour are depicted with emotional coldness and sexual dominance in affluent – mostly white – lesbian circles (Saunders 2010: 23).

Thus, although "we tend to believe that female [self-ascribed or perceived] gender deviance is much more tolerated than male gender deviance" (Halberstam 1998: 5), black lesbians "continue to be one of Cuba's most socially marginalized populations", facing isolation and stigmatisation (Saunders 2010: Abstract). The intersections between gender (expression), sexual orientation, race and class exclude poor black lesbians with little education or lack of government affiliations from the already limited public spaces for lesbian socialisation (Saunders 2010: 22). Further, the failure to adequately address these intersections in Cuba's social justice project, as well as the government restrictions for independent organising led to a situation in which "socially marginal groups such as black lesbians are limited in their options for addressing their social pressures" (Saunders 2010: 3).

The Internet: Enabling a 'New Type of Public Sphere' for Marginalised Groups?

Bert Hoffmann argues that in the mid-2000s, "web-based communication technologies have supported the emergence of a new type of public sphere in which the civil society debate is marked by autonomous citizen action" (2011: Abstract). This section explores the potential of

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[26] In Cuba, "jineterismo is a term used to give new meaning to various survival strategies with the aim of acquiring something, money, things, privileges from [male and female] tourists and [male and female] nationals in exchange for a variety of services, including sexual ones" (Alcázar Campos 2009:312, own translation).
[27] Or marrying men with lighter-skin (Saunders 2010:11).

Cuba's policy to loosen restrictions for accessing the internet as a new means to "claim public space" (Hoffmann 2011: 15) for black lesbians in Cuba. Therefore, I will review the spread of internet access in Cuba, give examples of black lesbian cyberfeminism in Cuba, and problematise the limits of the use of internet for 'raising the societal voice' (Hoffmann 2011: Abstract).

Internet Access in Cuba

While Cuba was a "regional leader in the field of information technology in the early 1990s", it came to be "one of the least connected and most isolated countries of Latin America" (Press, in Henken 2011: 92). The U.S. embargo blocked the upgrading from satellite to fibre optic technology, with the result of internet in Cuba being "slow, restricted, and expensive" (Press, in Henken 2011: 92). By 2000, only 0.54 % of Cubans had access to the internet (compared to 6.77 % worldwide, World Bank n.d.). The completion of a fibre optic cable from Venezuela in 2011 promised "progress" and "a better quality of life" for Cubans (Riquenes Cutiño 2011), and, indeed, brought high-speed internet to a number of official institutions and state-owned access points by 2013 (Freedom House 2016: 2).

However, even by 2015, only half of the one million computers (Oficina Nacional de Estadísticas, as cited in La Red Cubana 2016)[28] and almost none of the mobile phones on the island had connectivity (Freedom House 2016: 6). *Connectivity* refers to the fact that government-controlled access points restrict the reachable content to "a highly filtered govern-ment-controlled intranet, which consists of a national email system, a Cuban encyclopedia [sic], a pool of educational materials and open-access journals, Cuban websites, and foreign websites that are sup-portive of the Cuban government" (Freedom House 2016: 3). The *world wide web* can only be accessed from the public WiFi-spots the government started creating in urban centres in 2015 (Freedom House 2016: 2). "[H]ome connections are virtually non-existent" (Freedom House 2016: 3) and hourly internet access at public access points keeps being extremely expensive (Freedom House 2016: 2).

Despite the limited accessibility of the intra- and internet (see *Limitations of Web-Based Claims for Public Space for the Marginalised*), Bert Hoffmann argues that the internet has facilitated the emergence of a "Civil Society 2.0" (2011: Title). Indeed, the digital "citizenship journalist" magazine *Consenso desde Cuba* (Consensus from Cuba) was created in 2004 (Henken 2011: 97), followed by the first independent blog, *Generación Y* (Generation Y), in 2007 (Hoffmann 2011: 19)[29]. By 2012, there were already about 527 blogs written from within Cuba (Almeida Cruz and Díaz Rodríguez 2012:85)[30]. Hoffmann argues that in Cuba, web-based writing was "directly born out of the constraints on public debate in the physical world" (2011:20). Coming back to women's "glaring absence […] in public life" (Saunders 2009b: 10), some researchers see Information and Communication Technologies [ICTs] as creating a "new men's club" (Sabanes Plou 2004, as cited in Almeida Cruz and Díaz Rodríguez 2012: 83), while others persist that ICTs can "contribute to the visibilisation of new social actors" in the "virtual public space" (Albornoz and Albornoz 2010, as cited in Almeida Cruz and Díaz Rodríguez 2012: 83),

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[28] This number includes computers in official institutions (Freedom House 2016: 5).

[29] Following a "little e-mail war" between Cuban intellectuals - sparked by the TV appearance of a contested figure of Cuba's quinquenio gris, the 'gray five years' 10 and the closed-door policy of discussions about the issue (Hoffmann 2011: 18f).

[30] However, not all of these blogs are being updated due to low connectivity (Freedom House 2016: 10).

and "empower women and other members of traditionally ignored groups" (Balka 1993, as cited in Almeida Cruz and Díaz Rodríguez 2012: 83).

Black Lesbian Cyberfeminism: The Blog *Negra Cubana Tenía Que Ser*

Sandra Alvarez Ramírez' blog *Negra Cubana Tenía Que Ser*[31] (Black Cuban Woman I(t) Had to Be) is one of the most remarkable blogs in Cuba. Since June 2006, the self-identified cyberfeminist – a psychologist with a Master in Gender Studies and a Diploma in Gender and Communication – writes about racism, sexism, sexual and reproductive rights of people with non-heteronormative gender identities and sexual orientations (Alvarez Ramírez n.d.-a). While some of the articles on her blog focus on *either* racism *or* gender *or* sexuality (as illustrated by the layout of the website that distinguishes the categories *Racial Debate in Cuba* and *Dissident Bodies* with the subsections *Your Sexed Body* and *Machista Violence,* own translations), the blogger does bring up an explicit intersectional analysis of these spheres. For instance, Sandra Alvarez Ramírez reflects on the practice of discursive exclusion of *lesbians* from the category *women* – even in debates within her Master in Gender Studies (Alvarez Ramírez 2014b). Further, a guest article by Logbona Olukonee problematises the lack of social space for (black) lesbians in Cuba (2014).

The blog opens a space for Sandra Alvarez Ramírez to express 'what she wants and feels', outside of spheres – such as academia - that 'restrain and strangle' her (Alvarez Ramírez 2012, as cited in Rivera Pérez 2012:350). Rather, Sandra Alvarez Ramírez "makes use of the categories, tools, and knowledges that black feminism and Cyberfeminism grant" her, "with the intention to re-elaborate the lived experiences that [she] had along three decades of life" (Alvarez Ramírez 2012, own translation) The blog provides a platform for exchange, debate, and promotion within the female, non-heteronormative black community, for instance by reporting on the work of the Cuban queerfeminist, anti-racist, vegan Hip-Hop Artivists *Krudas Cubensi* (Cuesta and Prendes n.d.; Alvarez Ramírez 2014c) or the Afro-Cuban queerfeminist newsletter *Tutututu*[32] (Alvarez Ramírez 2015), as well as by inviting one of the newsletter's creators, Logbona Olukonee, to contribute to the blog by writing articles and comments (e.g. Olukonee 2014). Further, through the focus on racism, gender, sexuality, and their intersections, the blog creates a "common context of struggle" (Mohanty 1997: 22), facilitating an exchange between the black Lesbian community and anti-racist, women's, and LGBT-activists, as well as discussants from outside of these communities (and from outside of the island, for that matter). By the time of consultation, 6305 people had subscribed to the blogs' actualisations (27 June 2017, Alvarez Ramírez n.d.-a), supporting Aymée Rivera Pérez' argument that in a context where 'internet access is a luxury', the blog's reach represents a "true phenomenon of identitarian and cultural mobilisation" (2012: 349).

Thus, the blog *Negra Cubana Tenía Que Ser* is an example of how "digital media" – in particular, the internet – can facilitate a "new modus of non-conventional collective action" (Geoffray, as cited in Hoffmann 2011: 23) for those whose are marginalised in the physical public space.

Limitations of Web-Based Claims for Public Space for the Marginalised

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[31] Available in <https://negracubanateniaqueser.com/>. Accessed 27 June 2017.
[32] Available in <https://www.facebook.com/boletintutututu/>.

When praising female-run blogs for providing a "tool for the establishment of relations, the exchange of information, and the formation of agendas that transgress the patriarchal and heteronormative hegemony" (Almeida Cruz and Díaz Rodríguez 2012: 90, own translation), one should not forget to once again examine the power relations that facilitate these claims of virtual public space.

Inequality in Accessing and Creating Blogs

A report by the Cuban National Office of Statistics suggests that there were no major gender differences in the use of internet services, access points, or frequency of use in 2009 (Oficina Nacional de Estadísticas 2010: 7f). However, it is unclear whether, or to what extent, access to the internet through informal makeshift connections (Freedom House 2016: 4; Koebler 2015) is reflected in this data set. Further, the report on the use and access of ICTs in Cuba does not provide data separated by race. Given that the statistics include Cubans as young as 12 years, and the main access point were study centres (Oficina Nacional de Estadísticas 2010: 12), these figures do not allow for a comprehensive understanding of internet access of the adult population, in which gender and race differences might arguably be more traceable than in the student population. Considering Cuban females' "triple burden […] of wage labor, political activism, and mothering combined with heavy housework" (Verdrey 1996, as cited in Härkönen 2016: 3) and the labour market segmentation that makes blacks more likely to work in non-computerised sectors (Rodriguez 2014)[33], it seems unlikely that there is no gender or/and race difference in informal and formal internet access at all. Analysing the Cuban blogosphere, Yudivián Almeida Cruz and Elaine Díaz Rodríguez showed that even when women can *access* the internet, they *run* only 31% of Cuban blogs (2012:85), have less 'authority'[34] than blogs maintained by males (Rodriguez 2012: 87), and reach little visibility in the general (male-dominated) blogosphere, even when they are popular within the female blogosphere (Rodriguez 2012: 87).

Characteristics of Visible Blogueras

Most of those *blogueras* (female bloggers) who *are* visible are highly qualified professionals or university students coming from the fields that the government's internet access policy prioritises: culture, communication, journalism, science, or technology (Almeida Cruz and Díaz Rodríguez 2012:85, own translation). For instance, Sandra Alvarez Ramírez, the professional with several titles, who is running the blog *Negra Cubana Tenía Que Ser*, has worked – among others – as webmaster for the state-affiliated CENESEX and the National Centre for the Prevention of STIs/HIV/AIDS (Alvarez Ramírez n.d.-b), and collaborated with the Cuban encyclopaedia EduRed (Alvarez Ramírez 2016a). Similarly, Logbona Olukonee, one of the editors of the Newsletter *Tutututu*, has worked as history professor at the Agrarian University of La Habana and is currently following a course in Feminist Studies and Interventions in Mexico (Olukonee n.d.).

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[33] Such as communal services, construction, agriculture, and gastronomy (Rodriguez 2014).

[34] Yudivián Almeida Cruz and Elaine Díaz Rodríguez use the concept of *authority* to "represent the influence of individual blogs in the 'blogosphere', and the importance of the blog as connector or *hub* to maintain the unity of the network" (2012: 86).

Even though these online activists are black Lesbians, and by virtue of that, defying dominant ideals of femaleness, their privileged professional positions in official institutions and – in the case of Sandra Alvarez Ramírez – former membership in the critical, but state-approved group *Bloggers Cuba* (Henken 2011: 104f), protects them from repercussions for their online activity in the physical sphere. In a context where "using citizen media becomes a civic action in itself" (Hoffmann 2011: 23), Cuba's first blogger, Yoani Sánchez from the 'cyberdissident' group *Voces Cubanas* (Henken 2011: 96), was abducted and beaten for her open political dissent in 2009 (HRW 2009), and has "repeatedly [been] denied permission to leave the island to receive awards or speak at conferences" (Hoffmann 2011: 21).

Another characteristic of those females who blog successfully is their socioeconomic status and contacts to foreigners. While previously, bloggers had to have the contacts to access the internet from embassies or international hotels (Freedom House 2016; Henken 2011: 108), the changes in government policies have led to improved conditions for accessing the internet, as illustrated by the increase in individuals using the internet (Figure 1). The latest policies allowed the purchase of personal computers in 2008 (Freedom House 2016: 5), reduced prices for internet access (Freedom House 2016: 5), opened the access to "most foreign websites […] at state-run access sites" (Freedom House 2016: 3), allowed the creation of public Wi-Fi spots by the Cuban government in 2015 (Freedom House 2016: 5), and facilitated test runs for home-based connections in 2016 (Guevara 2016)[35].

Figure 1. Individuals Using the Internet (% of Population), 1990-2015.
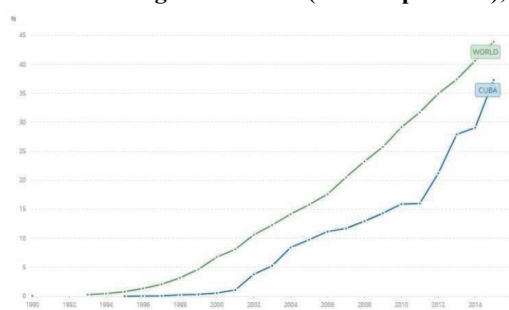
Source: World Bank n.d.

However, contacts to foreigners remain important. Family remittances and sponsors from abroad can help *blogueras* cover the connection costs at public access points – in 2015, one hour of slow internet connection still costed a tenth of the monthly minimum wage (Freedom House 2016: 2) – and support them with the financial means to pay the servers located abroad (Rivera Pérez 2012: 344) and maintain their subsistence. The socioeconomically privileged position and network of contacts that black lesbian cyber activists need to successfully claim visibility in the virtual public space is illustrated by the fact that both Sandra Alvarez Ramírez (2016b) and Logbona Okulokee (n.d.), as well as *Krudas Cubensi* (Rivera-Velázquez 2008),

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[35] According to Rosa María Paya Acevedo, coordinator of the Cuban citizen led initiative Cuba Decide, the respective contracts have been signed, but -internet at Cuban homes is still "not an option" (Panel Discussion on ´The Real Information Revolution: Learn How Human Rights can be Advanced Through Technology´, Border Sessions Conference, The Hague, 29 June 2017).

were able to choose to migrate from the country and continue their online activism from abroad[36].

Censorship

Even when individuals from generally marginalised groups, such as black lesbians, manage to set up blogs, further restrictions apply. Even for merely accessing the internet through public access points, as activist Rosa María Paya states, "you have to also hand [in] your ID number, and your ID number is going to be connected to the code that you are going to be us[ing] to get connected, so that the regime ha[s] all the information, not just of the sites that you are visiting, but also of what person in what moment is actually getting connected and what they are seeing" (Panel Discussion on ´The Real Information Revolution: Learn How Human Rights can be Advanced Through Technology', Border Sessions Conference, The Hague, 29 June 2017). While Cubans have found ways to circumvent this identification when accessing the internet (Rosa María Paya, personal communication, 29 June 2017), they still need to provide their ID number to create a blog on the official Cuban Blog platform (O. González 2015). The fear of repression restrains users from "exposing their real viewpoints", thus leading to self-censorship (O. González 2015, own translation).

Moreover, even the content produced by Cubans who can access the internet from international hotels, embassies or from abroad is not always accessible from *within* the island due to the (partial) blockade of internet content (Hoffmann 2011: 22, Salomon 2016). In 2017, Cuba is ranked 173th on the World Press Freedom Index (Reporters Without Borders 2017), and the 2016 Freedom on the Net report categorised Cuba's internet as "Not Free", with a score of 79 out of 100 (where 0 = free; 100 = not free; Freedom House 2016). Thus, Orlando González (2015) reports that the blog *Negra Cubana Tenía Que Ser* has been shut down and is not accessible from the island, despite the authors' repeated cooperation with state-affiliated institutions, and thus, her categorisation as respectable 'ciberrevolutionary' (Henken 2011: 105).

Conclusion

Although Revolutionary Cuba has seen a liberalisation of gender and sexuality policies, lesbians, and particularly black lesbians, have been left behind by the 'Pink Revolution', and continue to be excluded from public space. The loosening of government regulations for the use of internet has allowed for the growth of a 'New Type of Public Sphere', in which sexism, racism, and homophobia can be addressed by a number of tolerated bloggers and social media activists. However, severe restrictions on accessing the internet and producing content bring the exclusions of the physical world into the virtual world. Those who tended to be excluded from the public sphere – black Lesbians who cannot count on government ties or the financial support of relatives abroad, are unlikely to be able to afford internet access, let alone to negotiate the boundaries of acceptable gender expression, sexual orientation, race, and virtual dissidence.

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[36] Asked whether she writes from Cuba, Sandra Alvarez Ramírez answers: "I write from Cuba. This is a blog founded in Cuba. Now, eventually, I am not on the island, so I write from the Cuba that is in my heart" (2014c).

The existing underground networks and technologies could be used to circumvent the restricted visibility of certain webpages from within Cuba, and make the existing virtual public sphere, in which "the spaces for pluralism are wider than in Cuba's traditional media" (Hoffmann 2011: 21), more accessible for the most marginalised. The effects of such an "insurgent citizenship […] on democratization depends", however, "on the extent to which web-based voice is able to connect with off-line public debate and social action" (Hoffmann 2011: 25). This, in turn, will rely on the political will to open discursive and physical space for black lesbians in Cuba.

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Endnotes

[1] Fidel Castro blames the legacy of U.S. imperialism and European colonialism for the *machismo* in Cuba (Castro 1965, Castro & Borge 1992:126f). Similarly, scholars such as María Lugones (2010) or Oyeronke Oyewumi (1997) point to the coloniality of Gender, and Amalia Cabezas refers to the less restrictive nature of gender and sexuality norms in the Afro-Cuban interpretation of the Yorùbá religion (2009:116). However, popular opinion and some scholars challenge the supposedly bigger acceptability of same-sex activity or promiscuity in Yorùbá communities, both in Cuba and in Nigeria, where the religion stems from (see Alaba 2004; Alimi 2015). As the issue remains subject to debate, the ´real´ *origins* of gender and sexuality norms in contemporary Cuba is an issue that cannot be dealt with within the scope of this essay (particularly not as a researcher with only basic knowledge about the religion), and should be dealt with elsewhere.

[2] The term ´lesbian´ and ´lesbians´ will be used, in line with the consulted literature. The studies did not specify whether the females who have sex with females self-identified as ´lesbians´ or whether the authors categorised them as such. The unreflected use of the term ´lesbian´ risks ascribing a Western concept of "homosexual identity" on people whose sexuality might not translate into such an identity (see, e.g., Sinnott 2004 for the Euro-US-centrism of ´lesbian´ and ´gay´ identities).

[3] This section is based on a segment in my Research Paper Design, as the course material influenced the Research Paper Design process.

[4] In a personal conversation with a lesbian activist, Tanya Saunders was told about the existence of one grassroots lesbian organisation in Santiago de Cuba in 2003 (2009a:169).

[5] The stigmatisation and marginalisation of lesbians, as well as the difficulty to access lesbian spaces (particularly for outsiders) might explain the lack of research on the issue (Lumsden 1996; La Fountain-Stokes 2002; as cited in Saunders 2010:9)

[6] In Cuba, "jineterismo is a term used to give new meaning to various survival strategies with the aim of acquiring something, money, things, privileges from [male and female] tourists and [male and female] nationals in exchange for a variety of services, including sexual ones" (Alcázar Campos 2009:312, own translation).

[7] See Saunders (2010:13f) for an elaboration on how these ´assimilation´ techniques ultimately prevented a shared Black identity – a possible resource for collective action – to emerge.

[8] Or marrying men with lighter-skin (Saunders 2010:11).

[9] This number includes computers in official institutions (Freedom House 2016:5).

[10] Following a "little e-mail war" between Cuban intellectuals - sparked by the TV appearance of a contested figure of Cuba´s quinquenio gris, the ´gray five years´[10] and the closed-door policy of discussions about the issue (Hoffmann 2011:18f).

[11] However, not all of these blogs are being updated due to low connectivity (Freedom House 2016:10).

[12] https://negracubanateniaqueser.com/. Accessed 27 June 2017.

[13] https://www.facebook.com/boletintututut/

[14] Such as communal services, construction, agriculture, and gastronomy (Rodriguez 2014)

[15] Yudivián Almeida Cruz and Elaine Díaz Rodríguez use the concept of *authority* to "represent the influence of individual blogs in the ´blogosphere´, and the importance of the blog as connector or *hub* to maintain the unity of the network." (2012:86)

[16] According to Rosa María Paya Acevedo, coordinator of the Cuban citizen led initiative Cuba Decide, the respective contracts have been signed, but -internet at Cuban homes is still "not an option" (Panel Discussion on ´The Real Information Revolution: Learn How Human Rights can be Advanced Through Technology´, Border Sessions Conference, The Hague, 29 June 2017).

[17] Asked whether she writes from Cuba, Sandra Alvarez Ramírez answers: "I write from Cuba. This is a blog founded in Cuba. Now, eventually, I am not on the island, so I write from the Cuba that is in my heart." (2014c)

Two Spirit Identities: Postmodernist Approaches to Decolonising LGBTQ+ Movements

By Carolyn Yu

Introduction

Identity politics within movements for sexual equality has been criticized for being overly reductive and for creating divides of difference without transforming the multitude of underlying power structures that create oppressions (Budhiraja et al. 2010: 135). The application of postmodern theories and politics argues for a more nuanced understanding of difference. Instead of focusing on reductionist and immutable views of identity, exploring the fluidity and flexibility of identities creates a common context of struggle rather than divisions (Budhiraja et al. 2010: 132). Oppressions must be contextualised and placed within their history if activists wish to create a collective anti-oppression movement based on a politics of difference (Mohanty 1995: 69). This paper will be an exploration of the benefits and struggles of postmodern politics in theory and in practice.

I will discuss the use of the term Two-Spirit used by Indigenous peoples across Canada and the United States. Two-Spiritness crosses several (Western) identity boundaries, resisting the temptation to separate parts of one's identity into multiple terms such as gender, ethnicity, socioeconomic status, sexuality, and so on.

The term Two-Spirit was eventually incorporated into the multiple acronyms denoting gender and/or sexual non-conforming identities (LGBTQ2, LGBTQIA2, LGBTTIQQ2S, LGBTQ*, just to name a few) used by Canadian and US academics, activists, and politicians (Szklarski 2016).

The first part of this essay draws on critiques on the so-called "Alphabet Soup" approach of identity politics (Budhiraja et al. 2010) to demonstrate how the term does not fall squarely into a traditional conception of identity politics through its intentional blurring of several identity boundaries and sources of oppression.

Part II explores how despite this blended approach to identity, the use of the term in practice inadvertently succumbs to the same colonial oppressions it was intended to subvert. I will question this inclusion of the term Two-Spiritness into the acronyms associated with sexual and gender equality. I argue that colonialism is inherently tied to contemporary modernist views on Indigenous genders, sexualities, and cultures, and that this colonialism is reflected in the use of acronyms that include a "2" or "2S". I argue that the rational dualism used to justify Columbian settler colonialism can still be traced to present-day debates on indigeneity and Two-Spiritness.

These debates summarise my attempt to explore the uneasy tensions between using a term that obscures and reinforces many oppressions but is integral to invoking decolonial debates. This discussion reflects upon the challenges of postmodern theories and politics when facing modernist ontologies and epistemologies.

Terminology and Caveats

The term Two-Spiritness has been adopted by Indigenous activists in an effort to reclaim genders, sexualities, and cultural practices of Indigenous peoples situated in the Canada and the US. It was adopted in the Third Annual International Two-Spirit Gathering in Winnipeg, Canada in 1990 by representatives from Indigenous LGBTQ+ and Two-Spirit groups from across the two countries, (Meyer-Cook and Labelle 2004: 31), intended as a replacement for the derogatory term "berdache" coined by western anthropologists and religious scholars (Moore 2016).

The term is used to describe identities across more than 630 Indigenous bands and nations across Canada and the US (Meyer-Cook and Labelle 2004: 41). While it is important to note that this obscures much of the heterogeneity between the different nations and bands, including their languages and their conceptions of spiritualities and gender roles[37], the focal point of this essay will be the way this term is misused and misappropriated in mainstream activist discourse.

It is also important to note that not all Indigenous gender-variant people use the term Two-Spirit and instead prefer other terms. However, I am limiting my discussion to the usage and reclamation of Two-Spiritness. I will use the terms LGBTQ+ or queer when the studies I cite explicitly mention Indigenous people who identify more strongly with these terms more than they do with Two-Spirit. I deliberately refrain from including "2" or "2S" into the LGBTQ+ acronym in order to highlight the debate that subsuming the Two-Spirit into the acronym hides much of the political intent behind the adoption of the term.

The literature that I draw on does not always explicitly use a definition of decolonisation. Several themes, as will be discussed further, repeatedly arise in the discussion and reclamation of the Two-Spirit identity. According with these themes that I have identified, I will be relying on Mohanty's discussion on decolonisation: resistance to colonial identities and ways of living as a method of radically enforcing structural change at all levels of sociopolitical organisation (Bhandar et al. 2008: 8).

Part I: Decolonisation and the Two-Spirit Identity

Holistic Views of Being: Ties to Postmodern Theory and Movements

The umbrella term Two-Spirit highlights an identity not bound by (Western) binary frameworks of genders and sexualities. It follows frames of identity that call for a more holistic view of the person, which happens to coincide with calls beyond a simple Alphabet Soup approach, where one's identity can be described in terms of class, ethnicity, sexuality, and so on. The entire term Two-Spirit blurs modernist distinctions of gender, sexuality, and community positioning as it holds on to a collective struggle of decolonisation (Arven et al. 2013, Greensmith and Giwa 2013).

Two-Spiritness, by walking on the boundaries of western categories of identity, agrees with[38] Mohanty's (1990: 82) framework of a historical interpretation of the individual to become the basis of what she argues to be a basis of "temporality of struggle". Recognition for the histories and the fluid constant motion of identities and dominations is inherent in the term. Two-Spiritness has brought increasing recognition and more extensive debates that gender, sexuality, and colonialism in Canada go hand in hand, and that these are in constant interplay with each other (Arvin et al. 2013, Meyer-Cook and Labelle 2004, Cannon 1998: 2). The way the racialized body is sexualized and perceived is inseparable from the effects of colonial domination (Lugones 2010). The intended uniqueness of this term to indigenous populations is a recognition that Indigenous gender and sexuality is intertwined with a history of settler colonialism, with its physical and cultural genocide, that is not directly applicable to

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[37] There are more than 130 various terms in at least 50 languages of Indigenous peoples whose traditional territories are in ceded and unceded territories across Canada that Two-Spiritness is intended to encompass (Meyer-Cook and Labelle 2004: 41). It describes a variety of gender, occupational, communal, spiritual, and/or sexual behaviours and roles.

[38] Care must be taken to not confuse agreement with inspiration or incorporation. It has been argued that Indigenous communities always held tenets synonymous with Western postmodernism and its related philosophies (Kuokannen: 414).

other non-Indigenous LGBTQ+ individuals and/or activists. In other words, two-Spiritness makes connections between different oppression explicit. It also highlights that gender and sexuality was used to oppress indigenous populations differently than it was used to oppress non-indigenous LGBTQ+ individuals, including those of colour (Adams and Phillips 2006: 277).

This re-creation and reclamation of terminology and Foucauldian naming is a useful tool to subvert status quo power relations (Mills 2003). Although there is danger in creating yourself as a subject, the presence of Two-Spirit individuals predates pre-colonial times. Secondly, as mentioned above, Two-Spirit was intended as a replacement for the derogatory term "berdache" (Cannon 1998). Creating this term on their own volition was intended as a subversion and reclamation, asserting the object as a creator of their own message (Epple 1998). Essentialist though Two-Spiritness may be, this term allows for an indigenous-defined term rather than the previous Western anthropological one.

Decolonisation Beyond Gender

The use of the term Two-Spirit is made more complex by the fact that the presence of non-Western ontologies and epistemologies are at the core of its usage. The term Two-Spirit is not only an acknowledgement of the social construction and fluidity of genders and sexualities. It goes further and emphasizes that the question of identity and personhood in colonial contexts is not just a simple intersection of multiple terms but rather a violent imposition of social structures on entire populations (Cameron 2005, Cannon 1998). Decolonising gender is thus not a one-issue reclamation of sexual identity beyond the binary that exists in Western imperialist viewpoints. Individual issues are indeed addressed where they arise, and more specific points of action are identified, but an analysis of decolonial movements in Canada generally show a recurring theme that each action has a multitude of consequences outside of their main area of intervention[39].

Mohanty's (1995: 82) analysis of the modernist conceptions of space is also a useful analytical tool to examine Two-Spiritness. Her analysis becomes all the more literal when realising the territorial disputes of Indigenous peoples. One cannot speak of decolonising gender without speaking of the (lack of) cessation of geographic territories (Greensmith and Giwa 2013: 144). For example, although property rights, let alone concepts of a delineated geographic territories, were not recognised across nations, the imposition of a heterosexual couple owning land rights relies on heteronormative and cis-gendered assumptions of rights and entitlements. Not only did this enforce new gender structures, it also enforced new legal structures and new conceptions of property ownership.

Summary: Implications for Activism

In summary, Two-Spirit theory and activism complements postmodern theories and movements. A struggle within a context and politics of difference, where the boundaries between identity markers and where history is used to emphasize the fluidity of cultural paradigms (Smith 2013: 49) parallels the ideals of predominantly Western academic framings of postmodernist movements.

The implications for activism can also be widespread. The term paves the way towards Gayatri Spivak's term of strategic essentialism, which allows for easier mobilisation and a way for communicating with more dominant groups of society (Greensmith and Giwa 2013: 131). A collective struggle based on the context of difference and blurred boundaries between identities is not an admittance of sameness resulting in a singular struggle. It is a call to alliance-building and allyship based on common

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[39] For example, the final report of the Truth of Reconciliation Commission of Canada makes 96 recommendations that Canadian settler institutions need to take to repair the intergenerational damages caused by residential school systems (Truth and Reconciliation Commission of Canada 2015). Their analysis of the effects of residential schools are divided into a wide range of actors and areas of impact, which highlights the interconnectedness and widespread impact of a singular educational framework.

oppressions and a willingness to recognise how they are experienced differentially. When some goals align, it becomes useful to form coalitions for larger scale change. These coalitions, theoretically speaking, should not attempt to ignore these differences. However, when alliances are formed with settler LGBTQ+ communities, there is a tendency to elide these differences, especially when differences are tacked onto an existing struggle almost as an afterthought in an alphabet soup-like manner.

Part II: Two-Spirit Struggles with Identity Politics and False Dualisms

Subsuming Two-Spiritness within the confines of the acronym, whereas useful for its emphasis on the unique aspects of Indigenous identities that do not conform to Western frameworks, unfortunately results in a continuing ignorance of certain key aspects of the Two-Spirit identity.

On a more individual level, this recognition of the histories and traditions behind Indigenous practices served to validate identities. Interviews from Two-Spirited and Indigenous LGBTQ+ people in Canada revealed that this interconnection was also tied to personal validation and feeling empowered within their Native communities. On the other hand, these interviewees also felt that within the broader spaces of Canadian sexual equality movements, there was also an overall lack of recognition of their ethnic identities and a lack of interconnection between Native and settler queer communities (Adams and Phillips 2006).

Personal testimonies like this confront us with the reality that many Indigenous Two-Spirit or LGBTQ+ individuals face: the acceptance that the overall LGBTQ+ community offers them tends to be limited to a superficial acceptance for their cultures and an ignorance of their decolonial aims. Settler activists cannot actively bridge these spaces of differences while they still prioritize gender and sexuality without consideration for alternate sources of oppression (Greensmith and Giwa 2013, Adams and Phlilips 2006, Meyer-Cook and Labelle 2004). In summary, there is a general over-reliance on false assumptions that one contextualisation of oppression will neatly over another experience.

Here I wish to submit three related concerns of including Two-Spirit into the acronym, each flowing out of the other. The following critiques all grow from traditions built upon a Cartesian duality between the rational body and the natural mind. Firstly, colonialism over gendered and racialized identities relies upon dualism and the ensuing belief that the rational mind is the only one that is afforded respect. Secondly, Two-Spirit individuals and communities risk remaining an object of analysis for the rational knower. Lastly, subsuming Two-Spiritness into gender and sexual equality movements shows a preference of Western rationalities and epistemologies where the juxtaposition of settler queer identities against Two-Spirit identities privileges the former by creating a power dynamic between the two. As I will argue below, all of these risks ultimately silence the non-sexuality and non-gendered aspects of the term.

Continuing Reliance on Rational Dualism

The Cartesian dualism between body and mind is a divide that was used to suppress and control the sexualised and racialized bodies of the Indigenous peoples. This dualism has been repeatedly used by colonisers to dominate and control any identity that was considered to be deficient in some way (Oyěwùmí 1997:3). The situation of rationality within the ideal male mind unencumbered by the physical body has been used to justify the dominance of infantile and irrational Others who need to be guided and educated.

Additionally, rational dualism ignores aspects of spirituality and community that is central to Two-Spiritness. Placing such importance on rationality ignores more holistic conceptions of being characteristic of many indigenous communities. As mentioned above, the role that Two-Spirits play in

some contexts are more communal and integral to the extent that they are sometimes not given strict linguistic labels. This dualism reflects an

Eurocentered process of dissociating one's consciousness from the ongoing interaction with place, ancestry, animals, plants, spirits, community, story of life, and cycles of the seasons and ages which is common to Indigenous peoples (Kuokkanen 2000:417).

As argued already, Two-Spiritness works to dispel the boundaries between mind and body, and includes other aspects of being. The way in which it is consumed by more mainstream and popular queer movements, however, continues to rely on dualistic assumptions of rational individuals (Kuokkanen 2000: 417) who were able to transcend the limits of the body, or on other assumptions that can be traced back to this concept. Even feminist critiques that unpack the social construction of gender and sexual oppression tend to fall into the trap of creating a type of cultural determinism that replaces biological determinism (Di Stefano 1990: 64) as dualisms cement rigid differences and the inability for change. Difference becomes something from which we cannot escape despite the fluid nature of oppressions and power dynamics. This unfortunately obscures other sources of patriarchies and oppressions.

The Two-Spirit as a Subject of Investigation

Inclusion of terms describing Indigenous genders and sexualities into a pre-existing framework maintains the same power relations by coloniser/colonised. This is not to deny that alliance-building or working in partnership with Western epistemologies are integral to structural change – rather, it has been identified as a requirement for change in multiple contexts (Tamale 2011, Meyer-Cook and Labelle 2004). The issue is that Indigenous feminisms, queer theories, and Native studies must not be taken as mere subsets of gender studies as this implies an enforcement of Western frameworks at the top of the hierarchy.

An additional consequence to subjecting Two-Spiritness into settler methodologies and epistemologies means a suppression of those of their own. They cannot tell their own realities; we must create one for them and tell it on "their" behalves. This maintains the Native as the subject of study, rather than the claimant of their own ways of knowing and being (Smith 2010). Thus, we perpetuate the privilege of the knowledge creator and subject, the same power dynamic behind the "berdache". Within the same Enlightenment-era framework of privileged bodyless rationalities, the Two-Spirit is limited to the physical. The more it is tied to nature, the more it becomes a curious object of nature to be studied by the respected intelligent settler mind, indefinitely restricted from telling their own truths in their own way. Maintaining this same relationship of subject versus knowledge creator maintains the same dichotomies of primitive versus modern (Greenwich and Giwa 2013: 134). As was pointed out in the above discussion of the emergence of the term Two-Spirit, a partial intent of the term was to replace and reclaim the term "berdache" from not only its derogatory connotation, but also from its roots in Western anthropology and religious studies. In a way, it can be viewed as an invitation for settler scholars and activists to see past the Two-Spirit identity, in all of its historical complexity, as a unit of analysis.

Current investigations into the term still rely on an emphasis on the physical as the body of the Indigenous Two-Spirit is constantly pulled back into the settler's gaze. Despite claims that these questions are based on the metaphysical and communal relations, the starting point is nevertheless separated into a racial, genetic social group: the Indigenous body. The body remains inescapable as the starting line of inquiry (Oyěwùmí 1997: 2). Thus we see two dualisms here: the relationship between the rational knower and the subject, based on the bodylessness of the knower and the boundness of the subject to the natural irrational body.

The Settler's Way of Being LGBTQ(2)+

An additional danger lies in absorbing Two-Spirit into another framework: that of sexual gender rights. Smith (2010: 49) uses Puar's term of sexual exceptionalism to describe a replication of colonialist attitudes of superiority: "a white queer subject reinscribes a U.S. homonormativity by positioning himself/herself in an imperialist relation to those ethnic subjects are deemed unable to transgress".

What Smith argues is that there is a "correct" way to be queer: a liberal White settler LGBTQ+ defined way to be queer. The Two-Spirit discussion is subsumed under a separate category where gender and sexuality is the center of these oppressions. These actions erase other forms of community organisation and/or stratification, such as religious shamanism which dualism ignores (in fact, something that Enlightenment Era rationalism outright criticized), thus reducing a more encompassing engagement with the term itself.

Forming coalitions can be useful for mobilisation and for increasing visibility. However, inclusion precludes radical change when certain knowledge struggles take precedent over others. After all, "[t]he project of inclusion can serve to control and absorb dissent" (Arvin et al. 2013: 17). The inclusion of Two-Spirit may be an attempt at ethnic diversity and intersectional politics, but it cannot carry out this vision without explicit anti-racist decolonial aims. Various studies and reports reflect a lack of recognition with settler LGBTQ+ activists and a fetishization of their Indigenous identities (Greensmith and Giwa 2013, Cameron 2005, Epple 1998), implying a lack of engagement with decolonialism.

The construction of Two-Spiritness, then, allows the settler LGBTQ+ to define the boundaries of their own sexualities and gender expressions. It delineates the space within which they themselves can explore their identities, providing yet another reductively sexual identity within which they can claim socially acceptable genders and sexualities (Greensmith and Giwa 2013: 144, Smith 2010: 49). As de Sousa Santos (2014:47) argues, the dominance and existence of certain knowledges and epistemologies are "premised upon the invisibility of forms of knowledge that cannot be fitted into any of these ways of knowing".

Summary: Misappropriation of Two-Spiritness by Settlers

Attempts of settler LGBTQ+ individuals and activists to identify and include the Two-Spirit movement into their own has been seen as a misappropriation of the term itself. It becomes a form of cultural appropriation, perhaps even identity appropriation as settler populations claim something without knowledge of its rich, deeply religious, and colonial history (Cameron 2005). The misuse of identity terms to benefit those who hold relatively more power echoes the exploitation of lands and peoples upon which colonial powers relied.

Oyěwùmí (1997: 3) notes that:

> "dissimilar constructions of the social world in other cultures are used as "evidence" for the constructivist nature of gender and the insistence that these cross-cultural constructions are gender categories as they operate in the West nullify the alternatives offered by the non-Western cultures and undermine the claim that gender is a social construction."

Applied to this context, the recognition that indigenous cultures had their own gender and sexuality schema is used to highlight the social construction of gender and sexuality within Western contexts. However, this ignores the decolonial aim of coalescing under the term Two-Spirit. Admittedly, these identities are used to question the dominance of the sexual hierarchy and rigidity of fixed sexualities, but the aim of the term is not solely to highlight the social construction of gender. It is a way to reclaim certain Indigenous ways of living. It emphasizes the epistemological and physical violence committed against these communities for centuries, and reclaims a particular gaze enforced by Western settlers. The question becomes: why is the social construction of gender and sexuality emphasized with a

disregard to the social construction of race and the fetishization and idealisation of Indigenous cultures (Arven et al. 2013)?

This misappropriation, as I have argued, rests on dualistic traditions that maintains the Other as something to be discovered and appropriated. The incapacitation and dehumanisation of the Indigenous allows it to be assimilated into a greater, more enlightened whole. The Two-Spirit identity then becomes locked against the same colonialist attitudes as its anti-colonial, postmodern aims are ignored.

This discussion then leaves allies of Two-Spirits in an untenable position with a term that cannot be simply absorbed into gender, sexuality, and queer studies. If Two-Spiritness is not restricted to gender and sexual identities, and if Two-Spiritness has implications for spirituality, community structures, relationships with land, political roles and therefore aspirations for nation-to-nation negotiations with the Canadian government, then how far are allies willing to decolonise gender, with the understanding that decolonising gender also involves decolonising Canadian sociopolitical and socioeconomic structures to which we are accustomed?

I do not wish to downplay the struggles for gender sexual equality, but the point remains that it is far easier for allies to treat decolonising gender and sexuality as if it were one struggle centered on gender and sexual oppression rather than the exploitive racist colonial structures from which we as allies from the hegemon, yes, continue to suffer but also greatly benefit. Even though I, as a visible minority, am to some extent segregated from the majority population due to ethnic and gendered barriers, I cannot claim to equate my ethnic minority struggles with Two-Spirit struggles as visible minorities *and* colonial subjects. The land seizures of decades past are actions that I benefit from even though my parents and siblings are relatively recent immigrants. We claim as our home unceded, stolen traditional Coast Salish lands in what is now recognised as the Canadian province of British Columbia. If we are to accept the blurred boundaries of identities and counter-hegemonic struggles that Two-Spiritness implies, this benefit is just one of many that I and other allies must recognise. Avoiding the indigenous aspect of Two-Spiritness allows LGBTQ+ individuals, allies, and communities to avoid questioning our complicity with colonialism. After all, integration and assimilation facilitates the disappearance of indigeneity (Smith 2010). Treating Two-Spiritness as a bounded sexual identity obscures the widespread effects that colonialism had on Two-Spirit people's lives.

Conclusion

The Two-Spirit term walks a thin line. It creates an empowering movement that reclaims identities that hegemonic colonialist powers attempted to eradicate. It attempts to balance between openness and fluidity of identities, gendered or sexualized or otherwise; and almost ironically risk becoming an essentialist, totalising theory of being when existing in a modernist landscape with highly constructed but highly structured and deeply embedded ontological lens.

This reflects the struggle of a postmodernist politics. I refer here to Di Stefano's provoking questions:

> If we are encouraged to embrace fractured identities, we are inevitably drawn to the forbidden question: Fractured with respect to *what*? Can fractured identities be embraced without the parallel construction of new fictions of counter-identity? (1990:76, emphasis in original)

My analysis of Two-Spiritness unfortunately cannot answer any of these questions definitively. In response, I can only offer questions of my own regarding Two-Spirit activism: what sort of collective struggle are we now discussing in this decolonial context? Is this just yet another totalising theory, one based on a cultural and racial collective of indigeneity?

The postmodernist approach implied by Two-Spiritness continues to be forced into epistemological spaces with which it is incompatible. The way it is overwhelmingly conceptualised by non-Indigenous Canadian LGBTQ+ activists still relies on dualistic ways of thinking that allows for the continuing appropriation and domination over Indigenous cultures. In a context with competing epistemologies and heavy emphases on reductionist and deterministic differences, Two-Spiritness faces multiple barriers in disseminating its message of boundless identities. Two-Spirit in the hands of comparatively more mainstream settler activism remains in the essentialist realm of gender plus sexuality plus race.

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Local Governance and Community Developments: Research Interview Analysis

By Silva Diaz

Question: What connections do you identify with the institutional setting? How do these motivate decisions and drive the behavior of the entrepreneur?

> "Institutional logics are taken-for-granted social prescriptions that guide behavior of actors in fields. They repre- sent a field's shared understandings of what goals to pursue and how to pursue them" (Scott,1994).

Deepening in the concept of institution given by North as rules of games, institutions must be understood as a set of aspects (political, economic and sociocultural) that interact with each other. Thinking of institutions in terms of interaction allowed us to understand that individuals and its relations can create or re-shape the institutional system in which they are embedded. It has to do with the Polanian perspective regarding the always embedded economy, where the behaviour of an individual A (entrepreneurs) is a response to the behaviour of an individual B (market institutions), but where the individual B is constantly influenced by the behaviour of individual A.

Relying on this conceptualization of institutions, this paper aims to underline that the way in which the entrepreneurs are organized as economic agents creates institutional arrangements that guide their interaction within a local economic system. Therefore, when assessing entrepreneurial performance, we are assessing the capacity of these individuals in generating endogenous institutional changes. This is precisely the connection that I identify. Two concepts will allow me to argue the previous statement: Institutional entrepreneur and bricolage behavior.

First argument relies on the idea that the company itself constitutes an institution. It has to do with a set of rules that structured *how productive/market exchanges* are going to take place. The first exchange is among the entrepreneur and his employees. The second one is between the company (as an institution), the clients and suppliers as economic agents. The final exchange involves the previous ones because they constitute the local economic system in which they are embedded. This way, the patterns that defined each interaction generate the so-called institutional arrangements.

The diagram below is based on the social network theory. Due to the fact that this approach assesses the forces that impact individual behavior, I found it useful to recreate the interactions mentioned above. The first zone illustrates the entrepreneurial environment where the organizational arrangements take place. The second zone indicates the market exchanges between the enterprise (through employees), the clients and suppliers. The third zone recreates the market environment. For the paper's purpose, let us imagine that each circle line represents the institutional arrangements as the contact point where the market exchange takes place.

Institutional Arrangements Diagram

Zone III
Zone II
Zone I
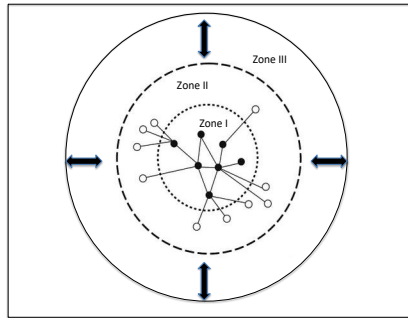
Source: The Author , 2017

In this sense, entrepreneurs cannot be treated as simple individuals pursing their interest. They must be recognized as actors with strong capacity to create new forms of organization in order to keep their own alive within a local economic system. What an entrepreneur does is "break with the rules and practices associated with the dominant institutional logic(s) and thereby develop alternative rules and practices" (Battinala 2006: 656).

It should be noted that through 'rules' and 'practices' that endogenous institutional changes occur. The more expanded the organization, the more individuals start to rely or at least adapt to the new institutional arrangements. This ability is knowing as an institutional entrepreneur. It has to do with an "innovate person who starts or expands his business and in the process helps destroy the prevailing nonmarket institutions in order for his business venture to be successful (…) is a businessperson whose ultimate objective is the success of his business venture, but his innovation is external, no just within his firm" (Daokui et.al 2006: 358).

Coming back to the organizational aspects of the interview, I distinguished some behavioral patterns that can be addressed through this approach. On the one hand, the interviewee has such a strong capacity that re-shape the institutional arrangements within the corporation. However, it should be noted that the changes in the company's institutional arrangements respond to a set of patterns of the market institutions in which the enterprise is embedded. In this sense, the Polanian always embedded economy dynamic occur.

On the one hand, the entrepreneur generated endogenous changes (at the micro-level) such as new organizational structure, new services and portfolio as well as new paths to search for potential clients. In the diagram above, these changes take place in the first zone. On the other, this set of changes responds to the market institutional logics, such as value systems, governmental policies and tax regulations. All of them take place in third zone.

Returning to the argument of this paper, assessing entrepreneurial performance gives us the opportunity to explore the so-called entrepreneurial bricolage. Even when related with the institutional entrepreneur approach, bricolage focuses on institutional changes as a response to a lack of resources. In this sense, one is the entrepreneur ability to create and re-shape

organizations to the extent that it affects an external environment (market institutions), and the way that he used internal resources (individual level) as means.

Bricolage is defined as the individual capacity to "exploit established social relationships, existing knowledge, and claimable identities to reduce the risk of investment loss in a new venture" (Vanevenhoven et.al 2011: 1). It also has to do with the ability of individuals to use current institutional arrangements (existing knowledge- social relationships) to re-shape institutions. It is precisely the point of departure of the endogenous institutional changes.

I found useful two tenets from this approach. The first one has to do with the idea that institutions shape individual behavior but at the same time institutions provide the principle that individuals can use it for modify them (Campbell 2004). The second one relies on the idea that new institutions are the path for solving organizational problems to the extend that external institutions re-shape what is acceptable or not.

To conclude, this assignment has addressed two theoretical frameworks which showed how institutions motivate and drive the behavior of the entrepreneur. The strength of such approaches relies on the idea that opportunities are not external, but created through the interactions among the entrepreneur and an enacted environment. Furthermore, it opens up the possibility to recognize entrepreneurs as agents with the ability to create organizations, re-shape organizations and generate new institutional arrangements for market exchange.

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Crafting an alternative of *local development*[40]

By Montserrat Hernández Pozo

The present paper elaborates on *Crafting.com* Business Model Canvas (BMC). In this paper, I will argue that *Crafting.com* is considered, from its conception, as an alternative of local development. I will claim, that instead of delinking from capitalism *Crafting.com* enables a comprehensive but gradual inclusion to the global market by taking advantage of the existent set of tools and opportunities present in local and global networks, although based on local participation and resources. To support my argument, I will analyze *Crafting.com* BMC based on a practical toolkit to model local development strategies (Gómez 2017, Presentation on Alternatives of and to Development: the agency of local governance, ISS) considering the following components:

  i.   Socio ecological systems thinking
  ii.   Use of local resources
  iii.   Participation of institutions and local actors and/or groups
  iv.   Overlapping networks in networked governance

In many countries in Latin America, such as Mexico, there is a rich cultural background that is represented through diverse art manifestations, one of these being the production of handcrafts by local artisans. From painting to embroidery, carved wood and precious stones, this work is most of the time commercialized within Mexican borders. Traditional handcrafts are generally produced by indigenous communities that, in many cases, are located in remote and marginalized areas, where access to public services is often limited and economic resource and employment scarce. In this context, the production and commercialization of these handcrafts plays an important role on the communities' social and economic dynamics. Furthermore, as an economic activity, the production of handcrafts represents also an alternative source of income and employment. In this sense, artisans within these communities have started to organize among themselves through various mechanisms such as cooperatives and/or with the support and networking building with NGOs to explore new possibilities to increase and enhance their production capabilities and expand their market opportunities (*Crafting.com* BMC 2017).

Nevertheless, as mentioned before, one of the main challenges encountered by artisans within these communities is the limited access (or non-existent) to global markets, especially to engage directly in fare trade. Through Crafting.com, an e-commerce platform that works as an online marketplace**,** consumers all over the world will be able to connect with local artisans, within diverse countries, to engage directly in commercial activities in order to buy original and high-quality handcrafts and thus, engaging and promoting fair trade (*Crafting.com* BMC 2017).

Crafting.com design builds on the logic of social ecological systems, since it recognizes the multiplicity of actors which actions are embedded in different social, political and economic settings and thus, affecting the outcomes of the system –in this case, the platform- but also each one of the interactions within it (the subsystems or local actors) and potentially jeopardizing its sustainability if not well analyzed. For *Crafting.com* to be sustainable the "identification and analysis of relationships among multiple levels of these complex systems and subsystems

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[40] This paper elaborates on *Crafting.com* Business Model Canvas (BMC), prepared and submitted by the author in co-authorship with ISS students for the course: ISS-4201-16-17 Local Governance and Community Development.

at different spatial and temporal scales is essential (Ostrom 2009: 420). This information will also allow it to estimate how successful or not could different actors, such as local artisans' organizations, NGOs and local governmental institutions be in self-organizing to pursue and achieve a common goal, which in this case is fostering socioeconomic development through the inclusion of a specific productive activity (production of handcrafts) into the global market. This is particularly important because as Ostrom (2009: 421) highlights, the "initial set of rules established by the users –consumers and local artisans- or by a government, are not congruent with local conditions, long-term sustainability may not be achieved".

Hence, *Crafting.com* recognizes that for better "understanding the complex whole it requires knowledge about the specific variables and how their component parts are related to each other" (Ostrom 2009: 420). Therefore, the centrality of bringing together a multiplicity of actors to build and strengthen networks lays on how these networks also allow "to find generalities among seemingly different systems that, despite their disparate nature, may have similar processes of formation and/or similar forces acting on their architecture in order to be functional" (Ostrom 2009: 419) and achieve the expected results.

Furthermore, regarding the use and participation of local actors, *Crafting.com* has the ability to integrate and connect local forces and resources, acknowledging the value and capacities already in place and scale their scope to a global level by the enhancement of its local networks' configurations. I will say that this process could be paralleled to a "glocalisation*"* process where "institutional/regulatory arrangements shift from the national scale both upwards to supra-national or global scales and downwards to the scale of the individual body or to local, urban or regional configurations and, secondly, economic activities and inter-firm networks are becoming simultaneously more localised/regionalised and transnational" (Swyngedouw 2004: 25).

Finally, *Crafting.com* aims to be an organization whose members by being able to "bridge major social networks –locally and globally- will be more effective in fostering generalized social trust" (Prakash and Selle 2004: 164) thus, increasing the possibilities of having a greater reach and successful outcomes by overcoming the obstacle of having limited access to global markets that hinders the possibilities for local sustainable socioeconomic development within these communities. The main contestation to this LED approaches to development is regarding its high costs but as I have argued in this paper, if *Crafting.com* success in being a broker to help interactions in the micro, meso and macro level, by stimulating formation and strengthening of social capital – drawn from relations between organization, local governments and local business and by creating strong networks there could be also high benefits if successful.

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Amidst Mass Tourism: *Tri Hita Karana* and Conflict of Valuation Languages

By M Adityanandana

My research is titled "Amidst Mass Tourism: *Tri Hita Karana* and Conflict of Valuation Languages. The objective of the research is to fill the theoretical gap that is not explained by concepts of environmental conflict and languages of valuation (Martinez-Alier et al. 2010). The case being studied is an environmental conflict that has escalated following tourism development of Benoa Bay in Bali, Indonesia. Rather than focusing on the socio-economic and socio-environmental impacts of the conflict, this research explores how and why different actors use the *tri hita karana* philosophy in defending their different positions in the conflict. *Tri hita karana* literally translates into "three sources of wellbeing". This is achieved when the self can establish a harmonious relationship with the three realms — the human world, the natural world, and the spiritual world. This research will investigate the meanings given to the cosmovision by actors and how it is used as means to advance their political goals in the conflict. Humans are "subjects" rather than "objects" in this research. In the words of Hammersley and Atkinson (2007: 97) they produce "accounts of themselves and their worlds", which constitute social reality. An ethnographic approach will allow me as a researcher to make sense of the social reality (the environmental conflict of Benoa Bay) by taking into account individuals insights, perceptions, and feelings regarding the development project and the *tri hita karana* framework.

Ethnographic Orientation

Haraway (1988: 581-590) calls for a more "situated" knowledge and criticizes mainstream science, which overemphasizes on visions. In her words, vision is "used to signify a leap out of the marked body and into a conquering gaze from nowhere" (1988: 581). Departing from this epistemology, I seek out to avoid the danger of carelessly enforcing my gaze and rupturing the link between theory and empirics. I am following principles of ethnography in doing this research in hope that the knowledge will truthfully speaks for particular subjects (activists, fishing community, women, investor, and officials) in particular situation (environmental conflict of Benoa Bay).

However, this research is not ethnography. It does not involve year-long observation of day-to-day interaction of subjects being researched. Rather, it is a single case study with ethnographic orientation. Basic principles underpinning ethnography will be applied in preparing the research, collecting the data, as well as the analysis. Specifically, an ethnographic approach is needed in answering sub-research question "what does *tri hita karana* mean according to the actors?". This question requires me as a researcher to capture beyond what is told orally and what appears on documents. I have to understand "members meanings" (Emerson et al. 2011: 129-169) through interpretation of feelings and perceptions of subjects and more. This can only be done when I incorporate my other senses through observation in addition to interview. I need to carefully attend what is important and meaningful according to the participants to my writing. This is not to say that the degree of observation being done toward each participant in my research will not vary due to the challenges I expect to encounter in the field.

Hammersley and Atkinson (2007: 3) suggest that in-depth study can be done when cases being observed are few and small in terms of scale. Indeed, this research is focusing on only one case (the environmental conflict of Benoa Bay). It is conducted in a single setting (south Bali) and is involving specific groups of people (actors). Quantification and statistical analysis play very modest role in this research, especially in the analysis, which will be focusing on the meanings given by subjects, as well as their accounts in the form of description, verbal explanation and theories in the context of environmental conflict and *tri hita karana*. It is arguably less of ethnography in the sense that participant observation is not the main source of evidence. However, evidence from key informants, especially those from activist, women, and fishing communities will be gathered through informal conversations. Interview will be conducted in an unstructured manner. By unstructured I mean questions will be asked open-endedly. Interviewees are expected to explain without any restriction substantively and temporally. I will try to minimize my influence toward the response that will be given by respondents. My goal here is to really let informants pour out their feelings and perspective about the world. Data collection in this research is also less structured in the sense that no categories used to interpret conversations are developed yet. Methods to analyse raw data have not been determined from the start. I may or may not use discourse analysis depending on the necessity, which will unfold as the fieldwork progress.

The study is by no means a form of positivist research because it is not aimed at confirming or rejecting hypotheses. It is not conducted in experiment where researcher already identified variables and has full control over the setting. On the other hand, it studies contemporary phenomenon with variables that are impossible to control. This research requires me as a researcher to repeatedly revisit explanations and concepts with reality. The initial explanation of the phenomenon will constantly be challenged and adjusted along the process of research. Therefore, this research is exploratory in nature where causal explanation of how and why different actors use *tri hita karana* in defending their positions does not exist in theory. Single case study with ethnographic orientation will allow me to really explore possibilities and venture to the depth of the phenomenon, which otherwise unlikely in cross-case analysis.

Positionality

I share the same view and political aim of Rose (1997: 318) in situating academic work by generating a "nongeneralizing knowledges that can learn from other kinds of knowledges". She furthers explains Haraway's (1991: 193) suggestion of how "positioning" is key practice in "grounding" knowledge. I ground the knowledge that will be produced through my research by being reflexive about my positionality. To be born and raised in Bali, I have witnessed how the island has never been an ordinary tourist destination. With 80 percent of the economy depending on the tourism sector, the island, along with its nature and culture, is practically commodified into mass tourism. I have witnessed how the teak forest and farms close to my home were transformed into villas, arts storages, and workers' housings. I therefore carry my historical baggage amidst my research, and I see Bali, tourism, tourism development, and its derivatives with a particular lens.

In fact, this particular lens did not only shape one form of positionality. Rather, it adds another layer of positionality, which comes from my decision to pursue graduate study at an institute offering a critical social studies education. As a student of political-ecology, I see nature as socially constructed and inherently political. Also, I judge environmental issues through a distributional lens, and I ask critical questions of who benefits and loses from landscape-use

change.

My positionality is also influenced by my identity as a Hindu. To be born and raised in a Hindu family and to be enrolled in public schools in Bali, an island with majority Hindu, I was introduced to the *tri hita karana* philosophy early. I have prior knowledge regarding the cosmovision. I have noticed how the concept has evolved into a catch-all-phrase, easily found in hotels pamphlets or constantly said in speeches of government officials especially during the weeks of regional election campaign. My subjectivity is inevitable throughout the development of the research. It will be reflected in the research design, data collection, analysis, and toward the conclusion. By acknowledging this subjectivity I attempt to make my research more objective.

Challenges

Given the sensitivity of the issue I expect some challenges in collecting the primary data. I have not really thought of strategies to build rapport with "gatekeepers" (Hammersley and Atkinson 2007: 49-53) of particularly two groups, i.e., company representative and government official. I have identified several individuals holding strategic positions in the company. Although the informants are not fixed yet and may change over the course of fieldwork, I plan to interview the director and the architect of the development project. These two informants are strategic for my research for being well-informed about the company's vision and mission. It is especially interesting to attend the architect's view of the project in relation with the philosophy of *tri hita karana*. I believe the person has detailed knowledge about what the company really means by *tri hita karana* considering his/her task in interpreting what the company aspires and transforming it into concrete visuals. I assume the gatekeeper of these individuals is the public relation team of the company. They may not help me to reach these two people and instead send a public relation or brand management representative for the interview. At worst they will ignore my request to conduct interview at all. The other gatekeepers I have identified are officials of public relation and protocol bureau at Bali provincial government office. Here too, access to converse with the head of tourism bureau of Bali provincial government may be denied. I will neither bribe nor carry "option B" (Hammersley and Atkinson 2007: 53) by disguising my real intention. My best bet would be not giving full story about my research to gatekeepers.

One of the limitations in really following ethnographic orientation is to conduct interview in a "spontaneous" (Hammersley and Atkinson 2007: 108) manner to all stakeholders. Some actors, such as business representative and government officials might be hard to be interviewed informally. They most likely set up strict timing and want clear-cut questions, making conversation less natural. That being said I can try to compromise doing it with ethnographic orientation by making the interview unstructured. Although I already have in mind key informations that I want to gather from informants, questions will be asked in an open-ended form. By doing so, I am not limiting response and opening up more possibilities to include subjects' perceptions, feelings and meanings. I believe creativity can play here where I as a researcher should not only base data collection on what is orally delivered. Setting may expose plenty of information. I will take note on the interplay of subjects and objects in different interview settings and write richer description out of it.

I will conclude by reasserting that this research is not ethnography. It is a case study with ethnographic orientation. Ethnographic orientation is used due to the research objective and

epistemological consideration underpinning the study. This research will explore the meaning given to the *tri hita karana* philosophy by different actors in advancing each of their political goals in the environmental conflict of Benoa Bay. This research is not of positivist approach that seeks to confirm or falsify hypothesis. It aims to shed light on theoretical gap that is not explained by existing concepts presented by political ecologists, namely environmental conflict and languages of valuation. The knowledge produced will be "situated" in this particular context, which will be coming from specific subjects. As an interpretive research, my subjectivity and historical baggage—my positionality—as a researcher in interpreting findings are inevitable. Both as a Balinese with prior knowledge of *tri hita karana* and as a political ecology-taught AFES student. Rose (1997: 305) contends that "all knowledge is produced in specific circumstances and that those circumstances shape it in some way". The theoretical contribution of this research too is specific and is shaped by particular circumstances. This specificity along with my positionality will be embraced, rather than concealed through constant reflexivity over each stages of the research.

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The Relocation of KK Studio to Den Haag

By Suthida Chawla

Introduction

Indian weddings are a grand affair – expanding up to a week. Relatives and friends fly to attend the wedding from near and far, and the atmosphere is wonderfully chaotic. These precious moments are captured by a professional photographer. KK studio is one of the photography studios that the Thai-Indian community relies on. The studio belongs to Kitiporn Khanijou; she is born in Thailand with Punjabi roots and has grown up attending weddings with her parents. She is embedded in the Thai-Indian community and resourcefully leveraged on this tacit knowledge and network to build the business. The Polanyian framework has added to my understanding of how her creative agency, KK studio, has been growing. This paper will focus on two aspects of the Polanyian framework, namely embeddedness and the 'economy as an instituted process', with my personal knowledge of the community to explain the vitality of KK studio.

Success Factors of KK Studio

Kitiporn's personality coupled with the social situation surrounding her has propelled the success of KK studio. Entrepreneurs exhibit a combination of the five factor model[1] that contributes to their actions and achievements (Brandstätter, 2010). This suggests that Kitiporns personality, be it similar or different from other entrepreneurs, has an impact on the success of her enterprise.

Equally important to any enterprise is a potential market. The Thai-Indian community is willing to pay a premium price for a wedding photographer that can meet their needs. While it is a competitive space for photographers, Kitiporn's unique positioning as a trained photographer and part of the community offers her a strategic advantage. Furthermore she created a need for her clients to share their photos on social media, a service that was not currently available. She says, "the rest [of the photographers] were old. There was nobody who knew how to use social media." (Khanijou 2017, personal interview). This service aligns with the community's practice of using weddings as a platform to showcase their status.

Defining Concepts

Embeddedness

In his book, The Great Transformation, Polanyi addresses a wide range of topics including, "[the] role of reciprocity and redistribution in premodern societies, the limitations of classical economic thought and the dangers of commodifying nature." (Block 2001: xxii). Across these topics Polanyi perceived social relations in its totality, where the economic cannot be divorced from the social, cultural, political and legal. This concept has been expanded on by multiple academicians (such as Block and Granovetter) and is now famously come to be known as 'embeddedness'. In other words, embeddedness is a critique of the view of the economic, social, political and legal as autonomous agents. Hence any economic action must be viewed in terms of its fit with the social setting it is situated in. Moreover, a social setting gives the economic action meaning and at the same time is shaped by it.

Economy as an instituted process

Keeping the fit between the social setting and economic action in mind, we now dwell deeper to interpret what Polanyi meant by 'economy'. Innis and Polanyi both saw the understanding of the economy as purely material to be problematic and added a historical and social dimension to the term (Rotstein 2014: 237). For Polanyi the 'economy is an instituted process', where the economy is both formal and substantive. Rotstein (ibid: 230) uses the example of chess to explain the formal economy. Like playing chess, a formal economic system has a set of rules which results in a set of strategic maneuvers as means towards an end, winning. In contrast, the substantive economy is 'a social network" (Ibid.) or "an instituted process of interaction between man and his environment which results in a continuous supply of want satisfying material means" (Polanyi 1957: 248).

Polanyi refers to two types of processes – locational movement and the appropriative movement. Locational movement refers to the 'order of goods' (Polanyi 1957: 247) that are prioritized based on its usefulness to the consumer. The appropriative movements refer to 'shift in hands' (Polanyi 1957: 247). He continues to explain that "the material and unmaterial with a location and owner still has no meaning unless it is within societal conditions surrounded by the motives of individuals." (Polanyi 1957: 249). In simple terms there needs to be stable structured interactions between agents that govern the fit between social setting and economic action. This requires moving beyond institution as a set of rules, towards an understanding of institution as a 'Klein bottle' (Gomez 2017); institutions are as being within us but also shaping us from outside.

KK studio and the economy as an instituted process

To effectively analyze KK studio using a Polanyian framework the following section conducts a thought exercise. Imagine a situation where there is a need for wedding photography service within the Indian community in Den Haag. Seeing this as an opportunity Kitiporn relocates KK studio. This section will discuss the prospects of her business in Den Haag compared to Bangkok.

From a formal economy perspective the business will thrive. Kitiporn and her team will continue to provide the service of photography and will receive a monetary fee in exchange. However, from a substantive economy perspective the business will not survive in its current form as its economic actions are dis-embedded from the social setting that it was rooted in.

Whilst Kitiporn's personality remains the same, the locational movement to the Indian Den Haag community removes the economic services from the Thai-Indian community in which it was embedded and in which it has been operating so far. Growing up within the Thai-Indian community, Kitiporn has an intimate understanding of the needs of her clients. Her own embeddedness plays an important role in the success and relevance of her enterprise in Bangkok. Currently Kitiporn's way of taking pictures is embedded in the Thai-Indian community she belongs to and the community her enterprise services. Kitiporn says, "our [Thai-Indian] style is different, it is more contemporary and artsy" (Khanijou 2017, personal interview). Her choice of using the camera, a non-human or material aspect, to create photos in an 'artsy' way is determined not only by her technical skills, but also her personal and community preferences which are constantly shaping one another.

Furthermore, the economic activity of her enterprise and the profitable returns are interwoven with the Thai-Indian community. From my knowledge, the Indian Den Haag community is

smaller in numbers than the Thai-Indian community. Each market has its own preferences and market logic, including a unique demand and supply which determines the price. Kitiporn's has been part of a high supply side competition in Bangkok that shapes her social relations with clients and her pricing strategy. Being part of the community she also has personal relationships with her clients and majority of her business conversations are conducted via WhatsApp. This has become so prevalent that she says, "I want to separate personal and work more but I do not know how people are going to respond to it." (Khanijou 2017, personal interview) This intimate relationship gives her knowledge about her market's preferences. Moreover, the additional value of KK studio to showcase the wedding photos through social media is relevant depending on Den Haag's community preference for connectivity with one another through Facebook. On the other hand, her current method of engaging clients and the training that she provided her team to interact with guests in a chaotic wedding environment would not be relevant.

The competitive edge that KK Studio has in the Thai-Indian community in Bangkok will not endure if the same enterprise moved to the Indian Den Haag community because of the economy is an instituted process. The lens through which Kitiporn looks at her subject, the pricing of her services, the cultural mentality and habits behind the central idea of her enterprise are all embedded in the social relations of the economy. The function of the enterprise needs to be reinterpreted in the context of social and economic relations and practices that shape that community.

Conclusion

This paper has understood KK Studio from a Polanyian framework of embeddedness and the economy as an instituted process. KK Studio's success can be attributed to intrinsic personality traits, external situational setting and most importantly the fit between the two. A successful locational movement is possible but KK studio has to re-embed in the new communities institutions.

Polanyi encourages thinking in terms of formal transitions towards social networks, processes, and institutions that govern interactions. This is complex and intangible thus harder to put into practice. Although Kitiporn did not think in terms of institutions she practically aligned her business with the needs of the social setting she is embedded. This holistic approach, or systems thinking, is what Polanyi stresses as an important part of the economic – a process that should be at the forefront of every entrepreneur starting, sustaining and growing their business.

Footnote:
[1]High conscientiousness, high extraversion, high intellectual openness, high stability and low agreeableness

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